

# City of Clearwater

*Main Library - Council Chambers  
100 N. Osceola Avenue  
Clearwater, FL 33755*



## Meeting Minutes

**Thursday, November 7, 2019**

**6:00 PM**

**Main Library - Council Chambers**

**City Council**

**Roll Call**

**Present:** 5 - Mayor George N. Cretekos, Councilmember Jay Polglaze, Councilmember Hoyt Hamilton, Vice Mayor Bob Cundiff and Councilmember David Allbritton

**Also Present:** Micah Maxwell – Assistant City Manager, Michael Delk – Assistant City Manager, Pamela K. Akin City Attorney, Rosemarie Call – City Clerk and Nicole Sprague – Official Records & Legislative Services Coordinator.

*To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.*

Unapproved

**1. Call to Order – Mayor Cretekos**

*The meeting was called to order at 6:00 p.m. in Council Chambers at the Main Library.*

**2. Invocation – Pastor Bob Brubaker from Christ Community Presbyterian Church****3. Pledge of Allegiance – Councilmember Allbritton****4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.****4.1 Clearwater Jazz Holiday - Steve Weinberger, President & CEO**

*Mr. Weinberger thanked council and staff for their continued support and presented Council with an autographed commemorative poster.*

**4.2 Suncoast Jazz Classic Weekend Proclamation, November 22-24, 2019 - Joan Dragon, Director of the Suncoast Jazz Festival****4.3 Hispanic Heritage Concert - Neil Fernandez, 92.5 Maxima Station Manager**

*Mr. Fernandez thanked the Council and staff for their continued support.*

#### 4.4 Pinellas Community Foundation Presentation - Duggan Cooley, CFRE CEO

*Mr. Dugan provided a PowerPoint presentation.*

### **5. Approval of Minutes**

- 5.1 Approve the minutes of the October 16, 2019 City Council Meeting as submitted in written summation by the City Clerk.

**Vice Mayor Cundiff moved to approve the minutes of the October 16, 2019 City Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.**

### **6. Citizens to be heard re items not on the agenda**

*Alex McDonald, Gary Wilder, Courtney Garrett, Arnie Bellini and Chandler Burke spoke in support of Kratom and opposed legislation that would ban the sale of Kratom products within city limits.*

*In response to a question, it was noted that were thirty individuals present in the audience who were in attendance to speak in support of Kratom.*

*Paul Galliano said a police report regarding incidents at the Clearwater Airpark was completed over a year ago and questioned when he will read about the improvements instituted at the Airpark in a newspaper.*

*Kathleen Beckman said the Parks and Recreation Board considered a request to rename Coachman Park to Coachman Commons this week. The meeting was not well attended. She suggested holding off on renaming the site in order to engage the public and hold a naming contest.*

*Pastor Lawrence McAlexander said he was wrongly arrested when he called 9-1-1 to assist his wife who was having a seizure and expressed concerns with the response process.*

### **7. Consent Agenda – Approved as submitted, less Item 7.14.**

- 7.1 Approve an increase to contract number 900052 for employment-related health care

services with BayCare Urgent Care, LLC in the annual amount of \$25,000, for the period January 1, 2019 through December 31, 2019 and the one-year renewal term option and authorize the appropriate officials to execute same. (consent)

- 7.2** Award a construction contract to Restocon Corporation of Tampa, FL, in the amount of \$702,848.40 for the Garden Avenue Garage Restoration project (18-0033-EN) and authorize the appropriate officials to execute same. (consent).
- 7.3** Approve a Joint Project Agreement (JPA) with Pinellas County for Lakeview Road Utility Relocations (19-0013-UT) related to sidewalk and drainage improvements in the amount of \$529,462.50; and Engineer of Record (EOR) Supplemental One Work Order to AECOM in the amount of \$24,783.00; and authorize the appropriate officials to execute same. (consent)
- 7.8** Authorize trade-in of 2012 Case backhoe (G3924), to Trekker Group of, Tampa, FL for the offered amount of \$26,500, in accordance with Clearwater Code of Ordinances Section 2.624, exceptions to auction sale bidding procedures, and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve the final plat for Atmi Junior Greene, whose physical address is 1401 North Belcher Road and is located on the east side of Belcher Road, approximately ¼ mile north of Palmetto Street. (consent)
- 7.5** Approve a Performance Agreement with United Public Safety, Ft. Washington, PA., for a three-year term, December 1, 2019 through November 30, 2022, with an option of two one-year renewals for parking violation, permit processing, and collection agency services in the not-to-exceed amount of \$876,600, and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve the Contract for Sale of Real Property by the City of Clearwater, Florida (Contract) between the City of Clearwater and Douglas M. Schrock and authorize the appropriate officials to execute same, together with all other instruments required to affect closing. (consent)
- 7.9** Approve a purchase order to Pinellas County Solid Waste for an operating expenditure not-to-exceed \$4,000,000 for the disposal of solid waste at the Pinellas County waste-to-energy plant/landfill for the period of October 1, 2019 through September 30, 2020, as provided in the Clearwater Code of Ordinances, Section 2.564(1)(d) - Services provided by Other Governmental Entities, and authorize the appropriate officials to execute same. (consent)
- 7.7** Approve the Second Amendment to Cooperative Funding Agreement (CFA) No. 15C00000115 with Southwest Florida Water Management District (SWFWMD) for the Clearwater Groundwater Replenishment Project, Phase 3 (N665) and authorize the

appropriate officials to execute same. (consent)

**7.10** Approve award of Invitation to Bid 55-19 for the purchase and installation of on-board tractor and trailer weighing systems from Tampa Crane and Body Acquisition, LLC in the amount of \$120,700 and authorize the appropriate officials to execute same. (consent)

**7.11** Reappoint Daniel Engel and Michael R. Mannino to the Municipal Code Enforcement Board with terms to expire October 31, 2022. (consent)

**7.12** Appoint Jonathan Barnes to the Public Art and Design Board as a citizen representative to fill the remainder of an unexpired term through April 30, 2021. (consent)

**7.13** Amend City Council Policies 2-2, Audit Committee, 3-7, Information Available to the Public and Press, and add City Council Policy 8-5, Renaming City Parks. (consent)

**Councilmember Hamilton moved to approve the Consent Agenda as submitted, less Item 7.14, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**7.14** Approve a Legal Services Agreement with Jay Daigneault, Esq. of Trask Daigneault, LLP, for representation of the Community Development Board, Building and Flood Board of Adjustment and Appeals, and Nuisance Abatement Board, and authorize the appropriate officials to execute same. (consent)

The current Legal Services Agreement with Jay Daigneault was approved in 2013 and was ongoing unless terminated.

Mr. Daigneault has requested to increase his hourly rate from \$150.00 to \$160.00. The City Attorney believes this is a very reasonable rate for his services.

The new agreement also has a five-year term, in accordance with current purchasing procedures.

**APPROPRIATION CODE AND AMOUNT:**

Funds are available in cost code 0109600-530100 to fund this contract.

*One individual expressed concerns with the Community Development Board*

*(CDB) process during a recent decision and requested the item be tabled to revise the agreement and include language addressing performance expectations.*

*In response to questions, the City Attorney said Mr. Daigneault's job is to advise the Board on procedural issues, not to interpret the code. The City does not provide representation for the public at CDB meetings. The public can be self-represented or can hire an attorney.*

**Councilmember Allbritton moved to approve Item 7.14. The motion was duly seconded and carried unanimously.**

### **Public Hearings - Not before 6:00 PM**

## **8. Administrative Public Hearings**

- 8.1** Provide direction on the proposed second amendment to an existing Development Agreement between Triprop Clearwater, LLC and M E M PC Properties Inc. (as assigned by Alanik Properties; Anco Holdings, LLC; Nikana Holdings, LLC) (the property owners) and the City of Clearwater for property located at 401, 411, 421, 425 and 431 South Gulfview Boulevard, which adds Exhibit A-1 to provide an updated legal description to include parcel 07-29-15-52380-000-0780 to the subject site and replaces Exhibit B with Exhibit B-1 to provide new conceptual site plans and elevations, updates Exhibits C and D regarding any references to the legal description and proposed number overall hotel units, adds Exhibit E which provides specific language germane to the pedestrian bridge regarding construction and maintenance and sets a new date by which time site plan approval must be obtained and confirm a second public hearing in City Council Chambers before City Council on November 21, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2014-06004A)

### **Site Location and Existing Conditions:**

The 2.416-acre site is bound by South Gulfview Boulevard (west), Coronado Drive (east), and Fifth Street (north). The subject property is comprised of four parcels with a frontage of approximately 540 feet along South Gulfview Boulevard, 450 feet along Coronado Drive and 213 feet of frontage along Fifth Street. The site is occupied by two hotels with a combined total of 127 hotel rooms, a restaurant and a small retail store. The subject property is zoned Tourist (T) District with an underlying Future Land Use designation of Resort Facilities High (RFH). The subject property is also located within the Beach Walk District of *Beach by Design*.

Access to the site is generally provided by several driveways along South Gulfview Boulevard (including the South Gulfview Boulevard frontage road) and

Coronado Drive. A drop curb along Fifth Street runs along the north side of the site providing parking spaces which exist partially within and back out into the Fifth Street right-of-way. Building frontage is generally located along South Gulfview Boulevard (and its frontage road) and Fifth Street.

The surrounding area is characterized by a variety of uses including overnight accommodation, retail, outdoor recreation and entertainment, restaurant and attached dwelling uses with heights ranging from one to 15 stories. The immediate area is characterized by two to 15 story hotels. A five-story attached dwelling is located at the northeast corner of Bayside Drive and Hamden Drive. Detached dwellings are located farther along the length of Bayside Drive. The properties located along Hamden Drive are developed with attached dwellings and overnight accommodation uses. The City's Beach Walk project, adjacent to the west, has transformed South Gulfview Boulevard to the north and south of this site into a winding beachside promenade with lush landscaping, artistic touches and clear views to Clearwater's award-winning beach and the water beyond. Coronado Drive has largely been improved as envisioned in *Beach by Design*.

#### **Site History:**

- On September 20, 2005, the Community Development Board (CDB) approved Case No. FLD2005-07068 which included, among other items, a request for a Termination of Status of Nonconformity to permit 127 hotel units (63.69 units per acre) to be considered conforming when the otherwise permitted number of hotel units was 97 units (50 units per acre). That portion of the request is considered vested.
- On September 19, 2014, the City Council approved the allocation of up to 100 units from the Hotel Density Reserve under *Beach by Design* (Case No. HDA2014-06004) and adopted a resolution to the same effect (Res. No. 14-29). The owners proposed to develop the site with a 227-unit (114 units per acre) overnight accommodations use as related to case FLD2005-07068. This agreement has since been amended by HDA2015-06001 and is attached to the resolution as Exhibit 1.
- On March 17, 2015, the Community Development Board (CDB) approved Case No. FLD2015-09036 to permit a 227-unit overnight accommodation use in the Tourist (T) District. This approval is still valid through June 11, 2021 via four separate extension requests.
- On August 20, 2015, the City Council approved the first amendment to HDA2014-06004 (HDA2015-06001) and adopted a resolution to the same effect (Res. No. 15-19). This is attached to the resolution as Exhibit 2. Please note that the Planning and Development Department had not implemented the current policy of using the original case number supplemented, alphabetically (A, B, C, D, etc.) to represent the application amendment and, rather, assigned a new case number to this first amendment. The owners continued to propose to utilize the existing 127 hotel units and incorporate an additional 100 units from the Hotel Density Reserve through Beach by Design resulting in a total of 227 units (114 units per acre). The amendment included a new conceptual site plan and

accompanying building elevations (Exhibit B) and changes to the Development Agreement. The changes to the Development Agreement are listed below:

- Section 4.4: Increases the height of the building from approximately 140 feet to 150 feet.
- Section 6.1.3.2: Changes the date by which site plan approval must be obtained to six months from approval of the amended Development Agreement.

This agreement is still valid.

- On May 10, 2016, the applicant's representative sent a Notice of Assignment of Development Agreement by Alanik Properties, LLC, et.al, to Triprop Clearwater, LLC to the City. Copies of the Assignment and Joinder (signed on May 6 and May 9, 2016) as well as a release of Developer's Obligation under Hotel Density Reserve Development Agreement were dated July 22, 2016 were subsequently submitted to the City.

#### **Development Proposal:**

The current proposal, attached to the resolution as Exhibit 3, includes the demolition of all structures on the site and to redevelop the site with a 248-unit hotel (increased from a 227-unit hotel) utilizing the existing 127 hotel units and incorporating an additional 100 units allocated from the Hotel Density Reserve through *Beach by Design* as currently approved through HDA2014-06004 and amended by HDA2015-06001. The original site, consisting of 1.99 acres, is, through this current proposal, increased by 0.426 acres providing for a total of 2.416 acres. The additional acreage permits an additional 21 permitted hotel units to the proposal which, when added to the previously-proposed 227 units (114 units per acre) results in a total of 248 units (102.649 units per acre) which includes 100 hotel units as originally-allocated through the approval of HDA2014-06004. It should be noted that the overall density of the site decreases from 114 units per acre to approximately 103 units per acre. The current request includes a new conceptual site plan and accompanying building elevations (Exhibit B-1) and appropriate changes to the Development Agreement. The changes to the Development Agreement are listed below; however, the conceptual site plan and building elevations have been updated to reflect the addition of the 0.426-acre parcel at the southwest quadrant of the site.

#### **Development Agreement**

- Section 4.1: Increases the total number of hotel units from 227 to 248.
- Section 4.2: Increases the number of parking spaces required from 272 to 298.
- Section 4.4: Decreases the proposed density of units from 114 units per acre to 103 units per acre.
- Section 4.5: Adds the provision of a pedestrian overpass bridge connecting to the Opal Sands resort to the west across South Gulfview Boulevard.



- Section 6.1.3.4: Requires an amendment to FLD2013-04015 which approved the hotel located at 430 South Gulfview Boulevard.

#### Exhibit A-1

- Exhibit A-1 is added to provide the legal description for the additional property at the southwest quadrant of the site.

#### Exhibit B-1

- Exhibit B-1 replaces Exhibit B and provides updated site plans, elevations and floor plans.

#### Exhibits C and D

- These exhibits were not resubmitted because few changes are proposed. Section 5 of the Statement of Agreement provides that both Exhibits are amended to reflect the increase in the total number of hotel units from 227 to 248 and the addition of the parcel as described in Exhibit A-1.

#### Exhibit E

- Exhibit E is added which provides specific language specific to the pedestrian bridge regarding construction and maintenance.

The current proposal, as noted, is to demolish all structures on the site and build a single 15-floor hotel with 248 hotel rooms. The building will be 150 feet (from Base Flood Elevation) to flat roof with structured parking on the first floor of the hotel building. An eight-floor parking garage component will be attached to the hotel building on the south side of the site. The parking spaces on the eighth floor of the parking garage are uncovered. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via six driveways. Three driveways provide access to the parking component of the project with a two-way driveway located along Coronado Drive at the southeast corner of the site, a one-way (egress-only) driveway along South Gulfview Boulevard at the southwest corner of the site and a second egress-only driveway centrally located along the north side of the along Fifth Street. A southbound one-way drop-off is located along Coronado Drive constitutes two more driveways. The sixth driveway is located along Fifth Street at the northeast corner of the site and is a dedicated service driveway provided access to a loading zone and solid waste component both under the building.

The primary entrance and lobby of the building will be located along South Gulfview Boulevard on the second floor. Much of the ground floor of the hotel along Gulfview Boulevard and Beach Walk will consist of storefronts (a proposed mix of retail and restaurant although the exact tenants have not yet been secured) directly connected to Beach Walk. A patio intended for outdoor

dining is proposed at the northwest corner of the site and will exist partially with in the South Gulfview Boulevard right-of-way. This component will need to be reviewed and approved later through the development review process. As noted, the first floor of the hotel building will contain a parking garage. In addition to parking, the ground floor also includes various back-of-house service uses and mechanical equipment as well as 9,800 square feet of retail space. As a point of clarification, the site and floor plans call out the ground floor of parking as Level 0000 (Sheet A-0.06) with the second floor above grade called out as Level 0100 (Sheet A-0.07). For the sake of consistency, this memo will use the same nomenclature. Level 0100 includes various back-of-house service uses as well as the main check-in lobby, and approximately 6,100 square feet of café, bar and restaurant space. This level also includes an exterior pool and patio at the northwest corner of the building. Level 0200 includes additional support services and hotel office space as well as a ballroom (17,000 square feet) and eight meeting rooms (5,600 square feet). A proposed pedestrian bridge connecting to the Opal Sands Resort (430 South Gulfview Boulevard) to the southwest across South Gulfview Boulevard is also shown on Level 0200. Level 0300 includes a fitness center (1,500 square feet) a spa (3,100 square feet), a small exterior pool and patio located on the east side of the building and 17 hotel rooms. Level 0300 also marks the beginning of the tower component of the building. The remaining floors will include primarily hotel rooms along with various back-of-house components.

The total amount of accessory space shown is approximately 43,257 square feet or 11.58 percent of the total gross floor area of the hotel which is less than the 15 percent maximum permitted as part of a Level I Flexible Standard Development application (CDC Section 2-802.N.10.b) and also at which point additional parking is required as part of a Level II Flexible Development application (CDC Section 2-803.k.11.a).

The proposal also modifies the previously approved site plan with a pedestrian overpass over South Gulfview Boulevard. The proposed pedestrian bridge will be located at the southwest quadrant of the site and will be located entirely within the South Gulfview Boulevard right-of-way. The bridge will stretch from the second floor along the west façade of the building across South Gulfview Boulevard to the second floor of 430 South Gulfview Boulevard (The Opal Sands Resort). The bridge will be a minimum of 17 feet above South Gulfview Boulevard and approximately 12 feet in width. It is important to note that this component requires the granting of an easement for air rights by the City over the South Gulfview Boulevard right-of-way. In addition, an application replacing or revising, as applicable, FLD2013-04015 which granted site plan approval for the existing hotel located at 430 South Gulfview Boulevard will be required. In summary, the changes to the conceptual site plan and elevations are:

- The addition of 0.426 acres (parcel 07-29-15-52380-000-0780) at the southwest quadrant of the site.

- A reorientation of the parking garage.
- A reallocation of most of the proposed parking spaces from under the hotel tower to the parking garage.
- The addition of a pedestrian bridge connecting the subject site with 430 South Gulfview Boulevard to the west across South Gulfview Boulevard.

**Consistency with the Community Development Code (CDC):**

Minimum Lot Area and Width:

Pursuant to CDC Table 2-802, the minimum required lot area and width for an Overnight Accommodation use is 20,000 square feet and between 100 and 150 feet, respectively. The subject property is 105,445 square feet in area and approximately 540 feet wide. The site is consistent with these Code provisions.

Minimum Setbacks:

The conceptual site plan depicts setbacks of zero feet along the front (west) along South Gulfview Boulevard/Beach Walk, 15 feet along the front (north and east) along Fifth Street and Coronado Drive, respectively, side (south) setbacks of between six and 13 feet. The proposed setbacks may be approved as part of a Level Two (FLD) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

Maximum Height:

Section B of the Design Guidelines within *Beach by Design* specifically addresses height. The proposal provides for a building 150 feet in height as measured from BFE where a height of up to 150 feet is permitted as prescribed by the CDC (subject to meeting the applicable flexibility criteria of the CDC and as approved as part of a Level II Flexible Development application) and limited by *Beach by Design* as pertaining to buildings which exceed 100 feet in height. The proposal provides for a building which exceeds 100 feet in height. The applicant has demonstrated that portions of any structures which exceed 100 feet in height are spaced at least 100 feet apart (Sheet A-0.03) and that there are no more than four structures which exceed 100 feet within 800 feet (Sheet A-0.22) thereby fulfilling the height requirements of Option 2 of *Beach by Design* section VII.B.2.

The height of the proposed building is consistent with the guidelines of *Beach by Design*.

Minimum Off-Street Parking:

The 248-room overnight accommodation use requires a minimum of 298 off-street parking spaces. A parking garage located on the ground level of the hotel building and within an attached eight-floor parking garage component attached to the south side of the hotel will provide a minimum of 298 spaces. Currently, the proposal includes 556 parking spaces (although that number could fluctuate as construction details are finalized through the development

process) which provides 258 parking spaces above that as otherwise required. The applicant has provided that any spaces in excess of the minimum required will be available for use to the public. This is consistent with the applicable Sections of the CDC.

**Landscaping:**

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along all street frontages. Since no perimeter landscape buffers are required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

**Consistency with Beach by Design:**

**Design Guidelines:**

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*. It is noted, however, that a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process. Staff has noted that there are instances where the tower component of the project exceeds 100 linear feet without an offset of greater than five feet contrary to Section C.2 of the *Beach by Design* Design Guidelines. One instance occurs on the east façade facing Coronado Drive. Two other instances occur along the west façade at the ground level (147 feet) and the west façade of the tower. The Design Guidelines provide that they are intended to be administered in a flexible manner to achieve the high-quality built environment for the beach. Staff believes that the design solution is acceptable because the portions of the building which directly relate to the pedestrian realms surrounding the site include an extensive use of windows, doors and landscaping providing a great deal of articulation and/or visual interest, that the tower incorporates a curve which, over its entirety, constitutes a deviation of at least five feet and finally, that the tower will be mostly viewed and appreciated from a greater distance than the base where the longer building planes associated with the tower are proportionally appropriate.

**Hotel Density Reserve:**

The project has been reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic

Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service.

**Standards for Development Agreements:**

The proposal is compliant with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed first amended and restated amendment to the existing Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for no change in the number of units (100 units) allocated from the Hotel Density Reserve (previously approved as part of HDA2014-06004/Resolution No. 14-29 and amended by HDA2015-06001/Resolution No. 15-19);
- Adds Exhibit A-1 by to provide a legal description for the added parcel;
- Revises Exhibit B which includes new conceptual site plans, architectural drawings, elevations and perspectives and renames that exhibit to “Exhibit B-1”;
- Exhibits C and D were not resubmitted because no significant changes are proposed to these components except for updates to the total number of proposed hotel units and to include the legal description of the added parcel as provided by Exhibit A-1. This is referenced in Section 5 of the Statement of Agreement.
- Adds Exhibit E providing specific language pertaining construction and maintenance regarding the proposed pedestrian bridge
- Requires the developer to obtain building permits within one year of approval of the amended and restated Development Agreement and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- For units allocated from the Hotel Density Reserve, prohibits the conversion of any hotel unit to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

**Changes to Development Agreements:**

Pursuant to Section 4-606.I., CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of Section 4-406, CDC. Minor revisions to such plans may be approved by the Community

Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

*Senior Planner Mark Parry said the applicant has committed to have a minimum of 230 public parking spaces. The Applicant has closed on the Post Corner Pizza site; staff will update documents to reflect the ownership.*

*In response to a question, Mr. Parry said there are no plans to go from the pedestrian bridge to the sidewalk; there is no way to do it.*

*Applicant Representative Katie Cole reviewed the request and said the engineering for the parking garage has not been finalized but the applicant is comfortable to commit to the number of publicly accessible parking spaces.*

*One individual said the project provides a unique opportunity for larger sidewalks on the backside of Coronado Drive. He said Beach by Design recommends a 10-ft. pedestrian path as the key to establish a pedestrian friendly place in a non-residential environment.*

*One individual spoke in support and expressed a concern with a pedestrian bridge over the walkway, as it will ruin the vista for visitors at 437 S. Gulfview Boulevard.*

**Councilmember Polglaze moved to confirm a second public hearing in City Council Chambers before City Council on November 21, 2019 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.**

## **9. Second Readings - Public Hearing**

- 9.1** Adopt Ordinance 9298-19 on third reading, annexing certain real property whose post office address is 1819 Audubon Street, Clearwater, Florida 33764, together with a certain portion of Audubon Street right-of-way, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

**Ordinance 9298-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9298-19 on third and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretokos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.2** Adopt Ordinance 9299-19 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1819 Audubon Street, Clearwater, Florida 33764, upon annexation into the City of Clearwater as Residential Low (RL).

**Ordinance 9299-19 was presented and read by title only.**

**Councilmember Hamilton moved to adopt Ordinance 9299-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.3** Adopt Ordinance 9300-19 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 1819 Audubon Street, Clearwater, Florida 33764, upon annexation into the City of Clearwater as Low Medium Density Residential (LMDR).

**Ordinance 9300-19 was presented and read by title only.**

**Councilmember Allbritton moved to adopt Ordinance 9300-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.4** Adopt Ordinance 9308-19 on second reading, making an amendment to the Community Development Code Appendix B, US 19 Zoning District and Development Standards, Section B-303, Table 2, to expand the geographic area where self storage warehouse use is permitted, to include a certain parcel with frontage of Seville Boulevard, subject to FLS approval.

**Ordinance 9308-19 was presented and read by title only.**

**Councilmember Polglaze moved to adopt Ordinance 9308-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 4 - Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Nays:** 1 - Mayor Cretekos

- 9.5** Adopt Ordinance 9309-19 on second reading, annexing certain real property whose post office address is 2108 Palmetto Street, Clearwater, Florida 33765, into the corporate limits of the city and redefining the boundary lines of the city to include said additions.

**Ordinance 9309-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9309-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.6** Adopt Ordinance 9310-19 on second reading, amending the future land use element of the Comprehensive Plan to designate the land use for certain real property whose post office address is 2108 Palmetto Street, Clearwater, Florida 33765, upon annexation into the City of Clearwater, as Industrial Limited (IL).

**Ordinance 9310-19 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 9310-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.7** Adopt Ordinance 9311-19 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 2108 Palmetto Street, Clearwater, Florida 33765, upon annexation into the City of Clearwater, as Industrial, Research and Technology (IRT).

**Ordinance 9311-19 was presented and read by title only. Councilmember Allbritton moved to adopt Ordinance 9311-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.8** Adopt Ordinance 9312-19 on second reading, annexing certain real property whose post office address is 1421 West Virginia Lane, Clearwater, Florida 33759, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.



**Ordinance 9312-19 was presented and read by title only. Councilmember Polglaze moved to adopt Ordinance 9312-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.9** Adopt Ordinance 9313-19 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1421 West Virginia Lane, Clearwater, Florida 33759, upon annexation into the City of Clearwater as Residential Low (RL).

**Ordinance 9313-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9313-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.10** Adopt Ordinance 9314-19 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 1421 West Virginia Lane, Clearwater, Florida 33759, upon annexation into the City of Clearwater as Low Medium Density Residential (LMDR).

**Ordinance 9314-19 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 9314-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.11** Adopt Ordinance 9318-19 on second reading, annexing certain real property whose post office address is 1861 East Drive, Clearwater, Florida 33755, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

**Ordinance 9318-19 was presented and read by title only. Councilmember Allbritton moved to adopt Ordinance 9318-19 on second and final reading. The motion was duly seconded and upon**

**roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.12** Adopt Ordinance 9319-19 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1861 East Drive, Clearwater, Florida 33755, upon annexation into the City of Clearwater as Residential Low (RL).

**Ordinance 9319-19 was presented and read by title only.**

**Councilmember Polglaze moved to adopt Ordinance 9319-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.13** Adopt Ordinance 9320-19 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 1861 East Drive, Clearwater, Florida 33755, upon annexation into the City of Clearwater as Low Medium Density Residential (LMDR).

**Ordinance 9320-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9320-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

## **11. City Manager Reports**

- 10.1** Establish a Sister Cities Relationship with Bourges, France and adopt Resolution 19-35.

In December 2018, the city of Bourges, France, sent a letter to Mayor Cretekos expressing interest in establishing a Sister Cities partnership. Staff was instructed to research necessary protocols to partner with a new sister city. Per the Sister Cities International advocacy group, a new relationship is initiated by each city passing a resolution declaring their desire to establish a Sister Cities partnership. Following this, the cities will develop a Partnership Agreement that outlines the parameters and activities of the partnership and whether to, and how to, establish an exchange program. The Partnership Agreement is enacted

at a signing ceremony and the Sister Cities partnership is officially established.

The Sister Cities Advisory Board has reviewed the request from Bourges at their July 25, 2019 meeting and indicated their support of establishing a new Sister Cities partnership.

Background on Bourges, France: Founded in 52 BCE by Romans during the Gallic Wars, Bourges is the site of Bourges Cathedral, built from 1195-1255 and added to the list of UNESCO World Heritage Sites in 1992. Bourges has an economy based primarily on manufacturing, but also supports a tourism and education-based market. The Monin brand, an international manufacturer of flavored syrups, was established in Bourges in 1912 and opened their US headquarters in Clearwater in 1996.

*In response to questions, Cultural Affairs Coordinator Christopher Hubbard said Bourges is approximately two hours south of Paris and is where the Monin Corporation was founded in 1912. The Clearwater location was selected to service the North and South American continents. The Clearwater headquarters was established in 1996 and currently has hundreds of employees locally and serves 75,000 restaurants in North America.*

**Councilmember Hamilton moved to establish a Sister Cities Relationship with Bourges, France. The motion was duly seconded and carried unanimously.**

**Resolution 19-35 was presented and read by title only.**

**Councilmember Polglaze moved to adopt Resolution 19-35. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**10.2** Amend the Clearwater Code of Ordinances, Section 2.082, changing the composition of the Airpark Advisory Board to allow ex-officio members and pass Ordinance 9350-19 on first reading.

The Airpark Advisory Board may initiate studies and make recommendations on the operation and maintenance of the airpark to the City Council, which may benefit from technical expertise unavailable locally.

The proposed code amendment will allow the appointment of an ex-officio

member with technical expertise. The ex-officio member will not be required to live within city limits.

**Vice Mayor Cundiff moved to amend the Clearwater Code of Ordinances, Section 2.082, changing the composition of the Airpark Advisory Board to allow ex-officio members. The motion was duly seconded and carried unanimously.**

**Ordinance 9350-19 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9350-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**10.3 Approve the 2020 State Legislative Agenda.**

*The City Clerk reviewed the 2020 state legislative priorities, which included all changes directed by Council at the work session.*

**Vice Mayor Cundiff moved to approve the 2020 State Legislative Agenda. The motion was duly seconded and carried unanimously.**

**10.4 2019 Charter Review Committee Report - Mike Mannino, Chair**

*Committee Chair Mike Mannino thanked staff for their support throughout the process and reviewed the Committee's recommendations.*

*One individual expressed a concern with the lack of diverse representation among the committee members.*

*One individual said the Committee devoted a lot of time to governance in cities. The current system has worked well for a very long time and questioned the rationale for changing the system. Creating districts, such as 7-person council with the mayor elected at-large and two councilmembers elected at-large and four councilmembers elected from districts, makes a lot of sense if there is a large minority interest. Clearwater is a medium size city with much harmony among the various*

*ethnic groups and no one group has sufficient number of residents to dominate a district.*

*One individual supported a \$500-\$600 salary increase for councilmembers and supported a 7-member city council with the mayor voted at-large and the councilmember elected from districts. Many who attended the meeting at the East Library supported districts. He encouraged council to poll the citizenry to determine if there is support for districts.*

*One individual supported increasing the number of councilmembers to ensure all residents are represented.*

*One individual expressed support for districts and disappointed that the Committee could not come to a decision on the topic. Many who attended the meeting at the East Library supported districts.*

*One individual thanked Council for the opportunity to serve on the Committee; it was a great learning experience.*

*One individual said a majority of the Committee supported districts but could not agree on the number of districts. She supported increasing council salary as the current salary allows only those who are retired or own businesses to run for office.*

*One individual thanked the Committee Members for their efforts and expressed support for a district form of government, a requirement for annual measurable goals and annual written evaluations for the city manager, and adoption of an environmental impact statement under the duties of council.*

*One individual supported districts but expressed concerns if the districts are small enough, Scientology could gain control as in the Downtown Development Board.*

*One individual opposed districting and suggested increasing council to seven members, with the additional members volunteering to serve as a appointee.*

*In response to questions, the City Attorney said she will seek council direction on the Committee's recommendations at the next meeting. The current charter does not allow present and former councilmembers to hold any compensated appointed city office or employment for one year.*

*The Committee is recommending increasing the timeframe to two years to be consistent with state law.*

*The Council recessed from 8:08 p.m. to 8:15 p.m.*

## **12. City Attorney Reports – None.**

## **13. Other Council Action**

### **12.1 City Manager/City Attorney Salary Discussion**

The performance evaluation discussions for the City Manager and City Attorney were conducted by City Council at the October 3, 2019 City Council Meeting. The council discussion concerning salary is conducted at the subsequent meeting. For Fiscal Year 2020 3.5% has been budgeted consistent with all SAMP employees, any increase above 3.5% would require a budget amendment using an appropriation from general fund reserves.

#### **APPROPRIATION CODE AND AMOUNT:**

Funding is available in the City Manager's Office operating budget (0109211-510100, Salaries & Wages – Full Time) and the City Attorney's Office operating budget (0109600-510100, Salaries & Wages – Full Time) to fund the approved increase.

*In response to a question, Human Resources Director Jennifer Poirrier said a salary increase for the city manager or city attorney would increase their retirement funds, as increased pay will compound severance pay.*

*A concern was expressed that many residents depend on social security, which is limited to 1.6% cost of living increase.*

**Councilmember Allbritton moved to provide the City Attorney with a 3.5% salary increase, effective upon passage. The motion was duly seconded and carried with the following vote:**

**Ayes:** 4 - Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Nays:** 1 - Mayor Cretekos

*One individual supported providing the city manager with an increase and*

*recommended Council provide a 5% increase.*

*One individual encouraged Council to establish annual objective criteria for the city manager.*

*A comment was made that follow-up with the city manager during the last 10 months has been frustrating.*

**Vice Mayor Cundiff moved to provide the City Manager with a 3.5% salary increase, effective upon passage. The motion was duly seconded and carried with the following vote:**

**Ayes:** 3 - Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Nays:** 2 - Mayor Cretelos and Councilmember Polglaze

#### **14. Closing comments by Councilmembers (limited to 3 minutes)**

*Councilmember Polglaze read from a prepared statement regarding the obligation of council to its citizens. He said the City has been transformed and progressed over the years due to the committed stakeholders. He said Imagine Clearwater is a remarkable development and that he hopes new property owners in the downtown area seek to develop publicly accessible projects that benefit and add value to our community.*

*Councilmember Allbritton said making a vibrant downtown and all of Clearwater will be good for everyone. Council works hard on making decisions for Clearwater. Downtown has the most problems and is discussed frequently, but it is not the topic foremost on Council's mind. He thanked the Charter Review Committee and said a citizen recommendation at the last DDB meeting to light the downtown area was a good idea.*

*Councilmember Hamilton said he does not make all meetings and events as he still works a full-time job. He said there are points on the Charter Review Committee's summary report that does not represent his personal belief.*

#### **15. Closing Comments by Mayor**

*Mayor Cretelos reviewed recent and upcoming events.*

**16. Adjourn**

*The meeting adjourned at 8:51 p.m.*

Attest

\_\_\_\_\_  
Mayor  
City of Clearwater

\_\_\_\_\_  
City Clerk