Present: Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, and Councilmember Bill Jonson.

Also Present: William B. Horne II - City Manager, Jill S. Silverboard - Assistant City Manager, Rod Irwin - Assistant City Manager, Pamela K. Akin – City Attorney, Rosemarie Call - City Clerk, and Nicole Sprague – Official Records and Legislative Services Coordinator.

Unapproved

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

1. **Call to Order - Mayor Frank Hibbard**

The meeting was called to order at 6:00 p.m. at City Hall.

2. **Invocation – Minister Timothy Smith from New Destiny Worship Center**

3. **Pledge of Allegiance - Mayor Frank Hibbard**

4. **Presentations – Given.**
   4.1 **Service Awards**

   The March 2011 Employee of the Month Award was presented to Mark Snurr, General Services.

   4.2 **Big Brothers Big Sisters Presentation - Christa Wingert, Volunteer Coordinator & Big Sister**

   Ms. Wingert provided a video presentation and requested individuals interested in volunteering to contact the organization.

   4.3 **Women’s History Month Proclamation, March 2011 - Dana Garlick, President of the American Association of University Women, Clearwater Branch**
4.4 Civitan Appreciation Month Proclamation, April 2011 – Frank Kelley, Civitan Member and Susan Meier, Clearwater Civitan Club President

4.5 Clearwater Bombers Day Proclamation, March 19, 2011 – Dean Robinson, Bomber Day Coordinator and Mike Sanders, Clearwater Historical Society, President

5. Approval of Minutes
5.1 Approve the minutes of the March 3, 2011 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Bill Jonson moved to approve the minutes of the March 3, 2011 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

Robert Schulman expressed concerns with bicyclists using road instead of sidewalk.

Public Hearings - Not before 6:00 PM

7. Administrative Public Hearings
7.1 Approve an amended Development Agreement between L.O.M. Inc. (the property owner) and the City of Clearwater (previously DVA2009-00004 and approved by City Council on February 18, 2010) to modify the scope of the project with regard to the developable square footage for the retail and restaurant uses, and the off-street parking to be provided for those uses (FLD2010-12033) and adopt Resolution 11-07.

The 0.99-acre subject property is located between S. Gulfview Boulevard and Coronado Drive, approximately 200 feet south of Third Street.

On February 15, 2011, the Community Development Board (CDB) approved a Flexible Development application (FLD2010-12033) to amend the previously approved FLD2009-09032 (CDB approved on December 15, 2009) to permit 34,007 square feet of retail sales and services floor area (and Beach Walk Thru Area), 9,018 square feet of restaurant floor area and a 344 parking space parking garage (44 parking spaces for the retail sales and services and restaurant uses, and 300 public parking spaces). This application would result in 176 square feet less retail sales and services floor area (and area devoted to the Beach Walk Thru Area).
Area), 2,131 square feet more restaurant floor area, and 5 fewer parking spaces for the retail/restaurant uses than previously approved. The FAR would be increased by 0.05; however, the height (to highest parking deck) would remain the same.

The proposed Development Agreement will amend the previously approved Development Agreement as follows:
Establishes that the term Project means, generally, the development and construction of a 39,229 square feet retail/commercial project with 44 parking spaces, and a commercial parking garage containing 300 parking spaces open to the public;

Separates the project into a Retail Unit(s) (total of 43,025 square feet of retail/commercial floor area on the ground floor consisting of approximately 34,007 square feet of retail space [does not include the Beach Walk Thru Area], 9,018 square feet of restaurant space and 44 parking spaces on the second floor);

and
Includes the formation of a three-unit condominium for the project consisting of a Parking Unit and two (2) Retail Units, one of which will include approximately 9,018 square feet of restaurant space and the other of which will include the remainder of the Retail Unit (approximately 34,007 square feet of retail space, the Beach Walk Thru Area, and 44 parking spaces).

The Community Development Board reviewed this Amendment at its public hearing on February 15, 2011 and unanimously recommended

In response to questions, Planning and Development Director Michael Delk said the project is not considered destination-retail and not the driver for trip generation. The beach is the driver for trip generation. The first floor is retail space, approximately 1 FAR. Traffic Operations Manager Paul Bertels said the parking garage will have pay-stations and employee parking will be designated underneath the first deck of parking.

Councilmember George N. Cretekos moved to approve an amended Development Agreement between L.O.M. Inc. (the property owner) and the City of Clearwater (previously DVA2009-00004 and approved by City Council on February 18, 2010) to modify the scope of the project with regard to the developable square footage for the retail and restaurant uses, and the off-street parking to be provided for those uses (FLD2010-12033). The motion was duly seconded and carried unanimously.

Resolution 11-07 was presented and read by title only. Councilmember Paul Gibson moved to adopt Resolution 11-07. The motion was duly seconded and upon roll call, the vote was:
"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

8. **Second Readings - Public Hearing**

8.1 **Adopt Ordinance 8234-11 on second reading, annexing certain real property whose post office addresses are 1809 and 1836 Diane Drive, 2762, 2763, 2766, 2767, 2770, 2771, 2774, 2775, 2778, 2779, 2782, 2783, 2786, 2787, 2790, and 2791 Diane Terrace, 1724, 1765, and 1772 El Trinidad Drive East, 1704, 1721, 1724, 1725, 1728, 1733, and 1737 Evans Drive, 1721, 1724, 1747, and 1750 Grove Drive, 1717, 1740, and 1747 Lucas Drive, 1817 and 1831 Marilyn Drive, 1813, 1819, 1824, and 1831 Skyland Drive, 2740, 2751, 2759, and 2770 Terrace Drive, 1704, 1721, 1729, 1737, and 1755 Thomas Drive, together with abutting right of way of Diane Terrace, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 8234-11 was presented and read by title only. Councilmember Bill Jonson moved to adopt Ordinance 8234-11 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

8.2 **Adopt Ordinance 8235-11 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office addresses are 1809 and 1836 Diane Drive, 2762, 2763, 2766, 2767, 2770, 2771, 2774, 2775, 2778, 2779, 2782, 2783, 2786, 2787, 2790, and 2791 Diane Terrace, 1724, 1765, and 1772 El Trinidad Drive East, 1704, 1721, 1724, 1725, 1728, 1733, and 1737 Evans Drive, 1721, 1724, 1747, and 1750 Grove Drive, 1717, 1740, and 1747 Lucas Drive, 1817 and 1831 Marilyn Drive, 1813, 1819, 1824, and 1831 Skyland Drive, 2740, 2751, 2759, and 2770 Terrace Drive, 1704, 1721, 1729, 1737, and 1755 Thomas Drive, together with abutting right of way of Diane Terrace, upon annexation into the City of Clearwater, as Residential Low (RL) and Drainage Feature Overlay.
Ordinance 8235-11 was presented and read by title only. Vice Mayor John Doran moved to adopt Ordinance 8235-11 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

8.3 Adopt Ordinance 8236-11 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office addresses are 1809 and 1836 Diane Drive, 2762, 2763, 2766, 2767, 2770, 2771, 2774, 2775, 2778, 2779, 2782, 2783, 2786, 2787, 2790, and 2791 Diane Terrace, 1724, 1765, and 1772 El Trinidad Drive East, 1704, 1721, 1724, 1725, 1728, 1732, and 1737 Evans Drive, 1721, 1724, 1747, and 1750 Grove Drive, 1717, 1740, and 1747 Lucas Drive, 1817 and 1831 Marilyn Drive, 1813, 1819, 1824, and 1831 Skyland Drive, 2740, 2751, 2759, and 2770 Terrace Drive, 1704, 1721, 1729, 1737, and 1755 Thomas Drive, together with abutting right of way of Diane Terrace, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 8236-11 was presented and read by title only. Councilmember George N. Cretekos moved to adopt Ordinance 8236-11 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

8.4 Adopt Ordinance 8246-11 on second reading, amending the Code of Ordinances, Appendix A, Subject XI, Parks, Beaches, Recreation; establishing minimum rate for non-resident fees and providing additional criteria in establishing the class of city residents for the purpose of applying fees.

Ordinance 8246-11 was presented and read by title only. Councilmember Paul Gibson moved to adopt Ordinance 8246-11 on second and final reading. The motion was duly seconded and upon roll call the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None
City Manager Reports

9. **Consent Agenda**

9.1 Ratify and confirm settlement of the liability claim of C X Industries of Virginia LLC, landlord to Intolan Computers, in an amount not to exceed $41,000. (consent)

9.2 Approve the Third Amendment to the Community Sports Facility Use Agreement between the City of Clearwater, Florida and Phillies Florida, LLC providing for terms that will allow the Phillies to use property purchased by the City at 650 Old Coachman Road and authorize the appropriate officials to execute same. (consent)

9.3 Ratify and Confirm Change Order 2 and Final to Custom Built Marine Construction, Inc. of Stewart, Florida for the Clearwater Beach Boat Ramp Project (06-0049-MA) in the amount of $19,615.35 for a revised contract amount of $191,070.37 and extend the contract 67 days. (consent)

9.4 Approve a 5-year Management Agreement with Robert E. and Patricia A. Smith to oversee 426 acres, more or less, of city-owned agricultural lands in Sections 19 and 20, Township 27 South, Range 16 East, Hillsborough County, Florida, in consideration of fulfilling the undertakings, promises and agreements contained therein, and authorize the appropriate officials to execute same. (consent)

9.5 Ratify and confirm R.A.M. Excavating, Inc., of Palm Harbor, Fl, construction contract for Morningside Neighborhood Traffic Calming project (07-0008-EN) adding 125 calendar days to the contract and approve a supplemental work order to Engineer of Record (EOR)PBS and J of Tampa, FL, for additional Construction Engineering and Inspection (CEI) services increasing the work order amount by $70,886.38 for a new work order total of $169,705.18. (consent)

9.6 Approve a Work Order to Engineer of Record Reiss Engineering Inc. for Stormwater Modifications to Town Pond in the amount of $294,569. (consent)

Vice Mayor John Doran moved to approve the Consent Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

10. **Other Items on City Manager Reports**

10.1 Amend the City’s fiscal year 2010/2011 Operating and Capital Improvement Budgets at first quarter and pass Ordinances 8248-11 and 8249-11 on first
The fiscal year 2010/2011 Operating and Capital Improvement Budgets were adopted in September 2010 by Ordinances 8216-10 and 8217-10. Section 2.521 of the City’s Code of Ordinances requires the City Manager to prepare a quarterly report detailing income, expenditure estimates, collections, the explanation of significant variances, as well as the financial status of all capital improvement projects. The memorandum and the report provide this information and outline the issues at first quarter that require amendment.

Ordinance 8248-11 was presented and read by title only. Vice Mayor John Doran moved to pass Ordinance 8248-11 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

Ordinance 8249-11 was presented and read by title only. Councilmember George N. Cretekos moved to pass Ordinance 8249-11 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

10.2 Approve the purchase of property and equipment breakdown insurance from April 1, 2011 to April 1, 2012, at the level of insurance provided for in this agenda item, at amount not to exceed $1,850,000, and authorize the appropriate officials to execute same.

The Risk Management Division of the Finance Department has requested Arthur J. Gallagher and Co. (Florida) to obtain quotes for the property insurance program expiring April 1, 2011.

Risk Management is recommending a $45 million limit with a $45 million or $30 million Flood sub-limit (depending on property location). The self-insured retention (SIR) would remain at $100,000 per occurrence, with a 5% or $500,000 SIR (whichever is greater) for named storms.
Additionally, Risk Management is recommending a stand-alone policy to insure Brighthouse Field in the amount of $27 million, at an annual premium of approximately $104,374. This program would incorporate a $75,000 self-insured retention for All Other Perils and a $1.2 million self-insured retention for named storms.

The total property insurance premium, including the layered premium total of $1,673,019, and the Brighthouse Field premium of $104,374, is estimated at $1,777,393. Additionally, Risk Management recommends that the City renew its Equipment Breakdown policy with Travelers at a premium of $11,286. Finally, the requested $1,850,000 includes a contingency of $61,321 for increased properties throughout the year.

This insurance coverage as recommended has several enhancements to last year’s program. The Property limit on the layered program has been increased to $45 million from $35 million. The Flood sub-limit on the layered program has been increased to $45 million from $30 million (for certain properties). An additional $27 million in capacity for a stand-alone policy for Brighthouse Field. The primary layer of insurance has remained with the same carriers, although the amount in the primary layer has changed from $20 million to $10 million. Some of the carriers in subsequent layers have changed.

Risk Management believes that should the coverage as recommended be placed, the City’s property risks are covered at levels and rates which, when taken together as a whole, represent a reasonable insurance program for the City.

In response to questions, Risk Manager Sharon Walton said the $50 million coverage would cost $1,723,019.00 and $55 million coverage would cost $1,748,000.00.

Councilmember George N. Cretekos moved to approve the purchase of property and equipment breakdown insurance from April 1, 2011 to April 1, 2012, at the $50 million level of insurance, at amount not to exceed $1,850,000, and authorize the appropriate officials to execute same. The motion duly seconded and upon the vote being taken, Councilmembers George N. Cretekos, Paul Gibson, and Bill Jonson voted “Aye” and Mayor Frank Hibbard and Vice Mayor John Doran voted “Nay.”

Motion carried.

10.3 Approve co-sponsorship and waiver of requested city fees and service charges for Fiscal Year 2011/2012 special events, including three annual City events and ten City co-sponsored events, at an estimated General Fund cost of $370,140 ($29,300 cash contributions and $340,840 in-kind contributions) and Enterprise Fund cost and fee waiver of $73,230 for the purposes of departmental budget
According to City Council Policy, Item M, Special Event Fees, there shall be an annual review of city sponsored/co-sponsored events during the budget process.

An agenda item approving co-sponsorship and level of support for these events will be brought before the City Council at the beginning of the budget process each fiscal year. In the event additional money is requested beyond what is included in the approved budget, City Council approval will be needed. The chart shows the recommended level of cash and in-kind contributions to be included in the various departmental budgets for Fiscal Year 2011/2012 for city sponsored and co-sponsored special events. In addition, there is a list of 37 additional special events requiring some type of in-kind support from the Parks and Recreation Special Events Division during Fiscal Year 2011/2012.

Major decreases for Fiscal Year 2011/2012:
Clearwater Celebrates America - A decrease of $47,280 in costs is expected following efficiency cuts by Parks and Recreation, Police and Gas. Staff recommends securing a $40,000 sponsorship for the fireworks or cancelling the event. This item reflects securing the partnership. If funding is secured, the fireworks launch will continue from the west side of Memorial Causeway Bridge to alleviate additional funding needed for barge placement.

Ironman 5150 - With the transition from the Ironman 70.3 Triathlon, the 5150 race will require less support from the City. As a first-year event, expected costs will decrease by approximately $49,560; most of the decrease comes from Police and Parking. A future agenda item will come forward with a new agreement to Council.

Increases for Fiscal Year 2011/2012:
Clearwater Veterans Alliance - This event is new to the Special Events process but not new to the City. The Clearwater Veterans Alliance has partnered with the City for several years to provide a Veterans Day event. In previous years, the City provided funding through Non-Dept. Budget Fund; $10,000 in cash and $4,680 of in-kind services to support the event.

Clearwater Beach Uncorked - This is a new event to be held at Clearwater Beach, inspired from the former Tampa Bay Wine and Food Festival in St. Petersburg. City costs are estimated at $11,690 for the third weekend in November. Cash Requests of $29,300 is the same as Fiscal Year 2010
contributions due to the inclusion of the Clearwater Veterans Alliance ($10,000) request.

The requests by Clearwater Jazz Holiday ($14,550) and the Martin Luther King, Jr. Day March and Rally ($4,750) remain the same as Fiscal Year 2010. An increase of $2,080 in Enterprise Fund is due to the opening of the Clearwater Harbor Marina and event impacts to that operation.

Parks and Recreation Director Kevin Dunbar said the total cost for the Fun-N-Sun event is $326,000. Last year, Fun-N-Sun activities totaled approximately 35,000 attendees.

Concerns were expressed with reducing the fireworks display for the Clearwater Celebrates America event. There was consensus to reduce the Clearwater Veterans Alliance event by $5,000.00.

Councilmember Bill Jonson moved to delete the Clearwater Beach Uncorked event from the list.

    Motion failed for lack of second.

Discussion ensued regarding sponsorship opportunities for special events.

Councilmember Paul Gibson moved to delete the Fun-N-Sun event from the special events budget. The motion was duly seconded and upon the vote being taken, Councilmembers Bill Jonson and Paul Gibson voted “Aye”; Mayor Frank Hibbard and Vice Mayor John Doran and Councilmember George N. Cretekos voted “Nay”.

    Motion failed.

Vice Mayor John Doran moved to approve Item 10.3 as amended, including the $5,000.00 reduction to the Clearwater Veterans Alliance. The motion was duly seconded and carried unanimously.

10.4 Authorize an agreement with CSX Transportation, Inc., for installation of one (1) 12-inch reclaimed water main in the CSX right-of-way as part of the Skycrest Reclaimed Water Project - CSX and Keene Road Jack and Bore; approve Pipeline Crossing Agreement CSX-662702; authorize the appropriate officials to execute same and adopt Resolution 11-08.
A work order for consultant services was approved on April 29, 2010 for design, preparation of construction plans, and permitting for the Skycrest Reclaimed Water Project (L695) - CSX and Keene Road Jack and Bore, which is included as part of the first amendment to the cooperative funding agreement between SWFWMD (Southwest Florida Water Management District) and the City of Clearwater approved by the City on November 4, 2010.

The 12-inch reclaimed water main crossing is along Keene Road under the CSX railroad, which will allow for future expansions of the existing reclaimed water system to the Clearwater residents and business on the northern side on CSX Right-of-Way. CSX requires an Agreement to cover the costs of encroaching, construction risk and to provide the terms and conditions associated with placing a pipeline underneath their railway system.

The cost to the City will be $500 for a license fee, $375 for General Liability Insurance Surcharge, $750 for railroad protective liability insurance, and $150.00 for a project coordination fee for a total cost of $1,775.00. Sufficient budget and funding with 2009 Water and Sewer Revenue Bond proceeds is available in project 0376-96739, Reclaimed Water Distribution System.

Councilmember George N. Cretekos moved to authorize an agreement with CSX Transportation, Inc., for installation of one (1) 12-inch reclaimed water main in the CSX right-of-way as part of the Skycrest Reclaimed Water Project - CSX and Keene Road Jack and Bore; approve Pipeline Crossing Agreement CSX-662702; authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 11-08 was presented and read by title only. Councilmember Paul Gibson moved to adopt Resolution 11-08. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

10.5 Amend Section 2.251, Code of Ordinances, Sister Cities Advisory Board Composition and pass Ordinance 8250-11 on first reading.
At the Council Work Session on February 15, 2011, Council directed an amendment to the Sister Cities Advisory Board Composition ordinance to provide that the representative from Clearwater Sister Cities, Inc. is not required to be a resident of the City of Clearwater.

Councilmember Bill Jonson moved to amend Section 2.251, Code of Ordinances, Sister Cities Advisory Board Composition. The motion was duly seconded and carried unanimously.

Ordinance 8250-11 was presented and read by title only. Vice Mayor John Doran moved to pass Ordinance 8250-11 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor John Doran, Councilmember George N. Cretekos, Councilmember Paul Gibson, Councilmember Bill Jonson

"Nays": None

10.6 Approve a subordination agreement in favor of BB and T and approve the modification of the City’s reverter on the Clearwater Marine Aquarium Property and authorize the appropriate officials to execute same.

At the January 13, 2011, City Council authorized negotiation and drafting of a subordination agreement and modification of the reverter rights held by the City in a portion of the Clearwater Marine Aquarium Property. BB and T is requesting that the city agree to subordinate its reverter interest to up to $8.6 million dollar loan. The subordination Agreement provides among other things that:

The City subordinate its reverter rights applicable to Parcel 1 to BB and T’s mortgage of $8,600,000. As presently drafted, the Subordination Agreement precludes any action on behalf of the city to enforce the reverter or other restrictions on the property unless the city first pays off the existing indebtedness on the Aquarium.

In return for the City's subordination, BB and T will provide the City with the right of first refusal to acquire its first mortgage position and/or title, if applicable, to Parcels 1, 2 and 3, should the City elect to exercise its reverter rights by paying off the existing indebtedness in the event of the Aquarium's default or demise.

In addition, the subordination agreement will include provisions preventing additional loans secured by these parcels and will include prohibitions on the replenishment of the debt as the outstanding balance is paid down, absent City
approval. (The $8,600,000 loan is at a 1.79% interest rate, twenty-year amortization, with a ten-year balloon).

The City will have no obligation to purchase the mortgage, nor is the City guaranteeing any debt.

Should the Aquarium fail and/or default on the outstanding indebtedness, and BB and T pursues its mortgage rights, the City would have the option to either obtain control of the entire CMA campus (all Parcels) in return for payment of the then existing debt balance, or waive this option, with BB and T then able to proceed with foreclosure on the Parcels.

Councilmember George N. Cretekos moved to approve a subordination agreement in favor of BB and T and approve the modification of the City's reverter on the Clearwater Marine Aquarium Property and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

10.7 Review and provide direction regarding RFP (Request for Proposals) developed by staff for establishing a Red Light Running Program.

This is an RFP (Request for Proposals) developed by Traffic Operations Division of Engineering and the Police Department for submittal to various Red Light Camera Vendors.

The initial deployment will be for two intersections to be equipped with red light cameras.

The deployment is for a trial period of up to two years with the ability to terminate the program with 90 days notice.

The Vendor is required to provide this service in a cost neutral fashion.

The city will have the option of terminating cameras at a given intersection with ten days notice.

Councilmember George N. Cretekos moved to table Item 10.7. The motion was duly seconded and upon the vote being taken: Councilmembers George N. Cretekos and Paul Gibson voted “Aye”; Mayor Frank Hibbard, Vice Mayor John Doran and Councilmember Bill Jonson voted “Nay”.

Motion failed.
It was suggested that a steering committee be established to set program objectives, identify legal requirements, assess system procurement alternatives, establish a public awareness campaign and establish a process to measure, evaluate and report safety measures.

In response to a question, Traffic Operations Manager Paul Bertels said there are cameras along Belcher Road and Gulf to Bay Boulevard.

Discussion ensued regarding legislation being considered by the State Legislature that would not allow municipalities to install red light cameras. It was stated that issuing an RFP is not obligating the City to sign a contract but keeps the process of seeking a proposal moving forward.

In response to a concern, the City Attorney said initially there would be substantial staffing resources required to evaluate cases but expect to drop over time. Additional Legal staff may be needed.

Vice Mayor John Doran moved to issue an RFP developed by staff for establishing a Red Light Running Program. The motion was duly seconded and upon the vote being taken, Mayor Frank Hibbard, Vice Mayor John Doran and Councilmember Bill Jonson voted “Aye”; Councilmembers George N. Cretekos and Paul Gibson voted “Nay”.

Motion carried.

The Council recessed from 7:45 p.m. to 7:56 p.m.

Miscellaneous Reports and Items

11. City Manager Verbal Reports

11.1 Budget Hearing Dates - September 2011

The first public hearing must be held between September 3rd and September 17th.

Public hearings cannot be scheduled on the hearings dates of the Pinellas County Commission or School Board

September 6 - County Commission
September 13 - School Board
September 15 - County Commission
The City’s current schedule for September City Council meetings is September 1 and September 15. The September 1 Council meeting date does not fall within the TRIM calendar criteria, and the September 15 date is in conflict with the County Commission meeting.

Options
Reschedule both September City Council meetings to September 8 and 22 and hold the public hearings on those evenings.

Maintain the current City Council meeting schedule, and set special meeting dates for the budget public hearings.

Note: The second public hearing must be held within 20 days of the first public hearing.

There was consensus to schedule budget hearings on September 14 and 29, 2011 at 6:00 p.m. The September 15 council meeting was rescheduled to September 14; no work session will be held on September 13.

11.2 Briefing on Tampa Bay Partnership's Blueprint for Economic Development Initiative

Assistant City Manager Rod Irwin said the Tampa Bay Partnership is about to roll out a multiyear initiative called the Blueprint for Economic Development. It is expected the initiative will diversity the region’s economic base and develop the next generation of jobs. Research shows dedicating resources on a communitywide basis towards areas of the economy that grow and expand.

12. Other Council Action
12.1 Capital Recovery Formula - Councilmember Gibson

Councilmember Paul Gibson reviewed the methodology for calculating capital recovery fees in the current non-resident formula provided by Parks and Recreation Director, Kevin Dunbar. He expressed concerns with the zero capital cost assumption and the 20-year project assumption. Councilmember Gibson suggested that projects be amortized over the useful life of the asset funded with Penny for Pinellas funds and capital cost assumption should be 5%.

Discussion ensued with concerns expressed that raising non-resident fees will discourage participation and diminish quality of life Clearwater provides to residents and
non-residents. It was stated that the amount of money non-residents pay for an annual play pass does not cover their costs.

12.2 Renaming Clearwater Beach Marina - Mayor Hibbard

Marine and Aviation Director Bill Morris reviewed marketing material for the Clearwater Beach Marina and the Clearwater Harbor Marina.

Councilmember Paul Gibson moved to use the marketing material titled Clearwater Municipal Marinas. The motion was duly seconded and carried unanimously.

12.3 Clearwater Harbor Marina Free Parking Pass - Councilmember Gibson

Discussion ensued regarding providing free parking passes for the metered spaces to individuals renting a boat slip.

In response to questions, Marine and Aviation Director Bill Morris said there are 50 occupied boat slips currently. The annual parking pass is $250.00. A monthly parking pass is available for $25.00. Mr. Morris said individuals typically use the parking lots at the Harborview Center or the rear lot at City Hall, which are free. At the Clearwater Beach Marina, 177 boat slips are occupied currently; occupants are not offered free parking.

Vice Mayor John Doran moved to pull the parking meters at the Clearwater Harbor Marina. The motion was duly seconded and carried unanimously.

12.4 Business Forum - Mayor Hibbard

Vice Mayor John Doran moved to invite the following to become members and confirm availability and willingness: David Allbritton; Brian Aungst, Jr., Alan Bomstein, Joe Burdette, Katie Cole, Bill Day, Alan Ebbert, Paul Engelhardt, Steve Fowler, Gene Gillespie, Shelley Kuroghlian, Russ Kimball, Mark Kline, Jeff Kronschnabl, Bob Longnecker, Robert Pergolizzi, Alex Plisko, Duane Schultz, and P.J. Shah. The motion was duly seconded and carried unanimously.
12.5 Report on the latest status of the County's proposed digital billboard ordinance and 2011 Legislative Bills pending relating to advertising on FDOT property - Councilmember Jonson

Councilmember Bill Jonson said in September 2010 Council provided Pinellas County with suggestions regarding the draft digital billboard ordinance and the following are updates to those suggestions: 1) The County included a provision that would keep all digital billboards on federal A primary highways, 2) There will be a 400 foot spacing from residential neighborhoods, 3) The County will allow billboards to be up to 40 feet tall, and 4) Rules require that the message must stay for 15 seconds and that there could not be more than two signs within 2,500 feet. If the rules are violated 3 times, the digital board will have to be converted to a fixed board.

Councilmember Bill Jonson reviewed legislation being considered by the Florida Legislature. If passed, Senate Bill 560 and House Bill 313, the Revenue Enhancement Act of 2011, would allow naming rights for state transportation facilities and to lease commercial space on transportation property for advertising. This could mean billboards on retention ponds and advertisements on the sides of overpasses. Councilmember Jonson said he contacted State Senator Jack Latvala and expressed concerns regarding proposed legislation preempting local authority.

12.6 Advisory Boards - Residency Requirements

At the February 28, 2011 work session, Council directed staff to provide alternative residency requirements for advisory board membership.

In addition to the qualifications specified for board membership, a person appointed to a board shall be a resident of the city at time of appointment and shall maintain residency within the city during the term of appointment and meet one of the following criteria:

- Be a registered voter in Pinellas County, or
- Own real property in the city, or
- Provide a valid State of Florida Driver's License issued to an address within city limits, or
- Provide a Declaration of Domicile

It was suggested that staff confirm addresses listed on Florida Driver’s License is located within the City and verify voter registration address information is located within city limits.
Councilmember Paul Gibson moved to approve Item 12.6 with the following residency requirements criteria for advisory boards: registered voter within city limits, Florida Driver's License reflecting an address within city limits, Declaration of Domicile affirming residency within city limits, or owner of residential or owner occupied commercial property within city limits.

Motion failed for lack of second.

Councilmember Bill Jonson moved to approve the following residency requirements criteria for all advisory boards, except those advisory boards with specific profession requirements: be a registered voter in city limits, own real property in the city, or provide a valid State of Florida Driver's License issued to an address within city limits, or provide a Declaration of Domicile affirming residency within city limits.

Motion failed for lack of second.

Vice Mayor John Doran moved to approve policy where there is a residency requirement, one of the following forms will be accepted as proof of residency: registered voter within city limits, own real property in the city, or a valid State of Florida Driver's License issued to an address within city limits, or a Declaration of Domicile affirming residency within city limits. The motion was duly seconded and upon the vote being taken, Vice John Doran and Councilmembers George N. Cretekos, Paul Gibson and Bill Jonson voted “Aye”; Mayor Frank Hibbard voted “Nay”.

Motion carried.

12.7 Council trip to Tallahassee during 2011 Legislative Session - Councilmember Jonson

There was consensus not to schedule an official Council trip to Tallahassee this year.

12.8 Proposed Legislation regarding short term rentals - Councilmember Jonson

Concerns were expressed regarding proposed legislation that would preempt the City’s ability to regulate short-term rentals in residential areas.

One individual spoke in opposition to the proposed legislation.
Staff was directed to draft a letter opposing legislation to Pinellas County Legislative Delegation and one to Sen. Jones, Regulated Industries Committee Chair; and add issue to State Legislative Package.

13. Closing Comments by Mayor

Mayor Frank Hibbard reviewed recent and upcoming events.

14. Adjourn

The meeting was adjourned at 9:38 p.m.

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Attest

Mayor
City of Clearwater

__________________________________________

City Clerk