

City of Clearwater

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



Meeting Minutes

Thursday, May 20, 2021

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

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

Also Present: William B. Horne – 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.

2. Invocation - Rev. Pat Harney from Church of Scientology.**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 May Service Awards**

Six service awards were presented to city employees.

The April 2021 Employee of the Month Award was presented to John Savage, Fire.

4.2 EMS Week Proclamation, May 16-22, 2021 - Chief Ehlers and Chief Tedesco**5. Approval of Minutes****5.1 Approve the minutes of the May 6, 2021 City Council Meeting as submitted in written summation by the City Clerk.**

Vice Mayor Hamilton moved to approve the minutes of the May 6, 2021 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

Allison Dolan, Samuel McClelland, and Lucas Pereschino encouraged all to participate in Dine Out for A Difference next Thursday. Participating restaurants on Cleveland Street will donate a portion of proceeds to the Clearwater Historical Society. The event will coincide with the City's 106th birthday celebration.

Stuart Berger thanked the City for the creation of The District and requested consideration to maintain the street closure at the 400 and 500 blocks of Cleveland Street. He said there was nothing to do when he first moved into Downtown but since the 400 and 500 blocks have been closed and sidewalk cafes have been allowed, there is always something to do.

Elizabeth Davis submitted an eComment regarding allowing eComments for all city advisory board meetings (see page 21).

Andre Johnson submitted an email expressing concerns regarding the Clearwater Police Department (see page 23).

Police Chief Daniel Slaughter said he shared information regarding an incident referenced by Mr. Johnson with Council. The involved property has been the subject of 43 calls by citizens concerned with drug dealing activity. The thirty seconds referenced in the email is the 30-second buffer prior to the officer activating the body camera. Chief Slaughter said due to the oral interception statute, the Department does not capture the audio during the 30-second buffer. He said during the buffer, the video shows an interaction between the officer and Mr. Johnson, who becomes immediately confrontational and questioned why the officer was present. Chief Slaughter said the officer was dispatched to the property. The location is a regular community problem. He explained to Mr. Johnson that a copy of the video can be made available via a public records request.

7. Consent Agenda – Approved as submitted.

- 7.1** Authorize a purchase order to General Utility Pipe and Supply of Trussville, AL in an annual not-to-exceed amount of \$1,800,000.00 for the initial term of May 21, 2021 through May 20, 2022, with two one-year renewal options pursuant to Invitation to Bid No. 19-21, Polyethylene Pipe/Fittings and Steel Pipe/Fittings and authorize the appropriate officials to execute same. (consent)
- 7.2** Authorize an increase to purchase order number 21000409 to Signal 15 Inc. of Largo, FL, for the purchase of ballistic vests and vest carriers in an amount of \$35,000, bringing the total not-to-exceed annual amount to \$135,000, through September 30, 2021 and authorize the appropriate officials to execute same. (consent)
- 7.3** Approve a Contract for Purchase of Real Property located at 701 Franklin Street, by the City of Clearwater (City) for property owned by the Community Redevelopment Agency of the City of Clearwater (CRA), for a purchase price of \$525,000 and total expenditures not to exceed \$530,000; and authorize the appropriate officials to execute same, together with all other instruments required to affect closing. (consent)
- 7.4** Authorize a purchase order to Cardno Inc., of Riverview, FL for the maintenance of city-owned lakes, ponds, wetlands, and mitigation sites in the annual not-to-exceed amount of \$178,054.50 with three one-year renewal options pursuant to Request for Proposal (RFP) 22-21, Aquatic Sites Invasive Species Maintenance and authorize the appropriate officials to execute same. (consent)
- 7.5** Approve Construction Manager at Risk (CMAR) proposal from Biltmore Construction of Belleair, FL, for the Wayfinding Signs Program Phase 1 (19-0016-EN) at the guaranteed maximum price of \$995,826.00 and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve the First Amendment to the Ground Lease Agreement with Renewal Options (First Amendment) between the City of Clearwater and Jolley Trolley Transportation of Clearwater, Inc. for the ground lease of city-owned property located at 1720 Overbrook Avenue and authorize the appropriate officials to execute same. (consent)
- 7.7** Award a construction contract to Gibbs and Register Inc of Winter Garden, FL, per Invitation to Bid (ITB) 16-0003-EN and 19-0026-EN for Cleveland Street Streetscaping Phase 3 and Gateway Festival Core in the amount of \$15,215,742.30; approve a professional services agreement and work order to GAI Consultants, Inc, of Tampa, FL, per Request for Qualifications (RFQ) 13-21 in the amount of \$481,030; approve a Duke Energy proposal pursuant to Clearwater Code of Ordinances Section 2.564 (1)(b), Sole Source, in the amount of \$258,299.36 and authorize the appropriate officials to execute same. (consent)
- 7.8** Award a construction contract to TLC Diversified Inc., of Palmetto, FL, for Invitation to Bid

(ITB) 09-0024-UT Marshall Street Water Reclamation Facility (MS WRF) Digester Demolition, in the amount of \$1,599,400; approve Supplemental Two Work Order with Engineer of Record (EOR) Ardurra Group Inc., in the amount of \$100,629.40 increasing the work order from \$137,170 to \$237,799.40; and authorize the appropriate officials to execute same. (consent)

7.9 Approve Clearwater Airpark 2020 Master Plan Update. (consent)

7.10 Approve a License Agreement for the Clearwater Marine Aquarium (CMA) Island Estates (IE) Slips and authorize the appropriate officials to execute same. (consent)

7.11 Authorize a purchase order to ICON Supply, Inc., dba ICON Technologies of Tampa, FL for Yaskawa Variable Frequency Drives in an annual not-to-exceed amount of \$200,000.00 with the option for two, one-year renewals at the City's discretion pursuant to Invitation to Bid #21-21, Yaskawa Variable Frequency Drives and authorize the appropriate officials to execute same. (consent)

7.12 Approve a purchase order to NRC Gulf Environmental Services, Inc., of Fort Worth, TX, to pump, transfer and dispose leachate from the Solid Waste Transfer Station in the annual not-to-exceed amount of \$175,000 with two, one-year renewal options at City's discretion pursuant to Invitation to Bid (ITB) No. 31-21, Pump, Transport and Dispose of Leachate and authorize the appropriate officials to execute same. (consent)

7.13 Approve a Debris Management Contract with Crowder Gulf Joint Venture, Inc of Mobile, AL for disaster debris collection, reduction, and removal services and authorize the appropriate officials to execute same. (consent)

Councilmember Allbritton 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 Continue to June 17, 2021: Declare three parcels of certain real property in Section 15, Township 29 South, Range 15 East, located at 704 Court St., 710 Court St. and 701 Franklin St., in Clearwater, Florida, as surplus for the purpose of conveying the three parcels to the Pinellas Suncoast Transit Authority (PSTA) in exchange for a parcel owned by the PSTA located at the northwest corner of South Garden Avenue and Pierce Street, Clearwater, Florida, in order to effectuate PSTA's construction of a new Multimodal Transit Facility. (APH)

The City is the owner of two of the three parcels to be conveyed to the PSTA, more particularly described as:

Parcel 1: 704 Court St.-Tax Assessor Parcel Number:
15/29/15/54450/011/0020.

A part of Lots 2, 3, 8 and 9, Block 11, MAGNOLIA PARK, as recorded in Plat Book 3, Page 43, of the Public Records of Pinellas County, Florida, described as follows:

From the Southwest corner of said Block 11, run thence East, 73.45 feet for the Point of Beginning; thence run N 0 deg. 15'12" E, 314.34 feet to the South right-of-way line of Franklin Street also being the North line of said Block 11; thence S89 deg 58'00" E, along said North line of Block 11, 58.82 feet; thence S 0 deg 52'44" E, 314.34 feet to the North right-of-way line of Court Street also being the South line of said Block 11; thence West, along said South line of Block 11, 65.03 feet to the Point of Beginning.

Parcel 2: 710 Court St.-Tax Assessor Parcel Number:
15-29-15-54450-011-0030

Parcel 1

Lot 3, less the West four feet (4'); and all of Lots 4, 5, 6, and 7; and Lot 8, less the West four feet (4'), of Block 8, MAGNOLIA PARK, according to the plat thereof as recorded in Plat Book 3, Page 43, of the Public Records of Pinellas County, Florida.

AND

Parcel 2

Lot 3 lying Easterly of Railroad right-of-way and Lots 4, 5, 6, and 7 and that portion of Lot 8, lying Easterly of the Seaboard Airline Railroad spur in Block 11, MAGNOLIA PARK, according to the plat thereof as recorded in Plat Book 3, Page 43, Public Records of Pinellas County, Florida.

Together with those portions of Lots 3 and 8, Block 11 described as:

From the Northwest corner of Block 11, MAGNOLIA PARK, as recorded in Plat Book 3, Page 43, Public Records of Pinellas County, Florida, thence South 89°16'00" East, on an assumed bearing, along the North line of said block, 152.50 feet for a Point of Beginning; thence South 00°10'44" East, 194.38 feet; thence by a curve to the left, radius 804.52 feet, arc 120.45 feet, chord South 04°28'05" East, 120.34 feet to the Northerly right-of-way line of Olive Street; thence North 89°17'30" West, along said right-of-way line 24.00 feet; thence North 00°10'44" West, 314.38 feet to the North line of said block; thence South 89°16'00" East,

along said North line 15.00 feet to the Point of Beginning.

Said portions of Lots 3 and 8, Block 11 also being described as follows:

That portion of Lots 3 and 8, Block 11, MAGNOLIA PARK, according to the plat thereof as recorded in Plat Book 3, Page 43, Public Records of Pinellas County, Florida, which lies East of the East line of the land described in deed recorded in Official Records Book 10345, Page 2252, of said public records, being situate, lying and being in the County of Pinellas, State of Florida.

Of even date herewith, and as a prerequisite to this declaration, the City Council has approved that certain Contract for Purchase of Real Property by the City of Clearwater (Contract) between the City of Clearwater and the Community Redevelopment Agency of the City of Clearwater, Florida (CRA), for the sale and purchase of the third parcel (which is currently owned by the CRA), more particularly described as:

Parcel 3: 701 Franklin St.-Tax Assessor Parcel
Number:15/29/15/54450/011/0010

A part of Lots 1, 2, 9 and 10, Block "11", Magnolia Park, as recorded in Plat Book 3, Page 43 of the Public Records of Pinellas County, Florida, described as follows:

From the Southwest corner of said Block "11", run thence East, 15.0 ft; thence run N 0 deg. 42'00" W, parallel with and 15.0 ft. East of the East right of way line of East Avenue, 129.0 ft. for the Point of Beginning; thence continue N 0 deg. 42'00" W, along said line, 185.40 ft. to the South right of way line of Franklin Street, also being the North line of said Block "11"; thence S 89 deg. 58'00" E, along said North line of Block "11", 63.68 ft.; thence S. 0 deg. 15'12" W, 185.16 ft.; thence S 89 deg. 49'30" W, 60.60 ft. to the Point of Beginning.

Parcel 1, located at 704 Court St. is approximately 0.43 acres of vacant land, acquired by the City on 10/27/2011 at the purchase price of \$475,000.00 for the long-range purpose of acquiring a strategically located parcel well suited for transit and/or government purposes.

Parcel 2, located at 710 Court St. is approximately 0.94 acres of vacant land, acquired by the City on 8/26/2011 at the purchase price of \$1,950,000.00 for the long-range purpose of acquiring a strategically located parcel well suited for transit and/or government purposes.

Parcel 3, located at 701 Franklin St. is approximately 0.26 acres in size with a 5,600 SF warehouse located thereon. The parcel was acquired by the CRA on 08/05/2019 at the purchase price of \$525,000.00 for the purpose of acquiring a

strategically located parcel to assemble with the adjacent City owned parcels for future transit or governmental purposes.

This declaration of surplus shall apply to the subject parcels as the City's interest may appear as of this date, vested or equitable, and bind said parcels upon title vesting in the City at such time as the City closes on Parcel 3.

The appraised value of the combined three parcels as determined by James Millspaugh & Associates, Inc., is \$3,600,000.00 and by Tobias Realty Advisors, is \$3,300,000.00.

The following excerpts, taken from the City of Clearwater Planning Department's Downtown Development Plan, support an intermodal transit facility in downtown Clearwater.

- Objective 2J: Pursue a premium transit system between Downtown, Clearwater Beach, Tampa International Airport, and St. Pete/Clearwater International Airport.
- Objective 2D: Maintain and improve the Pinellas Trail as both a recreational amenity and as a unique opportunity for economic development. Enhance Trail connectivity from the Downtown to the waterfront and Beach. Promote Downtown Clearwater as a destination accessible by the Pinellas Trail.
- Policy 10: The CRA may evaluate participating with the private sector in land assembly to facilitate projects consistent with this Plan.
- Table 4.4: Coordinate with all transportation service providers on infrastructure and program improvements including the water taxi, trolley, bus system, rail, elevated transit, bike share and others.
- Table 4.5: Work with the County to create a comprehensive transit plan.

City management has reviewed and support declaring the three parcels surplus.

Councilmember Beckman moved to continue Item 8.1 to June 17, 2021. The motion was duly seconded and carried unanimously.

- 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 1770 St. Croix Drive, and pass Ordinances 9448-21, 9449-21, and 9450-21 on first reading. (ANX2021-02003)

This voluntary annexation petition involves a 0.152-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the west side of St. Croix Drive approximately 985 feet north of SR 590. The

applicant is requesting annexation in order to receive solid waste service from the City. The property is located within an enclave and is contiguous to existing city boundaries to the east and west. 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. Sewer service is not readily available to the applicant's 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 #48 located at 1700 N Belcher Road. 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 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 5.0 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 to the east and west; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Bunker 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 1770 St. Croix Drive. The motion was duly seconded and carried unanimously.

Ordinance 9448-21 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9448-21 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 9449-21 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9449-21 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 9450-21 was presented and read by title only. Councilmember Beckman moved to pass Ordinance 9450-21 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.3** 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 1881 Montclair Road and pass Ordinances 9451-21, 9452-21, and 9453-21 on first reading. (ANX2021-03004)

This voluntary annexation petition involves a 0.642-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the southwest corner of Montclair Road and Seton Drive. 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; therefore, the annexation will eliminate an enclave. 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 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 Seton Drive right-of-way. The applicant has not paid the City's sewer impact and assessment fees and is aware that the fees must be paid in full prior to connection and 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 #48 located at 1700 N Belcher Road. 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 is consistent with the current Countywide Plan designation of the property. 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 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 Chapter 171.044.

Councilmember Bunker 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 1881 Montclair Road. The motion was duly seconded and carried unanimously.

Ordinance 9451-21 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9451-21 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 9452-21 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9452-21 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 9453-21 was presented and read by title only. Councilmember Beckman moved to pass Ordinance 9453-21 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9461-21 on second reading, vacating a platted 10-foot utility easement located along the North 10 feet of Lot 18, Cedar Heights, according to the plat thereof as recorded in Plat Book 81, Page 85, of the public records of Pinellas County, Florida.

Ordinance 9461-21 was presented and read by title only. Councilmember Bunker moved to adopt Ordinance 9461-21 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.2** Adopt Ordinance 9462-21 on second reading, vacating a platted 5 foot utility easement, described as the West 5 feet of Lot 7, Block 69, Mandalay, recorded in Plat Book 14, Pages 32 to 35, of the public records of Pinellas County, Florida.

Ordinance 9462-21 was presented and read by title only. Vice Mayor Hamilton moved to adopt Ordinance 9462-21 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

10. City Manager Reports

- 10.1** Accept a Gas Utility Easement from NRF Pinewood, LLC, for the construction, installation, and maintenance of gas utility facilities on real property located at 3860 Tampa Road, Oldsmar FL and adopt Resolution 21-13.

NRF Pinewood, LLC (Grantor) has granted a non-exclusive five-foot wide natural gas easement, on property located at 3860 Tampa Rd, Oldsmar (Parcel ID# 23-28-16-74402-001-0010) for the installation of a natural gas distribution line. This main line will serve a commercial restaurant (Juan's Mexican Restaurant).

The easement grant is sufficient for the City to maintain and replace its facilities as necessary in perpetuity, or until such time as the City determines to abandon its use.

Councilmember Allbritton moved to accept a Gas Utility Easement from NRF Pinewood, LLC, for the construction, installation, and maintenance of gas utility facilities on real property located at 3860 Tampa Road, Oldsmar, FL. The motion was duly seconded and carried unanimously.

Resolution 21-13 was presented and read by title only. Councilmember Beckman moved to adopt Resolution 21-13. The motion was duly seconded and upon roll call, the vote was:

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

- 10.2** Accept a utility easement from CRP/WP Alta Clearwater Owner, L.L.C. for the construction, installation and maintenance of city utility facilities on real property located at

19320 U.S. Hwy. 19 N. and adopt Resolution 21-20.

The Utility Easement will allow the city rights for construction, installation and maintenance of utility facilities as the site is developed for Alta Clearwater Apartments.

The City Engineering Department recommends acceptance of the easement.

Councilmember Bunker moved to accept a utility easement from CRP/WP Alta Clearwater Owner, L.L.C. for the construction, installation and maintenance of city utility facilities on real property located at 19320 U.S. Hwy. 19 N. The motion was duly seconded and carried unanimously.

Resolution 21-20 was presented and read by title only. Vice Mayor Hamilton moved to adopt Resolution 21-20. The motion was duly seconded and upon roll call, the vote was:

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

10.3 Authorize the City of Clearwater to join the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a Unified Plan and adopt Resolution 21-19.

On February 13, 2018, the City Council authorized hiring Motley Rice, LLC. to investigate, litigate, or negotiate for settlement, actionable claims that may be pursued by the City against individuals and entities related to the marketing, prescribing, distribution, or sale of opioids.

On November 15, 2018, Motley Rice filed a complaint in the Sixth Circuit court on behalf of the City, naming multiple pharmaceutical companies and distributors as defendants.

Since then, Motley Rice has been negotiating with distributors and through bankruptcies filed by several pharmaceutical companies for a settlement to the matter.

The State of Florida has filed an action pending in Pasco County, Florida, and a number of Florida Cities and Counties have also filed an action *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the Opioid Litigation) and the City of Clearwater is a litigating participant in that action.

The State of Florida and lawyers representing certain various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement dollars from opioid related litigation. Based on the status of this litigation, the likely structure of any resolution, and the potential litigation risks in the absence of a statewide agreement, our counsel believes this proposal reflects a reasonable compromise between the State and its political subdivisions.

The Florida Memorandum of Understanding (the Florida Plan) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds. It is anticipated that formal agreements implementing the Florida Plan will be entered into at a future date. Participation in the Florida Plan by a large majority of Florida cities and counties will materially increase the amount of funds to Florida and should improve Florida's relative bargaining position during additional settlement negotiations.

Under the likely settlement structure for the cases, states and their political subdivisions are strongly incentivized to reach a joint resolution of all State and political subdivision claims. Joining with the State and other local government units means that the state and the political subdivisions will receive a substantially larger settlement amount if they are all parties to the settlement.

Under this agreement, all settlement funds received by the State of Florida and its political subdivisions must be utilized for strategies, programming and services used to expand the availability of treatment for individuals impacted by substance use disorders (Approved Purposes). A non-exclusive list of potential abatement programs and uses are included in Exhibits A and B to the agreement. These uses are intended to best serve the overall purpose and intention of this litigation, which is to abate the continuing public health crisis of opioid addiction within our communities.

This Proposal divides all settlement funds between three funds: (1) the City/County Fund; (2) the Regional Fund; and (3) the State Fund.

The City/County Fund consists of 15% of the total settlement amounts allocable to the State of Florida. These funds are distributed to all counties and qualifying municipalities in the State of Florida. The allocation of the City/County Fund between counties and municipalities is based on a model referred to as the "Negotiation Class Metrics." This model was developed in the National Prescription Opiate MDL, and considers: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county.

The Regional Fund consists of a sliding scale between 30% and 40% of the total settlement amounts allocable to the State of Florida, with the largest percentages occurring in the immediate years after settlement and decreasing

over time. In the case of counties with a population of over 300,000, and which satisfy other criteria regarding abatement infrastructure, (termed "Qualified Counties") these funds are provided directly to the county. the definition of Qualified County requires that the county reach an agreement with at least some municipalities within the county as to how these funds are spent. Specifically, they must reach an agreement with a sufficient number of municipalities such that the aggregate population of municipalities which consent to the county's use of these funds is more than half the aggregate population of individuals residing within municipalities in your County.

The State Fund consists of the remaining 45% to 55% of the total settlement amounts allocable to the State of Florida, depending on the amount of the Regional Fund above. As with the City/County Fund and Regional Fund, these funds must be spent on Approved Purposes.

The State and each local government must report its expenditures to the Department of Children and Families each year.

This agreement also establishes an Opioid Abatement Taskforce or Council. The Taskforce or Council includes appointments from municipalities, qualified counties, and non-qualified counties. The purpose of the Opioid Abatement Taskforce or Council is to advise the Governor, Legislature, Florida's Department of Children & Families and Local Governments on priorities that should be addressed as part of the opioid epidemic and to review how monies have been spent.

Through the course of negotiating these settlements and this allocation agreement, outside counsel has sought to create a separate fund for the payment of attorneys' fees. In this manner, the costs of attorneys' fees are shared by both litigating and non-litigating entities, rather than paid directly from the recovery of litigating entities, as provided in the agreement or retainer. The proposal creates a fee fund of between 0-10% of the City/County fund, depending on the degree to which litigating local governments choose to participate in this settlement. Under this proposal, counsel must first attempt to obtain a legal fee from any national fee fund established as part of any settlement. If counsel is unable to obtain their full contracted fee from that fund, counsel may then obtain additional funds from this separate fund. In most cases, this will result in a substantial reduction in the attorney's fees to counsel from what is set forth in the agreement or retainer, and will avoid the necessity of counties and cities paying the higher contingency fee directly from their recovery.

If we are not able to reach an agreement with the Attorney General's office, this may threaten the overall allocation of settlement proceeds to the State of Florida

and its local governments. This is because the settlement agreement currently under negotiation incentivize states and local governments to reach allocation agreements and penalizes those that do not.

Alternatively, there is a potential litigation risk that in the absence of an agreed upon allocation plan, the State may seek a declaration that only the State of Florida, and not its local governments, have standing to bring litigation on behalf of its citizens, threatening the ability of local governments to pursue their own lawsuits in this matter.

Councilmember Allbritton moved to authorize the City of Clearwater to join the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a Unified Plan. The motion was duly seconded and carried unanimously.

Resolution 21-19 was presented and read by title only.

Councilmember Beckman moved to adopt Resolution 21-19. The motion was duly seconded and upon roll call, the vote was:

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

10.4 Approve an Interlocal Agreement with Pinellas County to increase the Local Option Fuel Tax by \$0.05 and adopt Resolution 21-24.

Pinellas County is asking for approval of an Interlocal Agreement regarding an increase in Local Option Fuel Tax (LOFT) by \$0.01-\$0.05, with \$0.05 bringing Pinellas County to the current state cap for LOFT. This agreement does not implement or support a tax increase, it simply details how the revenue will be distributed should the BOCC implement the LOFT increase. Should the interlocal be approved, the BOCC will then discuss if they will implement the additional LOFT and to what level.

The proposed distribution is the same formula as the existing \$0.07 LOFT renewed in 2015: Pinellas County will receive 60%, with the incorporated municipalities splitting the remaining 40% based on population. St. Petersburg would get the largest share amongst the municipalities (15.33%), while Clearwater would get the second largest share (6.69%).

The county portion of the funding will fund the County's Transportation Trust Fund, which is projected to be exhausted in Fiscal Year 2022, and expenditure of both city and county distributions are limited by statute to capital improvements to transportation facilities.

Councilmember Bunker moved to approve an Interlocal Agreement with Pinellas County to increase the Local Option Fuel Tax by \$0.05. The motion was duly seconded and carried unanimously.

Vice Mayor Hamilton moved to adopt Resolution 21-24. The motion was duly seconded and upon roll call, the vote was:

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

Imagine Clearwater Groundbreaking Ceremony

Mayor Hibbard said he discussed earlier with Assistant City Manager Michael Delk regarding his concerns over the increasing costs in commodities. He requested consideration to postpone the formal groundbreaking ceremony on Monday to a date uncertain. He would like to review the estimates from Skanska before moving forward. He understands many individuals have been invited to the ceremony and staff has worked hard to plan the event, but he believes the City is on the wrong side of the agreement.

Assistant City Manager Michael Delk said staff has been working on the financial picture of the project and scheduled one-on-ones with Council to discuss the details and proposed solutions. Delaying the groundbreaking will not delay the project. He said work will begin in the next several days. Staff has identified the estimated cost for the add-backs and embellishments. The commodities market has impacted projects from coast to coast.

In response to questions, Mr. Delk said the Duke Energy infrastructure work will continue. The groundbreaking ceremony may be scheduled in August.

There was council consensus to cancel the Imagine Clearwater groundbreaking ceremony on Monday and reschedule to a date uncertain.

11. City Attorney Reports – None.

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

Vice Mayor Hamilton wished all a Happy Memorial Day weekend and said to enjoy the hot weather, it will be with us for a while.

Councilmember Allbritton encouraged all to ride AVA, PSTA's autonomous vehicle that will be in Dunedin through the summer then coming to Clearwater Beach in September. The ride is free and any one of any age can enjoy the experience.

Councilmember Beckman said there were special council work sessions the following week to go over city manager candidates and to start the Strategic Planning process. She encouraged all to go online and look at the current Strategic Plan as well as Greenprint, the City's environmental sustainability plan. She said she is hosting a meet and greet at Countryside Library on Saturday at 10:00 a.m.

Councilmember Bunker said, in response to the invocation given by Pat Harney, he does not hate Scientologists. He said she used some lofty words while reading from the works of L. Ron Hubbard regarding hate, but that the same man wrote Fair Game policy which is the real Scientology policy on hate.

13. Closing Comments by Mayor

Mayor Hibbard reviewed recent and upcoming events and welcomed the Rock House restaurant on Clearwater Beach.

14. Adjourn

The meeting adjourned at 7:15 p.m.

Attest

Mayor
City of Clearwater

City Clerk

City Council on 2021-05-20 6:00 PM

Meeting Time: 05-20-21 18:00

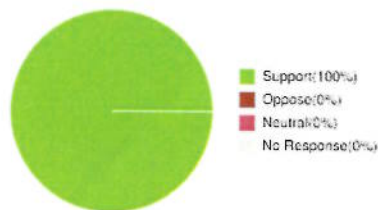
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
City Council on 2021-05-20 6:00 PM	05-20-21 18:00	41	1	1	0	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



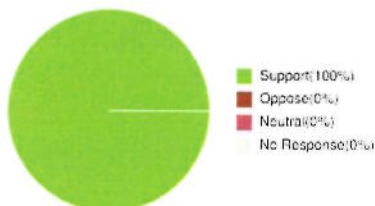
City Council on 2021-05-20 6:00 PM
05-20-21 18:00

Agenda Name	Comments	Support	Oppose	Neutral
6. Citizens to be heard re items not on the agenda	1	1	0	0

Sentiments for All Agenda Items

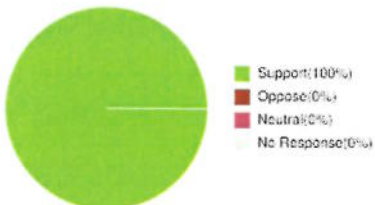
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 6. Citizens to be heard re items not on the agenda

Overall Sentiment



Elizabeth Davis

Location:

Submitted At: 1:51pm 05-20-21

Thank you for creating Advisory Boards for our City. Residents deserve to be heard, yet it is not easy to comment to advisory boards, much less show up. There are no Ecomments for these meetings. Please change this so we can respond. I would like you to encourage citizen participation by publishing the meeting dates and times on a front page of the website, listing the members and their emails so we could comment to them about our neighborhoods and successes or needs. There is a line of email information, yet it is not filled in. Our advisory boards are unreachable for the most part. This could include the opportunity to talk to your advisory board. When it comes to applying for a board position, please post applications for boards, as well as committee member opening dates. Using the calendar to teach people "these are the committees with openings coming up this year, by month", would be so transparent for everyone. It seems you expect applications 2 months out, as you vote one month out for an upcoming vacancy. Publish this information, please. Perhaps the board members should get a summary of resident "MyClearwater" requests monthly. It seems as an advisory board member, they should know what staff and residents are resolving each month. We all represent everyone in Clearwater, yet it is not easy to hear each other's voices, joys, or concerns.

I hope the website can refresh the advisory committee opportunity for us all. I am certain someone is

summarizing all "My clearwater" issues for you each month and prioritizing, so please make this available to the board members as well. The map is good on the website, but it is a blink in time, not a look at priorities of the neighborhoods over time. Thank you for your work.

Call, Rosemarie

From: Urban Angels Transport LLC <urbanangelstransport@hotmail.com>
Sent: Wednesday, May 19, 2021 3:04 PM
To: ClearwaterCouncil
Subject: Citizens to be heard re items, not on the agenda

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor & City Council,

During the Belleair / Bellevue community meeting on May 4th, I presented an issue to the committee about the unethical and unprofessionalism of Officer Kevin Vign on May 3rd in the Belleair / Bellevue Community Meeting. The request for the Belleair / Bellevue Community members to review the Body Cam footage of Officer Kevin Vign and the two responding backup officers was denied by L.T Johnson and Chief Slaughter.

On May 5th at the Ross Norton Recreational Center Chief Slaughter met with me and 3 other members of the Belleair/ Bellevue Community Committee. During that meeting, I explained the reason why my complaint was submitted to the City Managers portal for a safe and secure submission because when a citizen makes a physical appearance to make an Internal Affairs complaint they are waiting in the CPD lobby for an hour or more. Usually, an officer who is NOT Office Of Professional Standards/Internal Affairs is dispatched to the lobby to discuss the complaints with the citizen. To my knowledge, Largo Police Department and Pinellas County Sheriff Offices have Carbon Copy Internal Affair Complaint forms with the Perjury Statue for initialing and a section for supporting facts. These forms require a notary and signature from the Citizen and the Internal Affair Officer. Then the citizen is provided a copy of the signed and notarized document of the complaint. Chief Slaughter uses a mail-in letter system to himself and not to the Office Of Professional Standards/ Internal Affairs on such forms mentioned. This is on the CPD Complaint Pamphlet which has not been revised since 2015 putting the pamphlet 6 years out of date with the current 2021 amended Complaint information and email addresses.

After covering these issues with Cheif Slaughter and asked about the footage, the Cheif said for 30 seconds while officer Kevin Vign was confronting the girls, there is no sound during that period. This response by the Cheif is what brought on the request to have the community members and Church leaders review the body Cam footage. That's the first step in gaining trust with the communities. On May 6th I attended the Meeting Agenda with City Council to cover these issues and request That Body Cam Footage and Police Reform be placed on the agenda before the council with Cheif Slaughter Present, but Cheif Slaughter departed the Council Chambers during the Citizens to be heard re items, not on the agenda. Clerk Anna was inquiring feedback from Chief Slaughter to help clarify questions about the conflict of the City Code Ordinance and Florida Statue but Cheif Slaughter wasn't present. So out of respect to Cheif Slaughters' absence, I didn't address the issue to City Council. These are issues that the Council should not be in the dark about but then brought to the light due to the liability of an Unethical or unprofessional employee of our City. Thank you for your time and patience. Thank you for the role you all have taken on for our City. Thank you for all of your hard work. God Bless You All.

Respectfully Submitted,
Andre T. Johnson
Belleair/Bellevue Community Member

Sent from Urban Angels Transport Service LLC

