

City of Clearwater

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



Meeting Minutes

Thursday, November 19, 2020

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

Present: 5 - Mayor Frank Hibbard, Councilmember Hoyt Hamilton, Vice Mayor David Allbritton, Councilmember Mark Bunker and Councilmember Kathleen Beckman

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 – Deputy City Clerk.

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

Unapproved

1. Call to Order – Mayor Hibbard

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

2. Invocation – youth Minister Javante Scott from St. John Primitive Baptist Church.

3. Pledge of Allegiance

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 Citizens Academy Graduation

4.2 Cleveland Street Music Video - Lina Teixeira

5. Approval of Minutes

5.1 Approve the minutes of the November 5, 2020 City Council Meeting as submitted in written summation by the City Clerk.

Vice Mayor Allbritton moved to approve the minutes of the November 5, 2020 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 – None.**7. Consent Agenda – Approved as submitted, less Item 7.11.**

- 7.1** Approve a Claims Service Contract with Sedgwick Claims Management Services of Nashville, TN, in the not-to-exceed amount of \$100,000 for a one-year term from October 1, 2020 through September 30, 2021, pursuant to Clearwater Code of Ordinances Section 2.564 (l) (i), Exempt from Bidding, and authorize the appropriate officials to execute same. (consent)
- 7.2** Authorize the award of Invitation to Bid 47-20, Mobile Natural Gas Tank Services to Marlin Gas Services, LLC of Springhill, FL for an initial annual amount not-to-exceed \$250,000.00 with the option for two, one-year term extension options at \$150,000 annually and authorize the appropriate officials to execute same. (consent)
- 7.3** Approve an Annual General Permit with Pinellas County to construct and maintain natural gas facilities and authorize the appropriate officials to execute same. (consent)
- 7.4** Ratify and confirm a Purchase Order, in the amount of \$137,304, with Technico of Lake Worth, FL for the purchase of natural gas meters and authorize the appropriate officials to execute same. (consent)
- 7.5** Approve First Amendment to Revocable License Agreement between the City of Clearwater and Sunsets at Pier 60 Society, Inc. to modify the license area of the agreement and authorize the appropriate officials to execute same. (consent)
- 7.6** Accept Sovereignty Submerged Land Lease Renewal 520345063 with the Florida Department of Environmental Protection, Bureau of Public Lands for use of state-owned land under three boat slips to be used for mooring rescue vessels at 700 Bayway Blvd and authorize the appropriate officials to execute same. (consent)
- 7.7** Approve a professional services agreement and a work order with Wannemacher Jenson Architects, Inc. (WJA) of St. Petersburg, FL, per RFQ 31-20, for Fire Station 47 in the amount of \$445,869 and authorize the appropriate officials to execute same. (consent)
- 7.8** Approve the CARES Act Funding Agreement between Pinellas County and the City of Clearwater for public assistance support for COVID-19 expenditures and allow the City Manager or designee to enter into, approve, and execute same and any future modifications for COVID-19 expenditures. (consent)
- 7.9** Approve a purchase order with Carousel Industries, Inc. for purchase and installation of a VESTA 9-1-1 Portable Command Post in the amount of \$117,906.94, annual maintenance of Avaya software and hardware for the City's PBX phone switch in the

amount of \$71,000, pursuant to Clearwater Code of Ordinances Section 2.564(1)(d) Exceptions to Bid - Other Government Entities' Bids, and authorize the appropriate officials to execute same. (consent)

7.10 Approve an amendment to the subordination agreement entered on September 1, 2016 among Branch Banking and Trust Company (BB and T), Clearwater Marine Aquarium, and the City of Clearwater and authorize the appropriate officials to execute same. (consent)

7.11 Request for authority to settle case of City of Clearwater v. The Estate of Hotmire, et al., Case No. 18-8368-CI. (consent)

SEE BELOW

7.12 Request for authority to settle the case of City of Clearwater v. H and S Realty and Property, Inc., et al., Case No. 19-2452-CI. (consent)

Councilmember Hamilton moved to approve the Consent Agenda as submitted, less Item 7.11, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

7.11 Request for authority to settle case of City of Clearwater v. The Estate of Hotmire, et al., Case No. 18-8368-CI. (consent)

On July 19, 2018 the City retained Weidner Law, P.A. (outside counsel) for representation in municipal lien foreclosure matters. The outside counsel then filed a foreclosure action against the Estate of Harry Hotmire (the Estate), owner of the property located at 907 Chestnut Street.

The property is under contract for sale to a third-party purchaser and the Estate has offered \$25,000.00 to settle the case. Therefore, authority is being sought to settle this case for \$25,000.00 in exchange for which the City: 1) will release the lien that attaches to this property; and 2) and dismiss the lawsuit.

Assistant City Attorney Mike Fuino said Council may renegotiate but that is not staff's recommendation.

In response to questions, Mr. Fuino said the original lien was \$510,000 for the Chestnut property. The cap for this property is \$40,000. The Tuscola property was addressed in February and was settled for \$25,000.

Ms. dePriest said there are trees that need to be cut but she personally mows the lawn. She informed staff that she could not afford to address all the code issues on the property and requested an adjustment to the settlement agreement.

In response to questions, the City Attorney said the property has been out of compliance since 2017. Mr. Fuino said the settlement agreement brought to Council in February would have been settled for \$15,000 if payment and compliance on the Tuscola property was made by July 19, 2020, which bumped up to \$25,000 since payment and compliance was not met.

Comments were made that the property owner was given ample opportunity to address the matter per the signed agreement.

Councilmember Beckman moved to approve request for authority to settle case of City of Clearwater v. The Estate of Hotmire, et al., Case No. 18-8368-CI. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Approve City of Clearwater staff request to vacate a 30-foot right-of-way easement described as The South 280' of the East 30' of the following described tract: Commence at the NE corner of Gulf to Bay Gardens as recorded in Plat Book 50, Page 60, Public Records of Pinellas County Florida; run thence S 89° 57' 24" E, a distance of 200.00' to the Point of Beginning; thence S 89° 57' 24" E, a distance of 100.00', thence S 00° 20' 15" E, a distance of 300.00', thence N 89° 57' 24" W, a distance of 100.00', thence N 00° 20' 15" W, a distance of 300' to the Point of Beginning, as recorded in O.R. Book 5870, Page 761 of the Public Records of Pinellas County, Florida, and pass Ordinance 9429-20 on first reading.

This right-of-way easement vacation is a contingency in that certain Contract for Exchange of Real Property dated January 21, 2020, as amended by that certain First Amendment to Contract for Exchange of real property dated April 20, 2020 (collectively known as the Contract) between the City of Clearwater and Creative Contractors Inc. This right-of-way easement vacation will be null and void should the closing under the Contract not occur, should the properties contemplated to be exchanged therein, not be exchanged, or if for any reason

the City does not reserve the new easements as provided for in the Contract. Subject to the City's reservation of new easements as provided for in the contract, said easement is not necessary for municipal use and it is deemed to be in the best interest of the City and the general public that the same be vacated. City staff have reviewed the right-of-way easement vacation request and have no objection.

Councilmember Bunker moved to approve City of Clearwater staff request to vacate a 30-foot right-of-way easement described as The South 280' of the East 30' of the following described tract: Commence at the NE corner of Gulf to Bay Gardens as recorded in Plat Book 50, Page 60, Public Records of Pinellas County Florida; run thence S 89° 57' 24" E, a distance of 200.00' to the Point of Beginning; thence S 89° 57' 24" E, a distance of 100.00', thence S 00° 20' 15" E, a distance of 300.00', thence N 89° 57' 24" W, a distance of 100.00', thence N 00° 20' 15" W, a distance of 300' to the Point of Beginning, as recorded in O.R. Book 5870, Page 761 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.

Ordinance 9429-20 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9429-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 8.2** Approve City of Clearwater staff request to vacate a 20-foot drainage and utility easement and a 15-foot drainage and utility easement described, correspondingly as The North 20' and South 15' of the following described tract: Commence at the NE corner of Gulf to Bay Gardens as recorded in Plat Book 50, Page 60, Public Records of Pinellas County Florida; run thence S 89° 57' 24" E, a distance of 200.00' to the Point of Beginning; thence S 89° 57' 24" E, a distance of 100.00', thence S 00° 20' 15" E, a distance of 300.00', thence N 89° 57' 24" W, a distance of 100.00', thence N 00° 20' 15" W, a distance of 300' to the Point of Beginning, as recorded in O.R. Book 5858, Page 1539 of the Public Records of Pinellas County, Florida, and pass Ordinance 9430-20 on first reading.

This drainage and utility easement vacation is a contingency in that certain Contract for Exchange of Real Property dated January 21, 2020, as amended by that certain First Amendment to Contract for Exchange of Real Property dated April 20, 2020 (collectively the Contract) between the City of Clearwater and Creative Contractors, Inc. This drainage and utility easement vacation will

be null and void should the closing under the Contract not occur, should the properties contemplated to be exchanged therein, not be exchanged, or if for any reason the City does not reserve the new easements as provided for in the Contract. Subject to the City's reservation of new easements as provided for in the contract, said easement is not necessary for municipal use and it is deemed to be in the best interest of the City and the general public that the same be vacated. City staff have reviewed the drainage and utility easement vacation request and have no objection.

Vice Mayor Allbritton moved to approve City of Clearwater staff request to vacate a 20-foot drainage and utility easement and a 15-foot drainage and utility easement described, correspondingly as The North 20' and South 15' of the following described tract: Commence at the NE corner of Gulf to Bay Gardens as recorded in Plat Book 50, Page 60, Public Records of Pinellas County Florida; run thence S 89° 57' 24" E, a distance of 200.00' to the Point of Beginning; thence S 89° 57' 24" E, a distance of 100.00', thence S 00° 20' 15" E, a distance of 300.00', thence N 89° 57' 24" W, a distance of 100.00', thence N 00° 20' 15" W, a distance of 300' to the Point of Beginning, as recorded in O.R. Book 5858, Page 1539 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.

Ordinance 9430-20 was presented and read by title only. Councilmember Beckman moved to pass Ordinance 9430-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 8.3** Approve City of Clearwater staff request to vacate portions of a 15-foot drainage and utility easement and a 10-foot drainage and utility easement described, correspondingly as The East 15' of the West 545' of the SW ¼ of the NE ¼ of Section 17, Township 29 S, Range 16 E, less the South 285' and the East 10' of the West 730' of the SW ¼ of the NE ¼ of Section 17, Township 29 S, Range 16 E, less the South 330', as recorded in O.R. Book 4082, Page 117 of the Public Records of Pinellas County, Florida, and pass Ordinance 9431-20 on first reading.

This drainage and utility easement vacation is a contingency in that certain Contract for Exchange of Real Property dated January 21, 2020, as amended by that certain First Amendment to Contract for Exchange of Real Property dated April 20, 2020 (collectively the Contract) between the City of Clearwater

and Creative Contractors Inc. This drainage and utility easement vacation will be null and void should the closing under the Contract not occur, should the properties contemplated to be exchanged therein, not be exchanged, or if for any reason the City does not reserve the new easements as provided for in the Contract. Subject to the City's reservation of new easements as provided for in the contract, said easements are not necessary for municipal use and it is deemed to be in the best interest of the City and the general public that the same be vacated. City staff have reviewed the drainage and utility easement vacation request and have no objection.

Councilmember Bunker moved to approve City of Clearwater staff request to vacate portions of a 15-foot drainage and utility easement and a 10-foot drainage and utility easement described, correspondingly as The East 15' of the West 545' of the SW ¼ of the NE ¼ of Section 17, Township 29 S, Range 16 E, less the South 285' and the East 10' of the West 730' of the SW ¼ of the NE ¼ of Section 17, Township 29 S, Range 16 E, less the South 330', as recorded in O.R. Book 4082, Page 117 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.

Ordinance 9431-20 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9431-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 8.4** Approve City of Clearwater staff request to vacate a 20-foot drainage and utility easement described as The North 20' of the East 200' of the West 730' of the SW ¼ of the NE ¼ of Section 17, Township 29 S, Range 16 E, as recorded in O.R. Book 5950, Page 1028 of the Public Records of Pinellas County, Florida, and pass Ordinance 9432-20 on first reading.

This drainage and utility easement vacation is a contingency in that certain Contract for Exchange of Real Property dated January 21, 2020, as amended by that certain First Amendment to Contract for Exchange of real property dated April 20, 2020 (collectively the Contract) between the City of Clearwater and Creative Contractors Inc. This drainage and utility easement vacation will be null and void should the closing under the Contract not occur, should the properties contemplated to be exchanged therein, not be exchanged, or if for any reason the City does not reserve the new easements as provided for in the Contract. Subject to the City's reservation of new easements as provided for in the

contract, said easement is not necessary for municipal use and it is deemed to be in the best interest of the City and the general public that the same be vacated. City staff have reviewed the drainage and utility easement vacation request and have no objection.

Vice Mayor Allbritton moved to approve City of Clearwater staff request to vacate a 20-foot drainage and utility easement described as The North 20' of the East 200' of the West 730' of the SW ¼ of the NE ¼ of Section 17, Township 29 S, Range 16 E, as recorded in O.R. Book 5950, Page 1028 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.

Ordinance 9432-20 was presented and read by title only. Councilmember Beckman moved to pass Ordinance 9432-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 8.5** Approve the annexation, initial Future Land Use Map designations of Residential Low (RL) and Water/Drainage Feature and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2079 Burnice Drive, and pass Ordinances 9396-20, 9397-20, and 9398-20 on first reading. (ANX2020-06006)

This voluntary annexation petition involves a 0.34-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the south side of Burnice Drive, approximately 1,650 feet west of S. Belcher Road. The applicants are 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 to the north. It is proposed that the property be assigned the Future Land Use Map designations of Residential Low (RL) and Water/Drainage Feature 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 the City of Clearwater. The closest sanitary sewer line is located in the adjacent Burnice Drive right-of-way. The applicants have paid the City's sewer impact and assessment fees in full and are 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 N. 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 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 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 Water/Drainage Feature category recognizes the existing pond on the property. 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 to the north; therefore, the annexation is consistent with Florida Statutes Section 171.044.

Councilmember Bunker moved to approve the annexation, initial Future Land Use Map designations of Residential Low (RL) and Water/Drainage Feature and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2079 Burnice Drive. The motion was duly seconded and carried unanimously.

**Ordinance 9396-20 was presented and read by title only.
Councilmember Hamilton moved to pass Ordinance 9396-20 on**

first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

Ordinance 9397-20 was presented and read by title only. Vice Mayor Allbritton moved to pass Ordinance 9397-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

Ordinance 9398-20 was presented and read by title only. Councilmember Beckman moved to pass Ordinance 9398-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 8.6** Approve a Development Agreement between Key Clearwater, LLC (the property owner) and the City of Clearwater, providing for the allocation of three units from the Hotel Density Reserve pursuant to Beach by Design, authorize the appropriate officials to execute same, and adopt Resolution 20-39. (HDA2020-08003; 309 Coronado Drive)

The subject site (Parcel A; SpringHill Suites), along with Parcel B (Residence Inn) are both addressed as 309 Coronado. Parcel A is the more northerly parcel with frontage along Coronado and Hamden Drives and Third Street. Parcel B is the more southerly parcel and only has frontage along Coronado and Hamden Drives. Each parcel was subject to respective Development Agreements (DVAs), which allocated units to each parcel from the Hotel Density Reserve (Reserve), and site plans approved as part of Flexible Development (FLD) applications, which enabled construction of two separate hotels on two separate parcels with a shared parking garage spanning both properties. Please note that since the parcels were the subject of the noted Development Agreements, the process for allocating units from the Reserve was modified and such agreements are called Hotel Development Agreements (HDAs). For simplicity, any agreement whether a prior DVA or current HDA will be referred to as a Development Agreement or simply an Agreement. Each parcel requested and was granted a specific and separate allocation from the Reserve. Parcel A was allocated 95 units from the Reserve and Parcel B was allocated 79 units. A total of 174 units were allocated. Parcel A originally

included a total of 142 units and Parcel B 118 units totaling 260 units.

At the time of the original Development Agreement and FLD approvals (FLD2009-08026/DVA2009-00002 [Parcel A] and FLD2009-08027/DVA2009-00003 [Parcel B]), the overall project consisted of five separate parcels. These five parcels were required to be consolidated into two separate parcels (Parcel A and Parcel B). This was done in 2015. At some point between 2015 and 2020 (date uncertain) the Pinellas County Property Appraiser's Office (PCPAO) combined the two parcels into one parcel. Combining the two properties was contrary to several applicable regulations of the Community Development Code (CDC) and *Beach by Design*. Specifically, CDC Section 4-406.7 prohibits the addition of property to a parcel previously approved as part of a Flexible Development application. In addition, *Beach by Design* Section V.B.2 provides that a "maximum of 100 hotel rooms may be allocated from the Reserve to any development with a lot size less than 2.5 acres". As one lot, the parcel would be limited to no more than 100 units allocated from the Reserve. Parcel A received 95 units and Parcel B received 79 units for a total of 174 units between the two parcels. Combining the parcels instantly rendered the newly created parcel in violation of this component of *Beach by Design*. The only options are to return 74 units to the Reserve or split the parcel back into two parcels.

In addition, Staff recently learned that a total of five units allocated from the Reserve to these hotel projects were not constructed (two from Parcel A and three from Parcel B), and notified the applicant on January 21, 2020 that pursuant to each approved Development Agreement as well as *Beach by Design*, any unconstructed units had to be returned to the Reserve. After the five units were returned to the Reserve, the hotel owners approached the Planning and Development Department about requesting the re-allocation of those five units back to Parcels A and B. The applicants desire to renovate interior space and add three units to the subject hotel (Parcel/Hotel A) and two units to the adjacent hotel (Parcel/Hotel B).

Upon receipt of this request, as well as a related companion request regarding the adjacent hotel, three additional issues were found:

- The interior space of the two hotels was not constructed in exact alignment with the parcels as indicated in the approved site plans. This impacted the number of units on each parcel (and resulting density) and resulted in several rooms being bifurcated by the common dividing property line.
- There are minor discrepancies between the number of rooms approved per the Agreement and associated site plans, and the number of rooms constructed.

- There is a minor discrepancy between the number of approved (302) and built (299) parking spaces.

The primary purpose of this (and the companion) application is twofold:

1. To re-establish two parcels and locate a common/internal property line so that each parcel contains a density consistent with *Beach by Design* without bifurcating any hotel rooms; and
2. To reallocate three units from the Reserve to this hotel (Parcel/Hotel A) and two units to the adjacent companion hotel (Parcel/Hotel B), for a total of five units between Parcels A and B.

No changes have been made to the Development Proposal presented at the November 5, 2020 Council meeting.

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

AND

- 8.7** Approve a Development Agreement between Key Clearwater, LLC (the property owner) and the City of Clearwater, providing for the allocation of two units from the Hotel Density Reserve pursuant to Beach by Design, authorize the appropriate officials to execute same and adopt Resolution 20-40. (HDA2020-004002; 309 Coronado Drive)

The subject site (Parcel B; Residence Inn), along with Parcel A (SpringHill Suites) are both addressed as 309 Coronado. Parcel A is the more northerly parcel with frontage along Coronado and Hamden Drives and Third Street. Parcel B is the more southerly parcel and only has frontage along Coronado and Hamden Drives. Each parcel was subject to respective Development Agreements (DVAs), which allocated units to each parcel from the Hotel Density Reserve (Reserve), and site plans approved as part of Flexible Development (FLD) applications, which enabled construction of two separate hotels on two separate parcels with a shared parking garage spanning both properties. Please note that since the parcels were the subject of the noted Development Agreements, the process for allocating units from the Reserve was modified and such agreements are called Hotel Development Agreements (HDAs). For simplicity, any agreement whether a prior DVA or current HDA will be referred to as a Development Agreement or simply an Agreement. Each parcel requested and was granted a specific and separate allocation from the Reserve. Parcel A was allocated 95 units from the Reserve and Parcel B was allocated 79 units. A total of 174 units were allocated. Parcel A originally included a total of 142 units and Parcel B 118 units totaling 260 units.

At the time of the original Development Agreement and FLD approvals (FLD2009-08026/DVA2009-00002 [Parcel A] and FLD2009-08027/DVA2009-00003 [Parcel B]), the overall project consisted of five separate parcels. These five parcels were required to be consolidated into two separate parcels (Parcel A and Parcel B). This was done in 2015. At some point between 2015 and 2020 (date uncertain) the Pinellas County Property Appraiser's Office (PCPAO) combined the two parcels into one parcel. Combining the two properties was contrary to several applicable regulations of the Community Development Code (CDC) and *Beach by Design*. Specifically, CDC Section 4-406.7 prohibits the addition of property to a parcel previously approved as part of a Flexible Development application. In addition, *Beach by Design* Section V.B.2 provides that a "maximum of 100 hotel rooms may be allocated from the Reserve to any development with a lot size less than 2.5 acres". As one lot, the parcel would be limited to no more than 100 units allocated from the Reserve. Parcel A received 95 units and Parcel B received 79 units for a total of 174 units between the two parcels. Combining the parcels instantly rendered the newly created parcel in violation of this component of *Beach by Design*. The only options are to return 74 units to the Reserve or split the parcel back into two parcels.

In addition, staff recently learned that a total of five units allocated from the Reserve to these hotel projects were not constructed (two from Parcel A and three from Parcel B), and notified the applicant on January 21, 2020 that pursuant to each approved Development Agreement as well as *Beach by Design*, any unconstructed units had to be returned to the Reserve. After the five units were returned to the Reserve, the hotel owners approached the Planning and Development Department about requesting the re-allocation of those five units back to Parcels A and B. The applicants desire to renovate interior space and add two units to the subject hotel (Parcel/Hotel B) and three units to the adjacent hotel (Parcel/Hotel A).

Upon receipt of this request, as well as a related companion request regarding the adjacent hotel, three additional issues were found:

- The interior space of the two hotels was not constructed in exact alignment with the parcels as indicated in the approved site plans. This impacted the number of units on each parcel (and resulting density) and resulted in several rooms being bifurcated by the common dividing property line.
- There are minor discrepancies between the number of rooms approved per the Agreement and associated site plans, and the number of rooms constructed.

- There is a minor discrepancy between the number of approved (302) and built (299) parking spaces.

The primary purpose of this (and the companion) application is twofold:

1. To re-establish two parcels and locate a common/internal property line so that each parcel contains a density consistent with *Beach by Design* without bifurcating any hotel rooms; and
2. To reallocate three units from the Reserve to this hotel (Parcel/Hotel A) and two units to the adjacent companion hotel (Parcel/Hotel B), for a total of five units between Parcels A and B.

No changes have been made to the Development Proposal presented at the November 5, 2020 Council meeting.

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

Councilmember Bunker moved to approve a Development Agreement between Key Clearwater, LLC (the property owner) and the City of Clearwater, providing for the allocation of three units from the Hotel Density Reserve pursuant to Beach by Design, authorize the appropriate officials to execute same and approve a Development Agreement between Key Clearwater, LLC (the property owner) and the City of Clearwater, providing for the allocation of two units from the Hotel Density Reserve pursuant to Beach by Design, authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 20-39 was presented and read by title only.

Councilmember Hamilton moved to adopt Resolution 20-39. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

Resolution 20-40 was presented and read by title only. Vice Mayor Allbritton moved to adopt Resolution 20-40. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9413-20 on second reading, amending Section 33.055 of the Clearwater Code of Ordinances to limit a vessel's daily hours of occupancy of certain non-leased public dock slips.

**Ordinance 9413-20 was presented and read by title only.
Councilmember Beckman moved to adopt Ordinance 9413-20 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 9.2** Adopt Ordinance 9414-20 on second reading, amending Chapter 2, Article III, Division 5 of the Clearwater Code of Ordinances relating to the Downtown Development Board, amending definitions; amending the Statement of Policy and Findings of the Downtown Development Board; amending the boundaries of the Downtown Development Board; amending referenda and elections process; amending eligibility requirements to vote in freeholders' elections; amending the bylaws, quorum and meeting requirements for the Downtown Development Board; amending the functions and powers of the Downtown Development Board; and creating a voting conflict of interest requirement.

**Ordinance 9414-20 was presented and read by title only.
Councilmember Bunker moved to adopt Ordinance 9414-20 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 9.3** Adopt Ordinance 9415-20 on second reading, vacating a Drainage and Utility Easement described as that portion of Hart Street lying north of Blocks 9 and 10 of Jones Subdivision of Nicholson Addition to Clearwater, Blocks 7, 8, 9 and 10 as recorded in Plat Book 4, Page 82 of the Public Records of Hillsborough County, of which Pinellas County was once a part, less and except that portion lying within 270.6 feet of the east line of Section 9, Township 29 South, Range 15 East, also less and except the railroad rights-of-way as recorded in Official Records Book 6626, Page 429 of the Public Records of Pinellas County, Florida.

**Ordinance 9415-20 was presented and read by title only.
Councilmember Hamilton moved to adopt Ordinance 9415-20 on**

second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

10. City Manager Reports

- 10.1** Accept a Sidewalk Easement from Modern Estates, Inc. for the repair, maintenance, and replacement of a sidewalk on real property located at 635 Woodlawn Street and adopt Resolution 20-55.

The Sidewalk Easement will allow the city rights for repair, maintenance, and replacement of a sidewalk as the site is developed for residential use. The City Engineering Department recommends acceptance of the easement.

Vice Mayor Allbritton moved to accept a Sidewalk Easement from Modern Estates, Inc. for the repair, maintenance, and replacement of a sidewalk on real property located at 635 Woodlawn Street. The motion was duly seconded and carried unanimously.

Resolution 20-55 was presented and read by title only. Councilmember Beckman moved to adopt Resolution 20-55. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

- 10.2** Approve Joint Participation Agreement (JPA) G1093 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), authorize the appropriate officials to execute same and adopt Resolution 20-58.

FDOT JPA Agreement G1093 provides for 80% grant funding for the Clearwater Airpark Security System Upgrades, with Airpark revenues providing a 20% match. This agreement provides for the upgrades of security cameras and associated equipment. The project cost is \$75,000.00 with FDOT contributing \$60,000.00, Airpark Fund providing a \$15,000.00 match.

APPROPRIATION CODE AND AMOUNT:

Funds are available in capital improvement project G2108, Security System Upgrade, to fund this project.

Councilmember Bunker moved to approve Joint Participation Agreement (JPA) G1093 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 20-58 was presented and read by title only.

Councilmember Hamilton moved to adopt Resolution 20-58. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

10.3 Confirm COVID-19 Emergency Proclamation and adopt Resolution 20-60.

Vice Mayor Allbritton moved to confirm COVID-19 Emergency Proclamation. The motion was duly seconded and carried unanimously.

Resolution 20-60 was presented and read by title only.

Councilmember Beckman moved to adopt Resolution 20-60. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

10.4 Confirm the Declaration of a State of Emergency due to conditions surrounding Tropical Storm Eta and adopt Resolution 20-61.

The entire City of Clearwater was threatened by the wind and rain and disruption of services and coastal areas are threatened by storm surge attendant to the arrival of Tropical Storm Eta.

Mayor Frank Hibbard issued a Proclamation of a State of Emergency on November 11, 2020. Section 15.07(2) of the Code of Ordinances requires the City Council to confirm a Declaration of a State of Emergency at the next regularly scheduled meeting.

Councilmember Bunker moved to confirm the Declaration of a State of Emergency due to conditions surrounding Tropical Storm Eta. The motion was duly seconded and carried unanimously.

Resolution 20-61 was presented and read by title only.

Councilmember Hamilton moved to adopt Resolution 20-61. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Councilmember Hamilton, Vice Mayor Allbritton, Councilmember Bunker and Councilmember Beckman

11. City Attorney Reports – None.

12. Other Council Action – None.

13. Closing comments by Councilmembers (limited to 3 minutes)

Councilmember Bunker said he was happy to hear vaccines are coming for COVID-19 and hoped for a smooth roll-out. He asked all to stay safe.

Councilmember Hamilton wished all a Happy Thanksgiving. He congratulated Philadelphia Union Coach Jim Curtin for being named the 2020 MLS Coach of the Year.

Vice Mayor Allbritton wished all a happy holiday and safe travels for those traveling. He said PSTA rolls out the first autonomous vehicle in Pinellas County in St. Petersburg next Monday. A potential Clearwater stop may occur at the beginning of the new year. He encouraged all to see the vehicle.

Councilmember Beckman thanked all those who participated in the Paint Your Heart Out Clearwater event last week. She said it was a wonderful event with a great sense of community, unity and giving back. She thanked Neighborhoods Coordinator Jordan Moran for coordinating the City's first street mural event at the intersection of Woodlawn Street and MLK Avenue. She wished all a happy Thanksgiving.

14. Closing Comments by Mayor

Mayor Hibbard reviewed recent and upcoming events, thanked all veterans who served this country, congratulated Lenny's Restaurant for celebrating their 40th anniversary and wished all a safe and happy Thanksgiving holiday.

15. Adjourn

The meeting adjourned at 7:11 p.m.

Attest

Mayor
City of Clearwater

City Clerk