

# City of Clearwater

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



## Meeting Minutes

**Thursday, November 21, 2019**

**6:00 PM**

**Main Library - Council Chambers**

**City Council**

## **Rollcall**

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

**Also Present:** William B. Horne II – City Manager, 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 – Rev. Lee Hall-Perkins from Mt. Zion United Methodist Church**

### **3. Pledge of Allegiance – Councilmember Polglaze**

### **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 November Service Awards**

*The October 2019 Employee of the Month was presented to Adon Chavis, Police.*

#### **4.2 Citizens Academy 2019 Graduation**

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

- 5.1** Approve the minutes of the November 7, 2019 City Council Meeting as submitted in written summation by the City Clerk.

**Vice Mayor Cundiff moved to approve the minutes of the November 7, 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**

*Bill Jonson suggested expanding Moccasin Lake Nature Park through strategic acquisition of adjacent land.*

*Lina Teixeira said the Downtown Merchants Association drafted a letter requesting Council to make a permanent solution for Downtown parking a priority and collected 130 signatures supporting Downtown parking.*

*Axl David said the American Red Cross on November 15 held a smoke alarm initiative at Japanese Gardens in an effort to reduce home fires. He thanked the Council, Fire Chief Scott Ehlers, Circle K, Wells Fargo, Spectrum and Lockheed Martin for their support.*

*William Newbauer opposed renaming Coachman Park to Coachman Commons. He suggested renaming the park to Coachman Magical Mystery Park.*

*Janelle Branch, Festus Porbemi, Dan Shouvin, Vijaya Srinvasa and Eleanor Lyda said parking in Downtown is needed now and urged Council to identify a parking solution that is near Downtown restaurants and merchants.*

## **7. Consent Agenda – Approved as submitted.**

- 7.1** Approve a three-year Clearwater Beach Route Funding Agreement between Pinellas Suncoast Transit Authority (PSTA) and the City for an amount equal to actual revenue hours multiplied by 25% of the rate billed to PSTA by Jolley Trolley along the Clearwater Beach Route and authorize the appropriate officials to execute same. (consent)
- 7.2** Approve the renewal of an Agreement with Commercial Risk Management, Inc., of Tampa, Florida, for the management and administration of workers compensation claims, from February 1, 2020 through January 31, 2021, pursuant to Clearwater Code of Ordinances Section 2.564 (l) (i), services associated with Workers Compensation exempt from bidding for a not-to-exceed total of \$25,000; and authorize the appropriate officials to execute same. (consent)

- 7.3** Approve a two-year renewal of CorVel Healthcare Corporation's Agreement for the review of Workers Compensation Medical bills and Pharmacy Benefit Management services in the not-to-exceed amount of \$170,000 for term January 1, 2020 through December 31, 2021, pursuant to Clearwater Code of Ordinances Section 2.564 (l) (i), services associated with Workers Compensation exempt from bidding; and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve a six-year agreement with Reiss Engineering, Inc., of Orlando, FL, in the amount of \$4,175,000 for Water and Reclaimed Water Program Consultant Services (18-0040-UT) and authorize the appropriate officials to execute same. (consent)
- 7.5** Authorize award of Invitation to Bid Number 56-19, Police Clothing and Equipment, to Galls, LLC of Lexington, KY, for an annual not-to-exceed amount of \$75,000 with option for two one-year term extensions and authorize the appropriate officials to execute same. (consent)
- 7.6** Declare list of vehicles and equipment surplus to the needs of the City; authorize disposal through sale to the highest bidder at the Tampa Machinery Auction, Tampa, Florida, pursuant to City Code Section 2.622, Surplus Personal Property; and authorize the appropriate officials to execute same. (consent)
- 7.7** Request for authority to settle case of City of Clearwater v. Avanthony, LLC, Case No. 18-8490-CI. (consent)
- 7.8** Request for authority to institute a civil action on behalf of the City against Bayonet Plumbing, Heating and Air-Conditioning, LLC to recover \$1,439.19 for damages to city property. (consent)

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

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

## **8. Administrative Public Hearings**

- 8.1** Approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2048 The Mall, and pass Ordinances 9328-19, 9329-19 and 9330-19 on first reading. (ANX2019-09019)

This voluntary annexation petition involves 0.114 acres of property consisting of one parcel of land occupied by a single-family dwelling. It is located on the west side of The Mall, approximately 570 feet south of Union Street. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the City. The property is located within an enclave and is contiguous to existing city limits to the north, east and west. It is proposed that the property be assigned a Future Land Use Map designation of Residential Urban (RU) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The property currently receives water service from the City. The closest sanitary sewer line is located in the adjacent The Mall right-of-way. The applicant is aware that the sewer impact fee must be paid prior to connection and of the additional costs to extend city sewer service to this property. Collection of solid waste will be provided to the property by the City. The property is located within Police District II and service will be administered through the district headquarters located at 645 Pierce Street. Fire and emergency medical services will be provided to this property by Station #51 located at 1720 Overbrook Avenue. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Urban (RU) Future Land Use Map category to be assigned to the property is consistent with the Countywide Plan designation. This designation primarily permits residential uses at a density of 7.5 units per acre. The proposed zoning district to be assigned to the property is Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in

the District and the property meets the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and

- The property proposed for annexation is contiguous to existing city limits to the north, east and west; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

**Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2048 The Mall. The motion was duly seconded and carried unanimously.**

**Ordinance 9328-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9328-19 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

**Ordinance 9329-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9329-19 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

**Ordinance 9330-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9330-19 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

- 8.2** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2765 Avocado Drive, and pass Ordinances 9331-19, 9332-19, and 9333-19 on first reading. (ANX2019-09020)

This voluntary annexation petition involves a 0.205-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the south side of Avocado Drive approximately 190 feet west of Calamondin

Lane. The applicant is requesting annexation in order to receive solid waste service from the City. The property is not contiguous to existing city boundaries; however, it is in an enclave which is surrounded by properties within the City's jurisdiction on all sides (Type A) and is eligible for annexation pursuant to the Interlocal Service Boundary Agreement with Pinellas County. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.E as follows:

- The property currently receives water service from Pinellas County and sanitary sewer service from the City of Clearwater. Collection of solid waste will be provided by the City of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve this property with solid waste, police, fire and EMS service. The property will continue to receive water service from Pinellas County. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policies of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

Policy A.7.2.4. Allow voluntary annexations for noncontiguous properties that are within an enclave as define by Section 171.031(13)(a), Florida Statutes (Type A enclaves) and as authorized by the 2014 Interlocal Service Boundary Agreement (ISBA) between Pinellas County and municipalities, including the City of Clearwater.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of the property.

This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and

- The property proposed for annexation is not contiguous to city boundaries but is located in a Type A enclave and is therefore consistent with the Interlocal Service Boundary Agreement authorized by Florida Statutes Section 171.203.

**Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2765 Avocado Drive. The motion was duly seconded and carried unanimously.**

**Ordinance 9331-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9331-19 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

**Ordinance 9332-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9332-19 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

**Ordinance 9333-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9333-19 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

**8.3 Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1717 Grove Drive, and pass Ordinances 9334-19, 9335-19, and 9336-19 on first**



reading. (ANX2019-09021)

This voluntary annexation petition involves a 0.184-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the east side of Grove Drive, approximately 395 feet north of SR590. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the City. The property is located within an enclave and is contiguous to existing city boundaries on all sides. The annexation of the property will eliminate an enclave. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.E as follows:

- The property currently receives water service from Pinellas County. The closest sanitary sewer line is located in the adjacent Grove Drive right-of-way. The applicant has paid the City's sewer impact and assessment fees and is aware of the additional costs to extend City sewer service to this property. Collection of solid waste will be provided by the City of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The property will continue to receive water service from Pinellas County. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category to be assigned to the property is consistent with the current Countywide Plan designation of the property. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning

district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and

- The property proposed for annexation is contiguous to existing city boundaries on all sides; therefore, the annexation is consistent with Florida Statutes Section 171.044.

**Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1717 Grove Drive. The motion was duly seconded and carried unanimously.**

**Ordinance 9334-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9334-19 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

**Ordinance 9335-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9335-19 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

**Ordinance 9336-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9336-19 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

- 8.4** Approve amendments to Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines to update the public boardwalk standards in "Marina District Boardwalk Design Guidelines and Specifications," and pass Ordinance 9340-19 on first reading.

*Beach by Design* was adopted in 2001 by the City as a special area plan that

set forth a series of revitalization strategies for Clearwater Beach and established character districts to regulate land use, location of uses, and, generally, the scale of development. *Beach by Design* supports the redevelopment of the Marina District into a pedestrian and boater-friendly destination and offers development incentives for waterfront development proposals that provide to the City a 15-foot wide boardwalk within a 20-foot public access easement adjacent to the seawall and to non-waterfront development proposals which contribute financially to the Papaya and Baymont Street streetscapes or the public boardwalk. In 2013, the City amended *Beach by Design* to adopt by reference new “Marina District Design Guidelines and Specifications” prepared by the City’s Parks and Recreation Department for the construction of the public boardwalk.

Proposed Ordinance 9340-19 updates the “Marina District Design Guidelines and Specifications.” During construction of the Papaya Street Plaza entry node, the design and materials used were modified from what the specifications called for. This amendment updates the guidelines to reflect what was constructed at the Papaya Street Plaza entry node and incorporates updated citywide standards for benches, trash cans, trees and landscaping. The proposed changes address finish materials, lighting, trash receptacles, benches, landscaping, and the boardwalk construction and materials (e.g., timber piles, decking, and railing). Section diagrams of the boardwalk and East Shore Drive sidewalk have also been revised. The updated guidelines will ensure any privately constructed portion of the boardwalk is consistent with what has already been built.

The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan, and also furthers the purposes of the Community Development Code and other city ordinances and actions designed to implement the Plan.

The Community Development Board, after conducting a public hearing on October 15, 2019, recommended unanimous approval of the amendment.

*One individual questioned the budgetary impact and requested Council continue the item to provide the public an opportunity to review the item.*

*In response to a question, Planning and Development Director Gina Clayton said staff verified with Parks and Recreation that proposed changes require private property owners to redevelop the boardwalk on their property to the approved guidelines to maintain consistency throughout the boardwalk.*

**Vice Mayor Cundiff moved to approve amendments to Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines to update the public boardwalk standards in “Marina**

**District Boardwalk Design Guidelines and Specifications.” The motion was duly seconded and carried unanimously.**

**Ordinance 9340-19 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9340-19 on first reading. 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

- 8.5** Approve the second amendment to an existing Development Agreement between Triprop Clearwater, LLC (as assigned by Alanik Properties; Anco Holdings, LLC; Nikana Holdings, LLC) (the property owner) 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 of 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, authorize the appropriate officials to execute same and adopt Resolution 19-23. (HDA2014-06004A)

**Development Proposal:**

No changes have been made to the Development Proposal presented at the November 7, 2019 Council meeting although two changes have been made regarding the Development Agreement:

1. A minimum number of parking spaces to be made available to the public above and beyond those otherwise required by the CDC is included with Section 4.2; and
2. Section 6.1.3.5 is added which specifies that access to the public right-of-way from the pedestrian bridge is prohibited.

These changes are also reflected in the general listing of the changes to the Development Agreement, below.

In addition, two changes have been made to the recitals of the Second Amendment to reflect the fact that the applicant has, in the last few weeks, closed on parcel 07-29-15-52380-000-0780. Therefore, the eighth recital has been amended to show this change of ownership and the ninth recital is removed.

The owners continue to propose to demolish all structures on the site and 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 brings a total of 21.3 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.

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 proposal bridge will extend seaward of the Coastal Construction Control Line (CCCL). 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 for the amendment of 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.

The changes to the Development Agreement include:

- 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 and specifies that a minimum of 230 spaces in addition to the otherwise minimum number of required parking spaces.
- 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.

- Section 6.1.3.5: Adds a prohibition on providing direct access from the pedestrian bridge to the public right-of-way.

#### 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.

#### **Consistency with the Community Development Code:**

No changes have been made to the Conceptual Site Plan presented at the November 7, 2019 Council meeting. The Conceptual Site Plan continues to appear to be consistent with the CDC regarding:

- Minimum Lot Area and Width
- Minimum Setbacks
- Maximum Height
- Minimum Off-Street Parking
- Landscaping

#### **Consistency with Beach by Design:**

No changes have been made to the Conceptual Site Plan presented at the November 7, 2019 Council meeting. The Conceptual Site Plan continues to appear to be consistent with the Beach by Design with regard to:

- Design Guidelines
- Hotel Density Reserve

#### **Standards for Development Agreements:**

The proposal is in compliance 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.

The Planning and Development Department is recommending approval of this second amendment to an existing Development Agreement for the allocation of up to 100 units from the Hotel Density Reserve under *Beach by Design*.

*In response to questions, Senior Planner Mark Parry said the total number of units increased to 248 but the overall density has decreased some due to the additional parcel's base density of 50 units per acre. The required setbacks may be altered as part of a Level II flexible development application. The conceptual plan shows a 0 ft. setback along Gulfview Boulevard, 15 ft. on 5th Street and Coronado Drive. Mr. Parry said areas where Beach By Design are silent, the Community Development Code would apply. The proposed setbacks are consistent with Beach By Design the reduction along the westside is consistent with Beach By*

*Design and Community Development Code. The applicant has submitted a Level II flexible development application, which will require an amendment to account for the additional parcel and the pedestrian bridge. Mr. Parry said the zero-setback is not special; other properties along Brach Walk have the same setback. Beach By Design encourages zero-setback along Beach Walk to facilitate its interplay with the ground-floors of the hotels. When the Post Corner Pizza site was acquired, the parking garage layout shifted to the southside, providing a more logical layout. The proposed hotel has been approved for 150 ft. in height and remains the same.*

*Applicant Representative Mark Walsh reviewed the request. Acquiring the Post Corner Pizza site provided an opportunity to create something nicer than was originally proposed. It will activate 6,000 sq. ft. retail and commercial space on the first floor of the garage. He said Post Corner Pizza has been provided the option to take the corner space if they decide to get back into business. Attorney Ed Armstrong said any neighbor concerns related to site plan issues will be vetted by the Community Development Code.*

*Five individuals spoke in opposition.*

*In response to questions, Mr. Parry said the parking garage was part of the submitted application. Mr. Walsh said representatives would be happy to meet with the neighboring property owner to discuss any concerns prior to the Community Development Board meeting. Mr. Armstrong said, with respect to the driveway, it is an exit only driveway out of the garage and while the property setback is approximately 6.5 ft., the driveway is offset further, scaled between 20-25 ft. from the property line. The City's code does not distinguish between major or minor amendments; the item before Council is an amendment. Florida law has established there is no right to view across the land of another.*

**Councilmember Hamilton moved to approve the second amendment to an existing Development Agreement between Triprop Clearwater, LLC (as assigned by Alanik Properties; Anco Holdings, LLC; Nikana Holdings, LLC) (the property owner) 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 of 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, authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 19-23 was presented and read by title only. Councilmember Allbritton moved to adopt Resolution 19-23. 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

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

- 9.1** Adopt Ordinance 9350-19 on second reading, amending the Clearwater Code of Ordinances, Section 2.082, changing the composition of the Airpark Advisory Board to allow ex-officio members.

Ordinance 9350-19 was presented and read by title only. Councilmember Polglaze moved to adopt Ordinance 9350-19 on second and final reading. 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

*The Council recessed from 7:48 p.m. to 7:56 p.m.*

## **11. City Manager Reports**

- 11.1** Authorize the issuance of not-to-exceed \$30,000,000 of City of Clearwater, Florida Non-Ad Valorem Revenue Bonds, Series 2020 (Imagine Clearwater Improvements) and adopt Resolution 19-34.

Resolution 19-34 authorizes the issuance of not-to-exceed \$30,000,000 of City of Clearwater, Florida Non-Ad Valorem Revenue Bonds, Series 2020, to finance and/or reimburse a portion of the costs of acquisition, design, construction, reconstruction, renovation, expansion, improving, and equipping of the Imagine Clearwater Project.

The bonds will be issued as covenant to budget and appropriate legally available non-ad valorem revenues bonds (CBA bonds). CBA bonds are not a traditional revenue pledge (such as a Stormwater revenue bond), but rather a covenant, or “promise” to budget and appropriate non-ad valorem revenues each budget year, sufficient to pay debt service and other costs of the bonds. In addition, this resolution provides for certain covenants and agreements for the benefit of the bondholders and authorizes certain officials and employees to take all actions needed in connection with the sale.

*In response to questions, Assistant City Manager Micah Maxwell said the bonds are part of the overall funding, bond dollars have not been assigned to a specific part of the project, and that Council is not approving any contracts for spending with this agenda item. Assistant City Manager Michael Delk said the initial cost for the park renovation was estimated by HR&A at \$30-\$55 million, after costing out the park with the full concept earlier this year, the concept of the park was estimated at \$41 million. After back of house and covered seating was included, \$14 million was added to the estimates. Finance Director Jay Ravins said the funding revenues already covered the \$14 million deficit, the bonds will not go toward covering that deficit. He said Penny for Pinellas funding will be used for the Library renovations. Mr. Maxwell said there are allocations from Penny 3, \$5 million, and Penny 4, \$8 million, toward the park renovation as well. Mr. Ravins said there is an efficiency advantage to one bond issuance of \$30 million versus three separate bond issuances of \$10 million each, underwriting and administrative costs are associated with each bond closing and the interest rate is currently at a historical low. He said if the full \$30 million is not needed, there is no penalty. The bonds need to be spent timely and staff will ensure that bonds are not issued for more than what is needed.*

*Two individuals requested Council not vote on the agenda item and to wait until after the election to issue the bonds.*

**Councilmember Polglaze moved to pass authorize the issuance of not-to-exceed \$30,000,000 of City of Clearwater, Florida Non-Ad Valorem Revenue Bonds, Series 2020 (Imagine Clearwater Improvements). The motion was duly seconded.**

*A concern was expressed that the public needs more information about the cost and the project.*

**Vice Mayor Cundiff moved to table Item 11.1. The motion failed for lack of a second.**

**Upon the vote being taken, the motion carried with the following vote:**

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

**Nays:** 1 - Vice Mayor Cundiff

*Discussion ensued with comments made that tonight's agenda item does not commit the City to spending the entire amount and that this is one step in the entire Imagine Clearwater process.*

**Resolution 19-34 was presented and read by title only.**

**Councilmember Hamilton moved to adopt Resolution 19-34. The motion was duly seconded and carried with the following vote:**

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

**Nays:** 1 - Vice Mayor Cundiff

**11.2**Accept a sidewalk easement from the property owner for the installation, repair and maintenance of a sidewalk on real property located at 380 S. Martin Luther King Jr. Avenue and adopt Resolution 19-36.

This Sidewalk Easement will allow the City rights for installation, repair and maintenance of a sidewalk as the 380 S. Martin Luther King Jr. Ave. site is developed for commercial use.

**Councilmember Polglaze moved to accept a sidewalk easement from the property owner for the installation, repair and maintenance of a sidewalk on real property located at 380 S. Martin Luther King Jr. Avenue. The motion was duly seconded and carried unanimously.**

**Resolution 19-36 was presented and read by title only. Vice Mayor Cundiff moved to adopt Resolution 19-36. 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

**11.3**Grant two Perpetual Easements to the Florida Department of Transportation for the purpose of constructing and maintaining a pedestrian overpass at Harn Boulevard and U.S. 19 North, authorize the appropriate officials to execute same and adopt Resolution 19-39.

The proposed perpetual easements will provide the Florida Department of Transportation with property rights necessary to construct and maintain the Pedestrian Overpass, which provides for community interest and public welfare.

FDOT has indicated construction over the overpass will take place in 2021/2022.

*One individual questioned the location of the pedestrian overpass and impact to vehicular traffic on US Hwy. 19.*

*It was stated that the pedestrian overpass location was selected due to the number of nearby residents who utilize public transportation and need to safely cross US 19. Transportation Planner Ric Hartman said temporary closings of the frontage road will occur in the evenings; the project is being constructed by FDOT. The sidewalk on the eastside will be redesigned to accommodate the overpass landing, which will not interfere with traffic.*

**Councilmember Hamilton moved to grant two Perpetual Easements to the Florida Department of Transportation for the purpose of constructing and maintaining a pedestrian overpass at Harn Boulevard and U.S. 19 North, authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**Resolution 19-39 was presented and read by title only.**

**Councilmember Allbritton moved to adopt Resolution 19-39. 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

- 11.4** Approve amendments to the Code of Ordinances amending Chapter 25 - Public Transportation Carriers, Article I - Public Conveyances to define micromobility device, motorized scooter, and shared mobility device provider and make other amendments to related definitions, to establish standards for micromobility devices, to require a license for shared mobility devices offered for rent within the city, and to add penalties; and pass Ordinance 9348-19 on first reading.

On June 18, 2019, the Governor of Florida signed House Bill 453, "Micromobility

Devices,” which granted riders of micromobility devices, including motorized scooters, the same rights and duties as those which apply to bicycle riders, thereby allowing riders to operate these devices on sidewalks and in roads. The City Council relied on the home rule rights preserved in the bill to declare a 6-month moratorium to allow staff the opportunity to develop a regulatory framework for the reservation and rental of these devices by vendors. The moratorium expires on December 17, 2019.

On September 3, 2019, staff presented to City Council a framework for a temporary pilot program and requested guidance on certain key issues for the program. Council provided direction regarding suggested boundaries for a pilot program (portion of Downtown, prohibited on Clearwater Beach), where to ride (on streets, not sidewalks), where to park (in corrals), and hours of operation (limited, not 24 hours/day) and directed staff to develop the framework for regulating micromobility devices and motorized scooters through a pilot program in the Downtown area.

Proposed Ordinance 9348-19 amends Chapter 25 - Public Transportation Carriers, Article I - Public Conveyances to address micromobility devices and motorized scooters, establishing license requirements to rent shared mobility devices, which is inclusive of micromobility devices and motorized scooters, and to add penalties for failure to comply with this Article. Placing the regulations for micromobility devices in Section 25.02, which provides the regulations for low-speed for hire vehicles and other similar devices, will ensure conformity and consistency in the regulation of these forms of alternative motorized travel and public transparency.

Specifically, proposed Ordinance 9348-19 addresses the following:

- Section 25.01 - Definitions: Adds new definitions for micromobility device, motorized scooter, shared mobility device provider, and sidewalk, and amends definition for recreational vehicle to include micromobility device and motorized scooter within. Differences from state regulations as directed by City Council will be addressed in the pilot program Request for Proposals (RFP) (i.e., limiting maximum speed to 15 mph, not 20 mph).
- Section 25.02 - Standards for pedicabs, low-speed for hire vehicles, surrey bicycles, and micromobility devices; equipment and restrictions: Adds a new subsection (4) providing standards for micromobility devices, including setting a minimum user age of 16, prohibiting more than one person to ride on a device designed for a single rider, prohibiting riding on sidewalks, and prohibiting the blocking of access to building entries and parking areas.
- Section 25.19 - Shared Mobility Device License Required: Establishes a *Shared Mobility Device License* requirement for vendors who want to display or rent micromobility devices or motorized scooters. This standard is to ensure that any business renting such devices must first obtain a license from the city for this activity, which initially would be made available through a pilot program. It also prohibits granting of this

type of license to an operator wanting to rent such devices on Clearwater Beach, Sand Key, Island Estates or any other area restricted under Section 25.18 of the code.

- Section 25.20 - Penalties: Adds a section providing for penalties for violation of this Article of the code.

In addition to the proposed ordinance, staff has prepared a detailed list of pilot program regulations and components which expands on the initial issues discussed with City Council in September. This list is council consideration prior to staff proceeding with the development and issuance of an RFP.

*In response to questions, Transportation Planner Ric Hartman said the 12-month pilot program and the expansion areas will be adjusted administratively through the city manager. Staff is not using the ordinance to adopt the pilot program. Staff is requesting permission to develop the program based on the standards outlined. Staff will come back to Council after the pilot program ends.*

*There was consensus to add the 12-month timeframe to the guidelines.*

**Councilmember Polglaze moved to approve amendments to the Code of Ordinances amending Chapter 25 - Public Transportation Carriers, Article I - Public Conveyances to define micromobility device, motorized scooter, and shared mobility device provider and make other amendments to related definitions, to establish standards for micromobility devices, to require a license for shared mobility devices offered for rent within the city, and to add penalties. The motion was duly seconded and carried unanimously.**

**Ordinance 9348-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9348-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

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

## **12. City Attorney Reports**

**12.1** Provide direction on the 2019 Charter Review Committee's recommendations.

*The City Attorney reviewed the report and requested Council provide*

*motions for each of the recommendations.*

*In response to questions, the City Attorney said the Committee did not survey municipalities about including language in the charter that requires the establishment of annual goals and priorities for the city manager or city attorney; some communities have the charter requirements and some do not. The Committee recommended to include language that would require Council to establish the goals and perform the annual evaluations based on the unified criteria. She said the Committee felt it was a good management practice to establish annual goals and priorities.*

**Councilmember Hamilton moved to reject the recommendation to increase the number of councilmembers to seven, including the mayor, and all elected at-large. The motion was duly seconded and carried unanimously.**

**Councilmember Allbritton moved to reject the recommendations to include language requiring Council to establish annual measurable goals and priorities for the city manager and to include language requiring each Council to evaluate the City Manager based on specific criteria designated by Council. The motion was duly seconded.**

*Five individuals supported including language requiring the establishment of annual goals and priorities.*

**Upon the vote being taken, the motion carried as follows:**

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

**Nays:** 1 - Councilmember Polglaze

**Vice Mayor Cundiff moved to approve the recommendation to include language that increases the amount of property (5 acres) that can be donated or sold for less than fair market value for workforce or affordable housing and uneconomic remainders of land to be sold to an abutting property owner without a bid requirement. The motion was duly seconded and carried unanimously.**

*Staff was directed to confirm that workforce housing terminology aligns with the terminology used by Pinellas County.*

**Councilmember Polglaze moved to approve the recommendation to remove language pertaining to negotiating a lease with the Clearwater Marine Aquarium as it is no longer pertinent. The motion was duly seconded and carried unanimously.**

**Councilmember Polglaze moved to reject the recommendation to include language to research and report the environmental impact of all decisions with the goal of reducing our energy consumption, waste generation, our dependence on fossil fuels and production of greenhouse gasses; the intent is to include such statement in agenda items. The motion was duly seconded.**

*One individual supported including an environmental impact statement on all decisions before Council because climate change is the premier challenge of our time.*

**Upon the vote being taken, the motion carried unanimously.**

**Councilmember Polglaze moved to approve the recommendation to increase the timeframe present and former councilmembers may hold any compensated appointed city office or employment to two years after the expiration of the term for which the council member was elected, to be consistent with state law. The motion was duly seconded and carried unanimously.**

**Councilmember Hamilton moved to approve the recommendation to require the city manager to present an annual comprehensive report on the financial condition and administration activities of the city at the first council meeting in November instead of September. The motion was duly seconded and carried unanimously.**

**Councilmember Allbritton moved to approve the recommendation to increase the time between when the charter is reviewed to eight years. The motion was duly seconded and carried unanimously.**



**13. Other Council Action – None.****14. Closing comments by Councilmembers (limited to 3 minutes)**

*Councilmember Hamilton said while there is not a commitment for a parking garage of any size or location, there is still plenty of parking Downtown. At night, the County garage, Garden Street and MSB Parking garages have free parking available. He said there is an opportunity for a shuttle type service to pick up people from the parking locations and drop them off on the block they want to be on.*

*Councilmember Allbritton said he is a big advocate for Downtown parking and said there are other things that need to be addressed prior. It takes time and money. He said the former City Hall site and CMA lot has parking is available. He said he understands the concern about parking spots being removed for Imagine Clearwater. He thanked the Charter Review Committee for their work.*

*Councilmember Polglaze thanked the Charter Review Committee for their work.*

*Vice Mayor Cundiff thanked the Charter Review Committee for their work. He said the best attitude is gratitude.*

**15. Closing Comments by Mayor**

*Mayor Cretikos reviewed recent and upcoming events.*

**16. Adjourn**

*The meeting adjourned at 9:36 p.m.*

Attest

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Mayor  
City of Clearwater

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City Clerk