



City Council Agenda

Location: Council Chambers - City Hall

Date: 5/3/2007- 6:00 PM

Welcome. We are glad to have you join us. If you wish to speak, please wait to be recognized, then state your name and address. Persons speaking before the City Council shall be limited to three (3) minutes unless otherwise noted under Public Hearings. For other than Citizens to be heard regarding items not on the Agenda, a spokesperson for a group may speak for three (3) minutes plus an additional minute for each person in the audience that waives their right to speak, up to a maximum of ten (10) minutes. Prior to the item being presented, please obtain the needed form to designate a spokesperson from the City Clerk (right-hand side of dais). Up to thirty minutes of public comment will be allowed for an agenda item. No person shall speak more than once on the same subject unless granted permission by the City Council. The City of Clearwater strongly supports and fully complies with the Americans with Disabilities Act (ADA). Please advise us at least 48 hours prior to the meeting if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. Kindly refrain from using beepers, cellular telephones and other distracting devices during the meeting.

1. Call to Order

2. Invocation

3. Pledge of Allegiance

4. Presentations

4.1 Proclamation: Be Kind to Animals Week - American Humane Society

 [Attachments](#)

4.2 Proclamation: EMS Week

 [Attachments](#)

4.3 Proclamation: National Tourism Week - Beth Coleman

 [Attachments](#)

4.4 Ruth Eckerd Hall Update - Robert Freedman

 [Attachments](#)

5. Approval of Minutes

5.1 Approve the minutes of the April 19, 2007 City Council Meeting as submitted in written summation by the City Clerk.

 [Attachments](#)

6. Citizens to be Heard re Items Not on the Agenda

Public Hearings - Not before 6:00 PM

7. Administrative Public Hearings

- Presentation of issues by City staff**
- Statement of case by applicant or representative (5 min.)**
- Council questions**
- Comments in support or opposition (3 min. per speaker or 10 min maximum as spokesperson for others that have waived their time)**
- Council questions**
- Final rebuttal by applicant or representative (5 min.)**

- Council disposition

- 7.1 Approve the Petition for Annexation, Future Land Use Plan Amendment from the County Residential Low (RL) & Commercial General (CG) Categories to the City Residential Low (RL) & Commercial General (CG) Categories and Zoning Atlas Amendment from the County R-4, One, Two & Three Family Residential & C-2, General Retail Commercial and Limited Services Districts to the City Low Medium Density Residential (LMDR) & Commercial (C) Districts for 205 North Belcher Road (2212-2216 Drew Street & 2205 Norman Drive) (M/B 33/12 Lot 2, 30, & 29 Block D, Temple Terrace Subdivision in Section 7, Township 29 South and Range 16 East); and Pass Ordinances 7784-07, 7785-07 and 7786-07 on first reading.

 [Attachments](#)

8. Second Readings - Public Hearing

- 8.1 Adopt Ordinance 7746-07 on second reading, annexing certain real property whose post office address is 222 North Belcher Road, together with the abutting right of way of North Belcher Road, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.
-  [Attachments](#)
- 8.2 Adopt Ordinance 7747-07 on second reading, amending the future land use element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 222 North Belcher Road, together with the abutting right of way of North Belcher Road, upon annexation into the City of Clearwater, as Residential/Office General.
-  [Attachments](#)
- 8.3 Adopt Ordinance 7748-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 222 North Belcher Road, together with the abutting right of way of North Belcher Road, upon annexation into the City of Clearwater, as Office (O).
-  [Attachments](#)
- 8.4 Adopt Ordinance 7778-07 on second reading, amending Section 32.380, Code of Ordinances, to add Section 32.380.1, outlining rebates and credits for abandoning well, lake or pond irrigation for connection to the reclaimed water system, and adding Section 32.380.2, outlining exclusions.
-  [Attachments](#)
- 8.5 Adopt Ordinance 7795-07 on second reading, annexing certain real property whose post office address is 1990 Abbey Lake Road and 1970 Abbey Lake Road, together with the abutting right of way of Abbey Lake Road, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.
-  [Attachments](#)
- 8.6 Adopt Ordinance 7796-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for whose post office address is 1990 Abbey Lake Road and 1970 Abbey Lake Road, together with the abutting right of way of Abbey Lake Road, upon annexation into the City of Clearwater, as Residential Suburban.
-  [Attachments](#)
- 8.7 Adopt Ordinance 7797-07 on second reading, amending the zoning atlas of the city by zoning whose post office address is 1990 Abbey Lake Road and 1970 Abbey Lake Road, together with the abutting right of way of Abbey Lake Road, upon annexation into the City of Clearwater, as Low Density Residential (LDR).
-  [Attachments](#)
- 8.8 Adopt Ordinance 7798-07 on second reading, vacating a portion of the right of way of 66th Street North, subject to a drainage and utility easement which is retained over the full width thereof.
-  [Attachments](#)
- 8.9 Adopt Ordinance 7802-07 on second reading, amending Section 32.153, Code of Ordinances, changing watering restrictions, and amending Section 32.383, amending the reclaimed watering schedule.

 [Attachments](#)

- 8.10 Adopt Ordinance 7805-07 on second reading, annexing certain real property whose post office address is 1301 Fairfield Drive into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

 [Attachments](#)

- 8.11 Adopt Ordinance 7806-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1301 Fairfield Drive, upon annexation into the City of Clearwater, as Residential Low.

 [Attachments](#)

- 8.12 Adopt Ordinance 7807-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1301 Fairfield Drive, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

 [Attachments](#)

- 8.13 Adopt Ordinance 7808-07 on second reading, annexing certain real property whose post office address is 1278 Sedeeva Circle North, together with the right of way of Betty Lane, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

 [Attachments](#)

- 8.14 Adopt Ordinance 7809-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1278 Sedeeva Circle North, together with the right of way of Betty Lane, upon annexation into the City of Clearwater, as Residential Urban.

 [Attachments](#)

- 8.15 Adopt Ordinance 7810-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1278 Sedeeva Circle North, together with the right of way of Betty Lane, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

 [Attachments](#)

- 8.16 Adopt Ordinance 7811-07 on second reading, annexing certain real property whose post office address is 1869 East Drive, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

 [Attachments](#)

- 8.17 Adopt Ordinance 7812-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1869 East Drive, upon annexation into the City of Clearwater, as Residential Low.

 [Attachments](#)

- 8.18 Adopt Ordinance 7813-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1869 East Drive, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

 [Attachments](#)

- 8.19 Adopt Ordinance 7814-07 on second reading, annexing certain real property whose post office address is 1836 Pineland Drive, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

 [Attachments](#)

- 8.20 Adopt Ordinance 7815-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1836 Pineland Drive, upon annexation into the City of Clearwater, as Residential Urban.

 [Attachments](#)

- 8.21 Adopt Ordinance 7816-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1836 Pineland Drive, upon annexation into the City of Clearwater,

City Manager Reports

9. Consent Agenda

- 9.1 Award a contract to Fisher Scientific Company LLC, 5904-D Hampton Oaks Parkway, Suite 200, Tampa Florida, in the amount of \$150,000, for the replacement and upgrade of Scott Air Packs in accordance with sec. 2.564 – (1) (b) and (e), and authorize appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.2 Declare an estimated 50,000 pounds of aluminum from bleachers, box seating and other miscellaneous materials at Jack Russell Stadium surplus to the needs of the City and authorize sale to the highest bid received; and allow proceeds to be returned to the Jack Russell Stadium demolition project; and allow appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.3 Approve renewal of License Agreement, for period of June 1, 2007-May 31, 2010, with Ultimate Bounce to provide entertainment concessions at Pier 60 Park and authorize the appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.4 Approve renewal of License Agreement, for period June 1, 2007-May 31, 2010, with Emerald Coast Bungee, Inc., to provide entertainment concessions at Pier 60 Park and authorize the appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.5 Approve Acknowledgment and Consent between the City and PACT, Inc., a not-for-profit corporation, to provide access to City property east of PACT in order to complete mitigation project and authorize the appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.6 Approve Agreement between the School Board of Pinellas County and the City of Clearwater for a term from June 2007 through June 2008 for the City to use Pinellas County School buses at a cost of \$1.00 per mile plus \$19.20 per hour, for a total estimated cost of \$45,000 and authorize the appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.7 Approve the Public Art and Design Master Plan as submitted by the Public Art & Design Board and staff, in compliance with Ordinance 7489-05 establishing criteria, policies and priorities for the Public Art and Design Program. (consent)
-  [Attachments](#)
- 9.8 Approve a one-year extension for Liquid Sodium Hypochlorite (Bid 24-05) to an existing contract with Allied Universal Corporation, of Miami, FL increasing the contract value by \$277,266.75 for a new contract value of \$440,066.75 and authorize the appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.9 Approve the Cooperative funding agreement in the amount of \$1,000,000 with the Southwest Florida Water Management District (SWFWMD) to share the cost of implementation of the Spring Branch Improvements Project and authorize the appropriate officials to execute same. (consent)
-  [Attachments](#)
- 9.10 Approve the second amendment to the Stevenson Creek cooperative funding contract with the Southwest Florida Water Management District to extend the contract period to September 30, 2009. (consent)
-  [Attachments](#)
- 9.11 Authorize the City Attorney to hire Frazer, Hubbard, Brandt, Trask & Yacavone as outside counsel to represent the individually named police officers in the case of Michael Scott Niesen v. City Of Clearwater

in the estimated amount of \$50,000. (consent)

 [Attachments](#)

9.12 Approve Disbanding the Budget Task Force

 [Attachments](#)

Miscellaneous Reports and Items

10. City Attorney Reports

10.1 Authorize the City Attorney's Office to appeal the decision in Allbritton, et al. v. City of Clearwater, Circuit Court Case No. 03-4365-CI-20

 [Attachments](#)

11. City Manager Verbal Reports

11.1 City Manager Verbal Reports

 [Attachments](#)

12. Council Discussion Items

12.1 Clarify direction to Environmental Advisory Board - Mike Flanery, Chair

 [Attachments](#)

12.2 APGA Public Gas Policy Council (PGPC) Issues

 [Attachments](#)

12.3 Direction regarding Preparation of Preliminary Budget

 [Attachments](#)

13. Other Council Action

13.1 Other Council Action

 [Attachments](#)

14. Adjourn



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Proclamation: Be Kind to Animals Week - American Humane Society

SUMMARY:

Review Approval: 1) Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Proclamation: EMS Week

SUMMARY:

Review Approval: 1) Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Proclamation: National Tourism Week - Beth Coleman

SUMMARY:

Review Approval: 1) Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Ruth Eckerd Hall Update - Robert Freedman

SUMMARY:

Review Approval: 1) Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve the minutes of the April 19, 2007 City Council Meeting as submitted in written summation by the City Clerk.

SUMMARY:

Review Approval: 1) Clerk

**CITY COUNCIL MEETING MINUTES
CITY OF CLEARWATER**

April 19, 2007

Unapproved

Present:

Frank Hibbard
John Doran
Carlen Petersen
George N. Cretekos
Paul Gibson

Mayor
Vice-Mayor
Councilmember
Councilmember
Councilmember

Also present:

William B. Horne II
Garry Brumback
Rod Irwin
Pamela K. Akin
Cynthia E. Goudeau
Patricia O. Sullivan

City Manager
Assistant City Manager
Assistant City Manager
City Attorney
City Clerk
Board Reporter

The Mayor called the meeting to order at 6:00 p.m. at City Hall. The invocation was offered by Asst. Pastor Thomas Jones from Flowing River Church. The Mayor led the Pledge of Allegiance.

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

4 - Presentations:

4.1 Florida Orchestra - Leonard Stone & James Gillespie

James Gillespie, of the Florida Orchestra, thanked the City for past support and requested continuation of City's \$50,000 annual donation.

4.2 Neighborhood and Home of the Quarter, Business Beautification Award and Neighborhood and Home of the Year Awards

The Neighborhood of the Year Award was presented to the Spring Lake neighborhood.

The Home of the Year Award was presented to Mark Mandus, 3315 San Gabriel Street.

The Spring 2007 Business Beautification Award was presented to Bellissima Salon & Spa.

The Spring 2007 Neighborhood of the Quarter Award was presented to the Coachman Ridge Homeowners Association.

The Spring 2007 Home of the Quarter awards were presented to: 1) Douglas Schanck, 2024 Diplomat Drive; 2) Joseph Miani, 3206 San Carlos Street; 3) Allen and Rosemarie Wellbrock, 2129 McKinley Street; and 4) Ross and Florence Concklin, 917 Bruce Avenue.

4.3 Proclamation: Bike to Work Week - May 14 – 18, 2007

4.4 Proclamation: National Bike Month – May 2007

5 - Approval of Minutes

5.1 City Council – April 4, 2007

Councilmember Petersen moved to approve the minutes of the April 4, 2007, as recorded and submitted in written summation by the City Clerk to each Councilmember. The **motion** was duly seconded and **carried** unanimously.

6 - Citizens to be Heard re Items Not on the Agenda

Joanna Siskind said the movie in the park event at Crest Lake Park was a great event, well worth the cost. The recently formed East Gateway Coalition looks forward to partnering with the City.

Paul Clayman expressed concern that City resources are wasted when firefighters go in groups and use expensive fire equipment to go grocery shopping.

Joe Evich recommended the City reevaluate availability fees and how costs are distributed among reclaimed water projects.

Eva Kunowska complained regarding curbs on Coronado blocking access to parking at her motel.

Public Hearings - Not before 6:00 p.m.

7 - Administrative Public Hearings

7.1 Declare lots 11-16, inclusive; Block 2, Lake Belleview Addition as surplus for the purpose of offering for sale for minimum bid amount of \$270,000 by Invitation For Bid 17-07.

The City acquired the subject lots, located in the 700 block of Lakeview Avenue, on October 17, 1973, for the sum of \$43,000 plus \$599.05 in transaction closing expenses. The property was purchased in anticipation of the future extension of Myrtle Avenue south of Lakeview Avenue. The project was abandoned when it later was determined the proposed roadway extension would severely impact environmentally sensitive wetlands.

Appraisal Associates of Tampa Bay appraised the lots on February 9, 2007. The appraiser concluded the highest and best use of the lots is as a single 150 feet by 100 feet development site within the City's Commercial zoning district. As such, the appraiser estimates the parcel's current market value at \$270,000.

Upon being declared surplus the lands will be advertised for bid by Invitation For Bid 17-07 in compliance with the City Charter and City purchasing regulations. Subject to Council approval, a purchase contract will be negotiated with the highest responsible bidder complying with bid requirements.

Councilmember Cretekos moved to declare lots 11-16, inclusive; Block 2, Lake Belleview Addition as surplus for the purpose of offering for sale for minimum bid amount of \$270,000 by Invitation For Bid 17-07. The **motion** was duly seconded and **carried** unanimously.

7.2 Approve the applicants' request to vacate the easterly 15 feet of 66th Street North lying along the west property lines of Lots 11 through 20, Wynwood Landings Subdivision, (a.k.a. 3330 through 3384 Lake Shore Lane), as more particularly described in the ordinance, subject to the retention of a drainage and utility easement over the full width of the right-of-way to be vacated, and pass Ordinance 7798-07 on first reading. (VAC2007-03 Norris, Johnson, et al)

The property owners propose to install fencing within the vacated street portion. The retention of the drainage and utility easement will preclude the installation of other structures in the vacated right-of-way. Presently the west 33 feet of this part of 66th Street North is located in unincorporated Pinellas County and the east 30 feet is located within Clearwater city limits. The existing pavement of 66th Street North is located entirely within the unincorporated portion of the right-of-way, except where the pavement turns to the southeast behind the most southerly lot.

Pinellas County has no objection to the vacation request so long as no portion of the right-of-way located within 15 feet of the existing pavement is vacated. As a result, the applicants are seeking vacation of the portion of the right-of-way of 66th Street North that lies at least 15 feet east of the edge of pavement.

Verizon, Bright House Cable, Progress Energy and Knology have no objections to the vacation request provided that a drainage and utility easement is retained. Engineering has no objections to the vacation request provided a drainage and utility easement is retained over the full width of the right-of-way to be vacated.

Assistant Engineering Director Scott Rice stated opposition to the request is due to drainage issues related to the swale and that trees will be removed. Mr. Rice said any tree removal would require a permit.

The reason this request has come forward is the County no longer maintains the subject property and the City notified the property owners that maintenance had become their responsibility.

Doug Norris, Woodlawn resident, said plans are to improve the appearance of the area and do not include removal of any trees.

Councilmember Gibson moved to approve the applicants' request to vacate the easterly 15 feet of 66th Street North lying along the west property lines of Lots 11 through 20, Wynwood Landings Subdivision, (a.k.a. 3330 through 3384 Lake Shore Lane), as more particularly described in the ordinance, subject to the retention of a drainage and utility easement over the full width of the right-of-way to be vacated. The **motion** was duly seconded and **carried** unanimously.

Ordinance 7798-07 was presented for first reading and read by title only. Councilmember Petersen moved to pass Ordinance 7798-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

7.3 Approve the Annexation, Initial Land Use Plan Designation of Residential / Office General (R/OG) and Initial Zoning Atlas Designation of Office (O) District for 222 North Belcher Road (Lot 1, Pine Dell in Sec. 12-29-15); and Pass Ordinances 7746-07, 7747-07 and 7748-07 on first reading.

This voluntary annexation petition involves a 0.152-acre property consisting of one parcel of land occupied by a single-family dwelling converted to an office use. It is located on the northwest corner of North Belcher Road and Dell Avenue. The applicant is requesting this annexation in order to receive sanitary sewer and solid waste service from the City. The Planning Department is requesting that the 0.23-acre of abutting Belcher Road right-of-way not currently within the City limits also be annexed.

The property is located within an enclave and is contiguous to existing City boundaries to the north, south and west. It is proposed that the property be assigned a Future Land Use Plan designation of Residential/Office General (R/OG) and a zoning category of Office (O). The Planning Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.F and Pinellas County Ordinance 00-63 as follows: 1) The closest sanitary sewer line is located in a utility easement along the Dell Avenue frontage of the property and the applicant has paid the City's sewer impact and assessment fees and is aware of the additional costs to extend City sewer service to this property; 2) Collection of solid waste will be provided by the City of Clearwater; 3) The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen-Booth Road; 4) Fire and emergency medical services will be provided to this property by Station 48 located at 1700 N. Belcher Road; 5) The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service; 6) The proposed annexation will not have an adverse effect on public facilities and their levels of service; and 7) The proposed annexation is consistent with and promotes the following objective of the Clearwater Comprehensive Plan: Objective 2.4: - Compact urban development within the urban service area shall be promoted through application of the Clearwater Development Code.

The proposed R/OG Future Land Use Plan category is consistent with the current Countywide Plan designation of this property. The R/OG designation primarily permits residential and office uses at a density of 15 units per acre or office uses where the floor area ratio (FAR) does not exceed .50, nor the impervious surface ratio (ISR) of .75. The proposed zoning district to be assigned to the property is the Office (O) District. The use of the subject property is consistent with the uses allowed in the O District, however the property does not meet the minimum dimensional requirements. The minimum dimensional requirements for the O District is 10,000 square-feet. The subject property is 7,700 square-feet in area, and therefore it is nonconforming. The applicant is aware that no further expansion of the building will be permitted. The proposed annexation is consistent with the Countywide Plan, City's Comprehensive Plan and Community Development Code; and The property proposed for annexation is located within an enclave, is contiguous to existing municipal boundaries and is within the City's urban service area; therefore the annexation is consistent with Section 6(1)(a)

of Pinellas County Ordinance 00-63 which governs annexation and meets the applicable requirements of Florida Statutes 171. The Pinellas Planning Council (PPC) staff has reviewed this annexation and no objections were raised.

Councilmember Doran moved to approve the Annexation, Initial Land Use Plan Designation of Residential/ Office General (R/OG) and Initial Zoning Atlas Designation of Office (O) District for 222 North Belcher Road (Lot 1, Pine Dell in Sec. 12-29-15). The **motion** was duly seconded and **carried** unanimously.

Ordinance 7746-07 was presented for first reading and read by title only. Councilmember Cretkos moved to pass Ordinance 7746-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretkos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7747-07 was presented for first reading and read by title only. Councilmember Gibson moved to pass Ordinance 7747-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretkos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7748-07 was presented for first reading and read by title only. Councilmember Petersen moved to pass Ordinance 7748-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretkos, Gibson, and Hibbard.

"Nays": None.

7.4 Approve the Annexation, Initial Land Use Plan Designation of Residential Suburban (RS) and Initial Zoning Atlas Designation of Low Density Residential (LDR) District for 1970 Abbey Lake Road and 1990 Abbey Lake Road (Consisting of a portion of Sec. 5-29-16 East, Metes and Bounds 14/01 and 14/02) and Pass Ordinances 7795-07, 7796-07, and 7797-07 on first reading. (ANX2007-01001 and ANX2007-01002)

This voluntary annexation request includes two adjacent properties totaling 5.15 acres in area. The properties are located on the west side of Abbey Lake Road, across from the intersection of Abbey Lake Road and Homestead Court and are occupied by single-family dwellings. It is proposed that the abutting Abbey Lake Road right-of-way not currently within the City limits also be annexed in conjunction with this request. The applicants are requesting this annexation in order to receive sanitary sewer and solid waste service from the City. The properties are located within the Clearwater Planning Area and are contiguous to existing City boundaries to the south and east. It is proposed that the properties be assigned a Future Land Use Plan designation of Residential Suburban (RS) and a zoning category of Low Density Residential (LDR).

The Planning Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.F and Pinellas County Ordinance 00-63 as follows: 1) The closest sanitary sewer line is located approximately 161 feet east of the site in Homestead Court. The applicants are aware of the City's sewer impact and assessment fees and additional costs to extend City sewer service to these properties; 2) Collection of solid waste will be provided by the City of Clearwater; 3) The properties are located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen-Booth Road; 4) Fire and emergency medical services will be provided to these properties by Station 50 located at 2681 Countryside Boulevard; 5) The City has adequate capacity to serve the properties with sanitary sewer, solid waste, police, fire, and EMS service; 6) The proposed annexation will not have an adverse effect on public facilities and their levels of service; and 7) The proposed annexation is consistent with and promotes the following objective of the Clearwater Comprehensive Plan: Objective 2.4: - Compact urban development within the urban service area shall be promoted through application of the Clearwater Development Code.

The proposed RS Future Land Use Plan category is consistent with the current Countywide Plan designation of these properties. The RS designation primarily permits residential uses at a density of 2.5 units per acre. The proposed zoning district to be assigned is the Low Density Residential (LDR) District. The use of the subject properties is consistent with the uses allowed in the LDR District and each property exceeds the LDR District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan, City's Comprehensive Plan and Community Development Code; and The properties proposed for annexation are contiguous to existing municipal boundaries and are within the City's urban service area; therefore the annexation is consistent with Section 6 (1)(a) of Pinellas County Ordinance 00-63 which governs annexation, and meets the applicable requirements of F.S. 171. The PPC staff has reviewed this annexation and no objections were raised.

Representative Steve Williamson said plans for the site have not been determined.

Councilmember Doran moved to approve the Annexation, Initial Land Use Plan Designation of Residential Suburban (RS) and Initial Zoning Atlas Designation of Low Density Residential (LDR) District for 1970 Abbey Lake Road and 1990 Abbey Lake Road (Consisting of a portion of Sec. 5-29-16, Metes and Bounds 14/01 and 14/02). The **motion** was duly seconded and **carried** unanimously.

Ordinance 7795-07 was presented for first reading and read by title only. Councilmember Cretokos moved to pass Ordinance 7795-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretokos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7796-07 was presented for first reading and read by title only. Councilmember Gibson moved to pass Ordinance 7796-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7797-07 was presented for first reading and read by title only. Councilmember Petersen moved to pass Ordinance 7797-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

7.5 Approve the Annexation, Initial Land Use Plan Designation of Residential Low (RL), and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1301 Fairfield Drive (Lot 42, Douglas Manor Park; Sec. 24-29-15); and Pass Ordinances 7805-07, 7806-07, and 7807-07 on first reading.

This voluntary annexation petition involves a 0.22-acre property consisting of one parcel of land occupied by a single-family dwelling. It is located on the south side of Lakeview Road, approximately 1,425 feet east of the intersection of Keene Road and Lakeview Road. The applicant is requesting this 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 and east. It is proposed that the property be assigned a Future Land Use Plan designation of Residential Low (RL) and a zoning category of Low Medium Density Residential (LMDR).

The Planning Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.F and Pinellas County Ordinance 00-63 as follows: 1) The closest sanitary sewer line is located in the adjacent Lakeview Road right-of-way and the applicant has paid the City's sewer impact and assessment fees and is aware of the additional costs to extend City sewer service to this property; 2) Collection of solid waste will be provided by the City of Clearwater; 3) The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen-Booth Road; 4) Fire and emergency medical services will be provided to this property by Station 47 located at 1460 Lakeview Road; 5) The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service; 6) The proposed annexation will not have an adverse effect on public facilities and their levels of service; and 7) The proposed annexation is consistent with and promotes the following objective of the Clearwater Comprehensive Plan: Objective 2.4: Compact urban development within the urban service area shall be promoted through application of the Clearwater Development Code.

The proposed RL Future Land Use Plan category is consistent with the current Countywide Plan designation of this property. The RL designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the LMDR District and the property exceeds the LMDR District's minimum dimensional requirements. The proposed annexation is therefore

consistent with the Countywide Plan, City's Comprehensive Plan and Community Development Code; and The property proposed for annexation is located within an enclave, is contiguous to existing municipal boundaries and is within the City's urban service area; therefore the annexation is consistent with Section (1)(a) of Pinellas County Ordinance 00-63 which governs annexation, and meets the applicable requirements of F.S. 171. The PPC staff has reviewed this annexation and no objections were raised.

Councilmember Doran moved to approve the Annexation, Initial Land Use Plan Designation of Residential Low (RL), and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1301 Fairfield Drive (Lot 42, Douglas Manor Park; Sec. 24-29-15). The **motion** was duly seconded and **carried** unanimously.

Ordinance 7805-07 was presented for first reading and read by title only. Councilmember Cretekos moved to pass Ordinance 7805-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7806-07 was presented for first reading and read by title only. Councilmember Petersen moved to pass Ordinance 7806-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7807-07 was presented for first reading and read by title only. Councilmember Doran moved to pass Ordinance 7807-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

7.6 Approve the Annexation, Initial Land Use Plan Designation of Residential Urban (RU) and, and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1278 Sedeeva Circle North (Lot 1 and the east 40 feet of Lot 2, Floradel Subdivision; Sec. 03-29-15); and Pass Ordinances 7808-07, 7809-07, and 7810-07 on first reading.

This voluntary annexation petition involves a 0.278-acre property consisting of one parcel of land occupied by a single-family dwelling and 0.19-acre of abutting Betty Lane right-of-way. It is located on the northwest corner of Sedeeva Circle North and Betty Lane. The applicant is requesting this annexation in order to receive solid waste service from the City. The property is located within the Clearwater Service Area and is contiguous to existing City boundaries to the north. It is proposed that the property be assigned a Future Land Use Plan designation of Residential Urban (RU) and a zoning category of Low Medium Density Residential (LMDR).

The Planning Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.F and Pinellas County Ordinance 00-63 as follows: 1) Sanitary sewer service is not currently available in the area; 2) Collection of solid waste will be provided by the City of Clearwater; 3) The property is located within Police District II and service will be administered through the district headquarters located at 645 Pierce Street; 4) Fire and emergency medical services will be provided to this property by Station 51 located at 1720 Overbrook Avenue; 5) The City has adequate capacity to serve this property with solid waste, police, fire and EMS service; 6) The proposed annexation will not have an adverse effect on public facilities and their levels of service; and 7) The proposed annexation is consistent with and promotes the following objective of the Clearwater Comprehensive Plan: Objective 2.4: Compact urban development within the urban service area shall be promoted through application of the Clearwater Development Code.

The proposed RU Future Land Use Plan category is consistent with the current Countywide Plan designation of this property. The RU 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 LMDR District and the property exceeds the LMDR District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan, City's Comprehensive Plan and Community Development Code; and The property proposed for annexation is located within the Clearwater service area, is contiguous to existing municipal boundaries and is within the City's urban service area; therefore the annexation is consistent with Section 6(1)(a) of Pinellas County Ordinance 00-63 which governs annexation, and meets the applicable requirements of F.S. 171. The PPC staff has reviewed this annexation and no objections were raised.

Councilmember Cretokos moved to approve the Annexation, Initial Land Use Plan Designation of Residential Urban (RU) and, and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1278 Sedeeva Circle North (Lot 1 and the east 40 feet of Lot 2, Floradel Subdivision; Sec. 03-29-15). The **motion** was duly seconded and **carried** unanimously.

Ordinance 7808-07 was presented for first reading and read by title only. Councilmember Gibson moved to pass Ordinance 7808-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretokos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7809-07 was presented for first reading and read by title only. Councilmember Petersen moved to pass Ordinance 7809-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretokos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7810-07 was presented for first reading and read by title only. Councilmember Doran moved to pass Ordinance 7810-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretokos, Gibson, and Hibbard.

"Nays": None.

7.7 Approve the Annexation, Initial Land Use Plan Designation of Residential Low (RL), and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1869 East Drive (Lot 1, Block A, Clearwater Highlands Unit A; Sec. 02-29-15); and Pass Ordinances 7811-07, 7812-07, and 7813-07 on first reading.

This voluntary annexation petition involves a 0.372-acre property consisting of one parcel of land occupied by a single-family dwelling. It is located on the southeast corner of Sunset Point Road and East Drive. The applicant is requesting this 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, south, east and west. It is proposed that the property be assigned a Future Land Use Plan designation of Residential Low (RL) and a zoning category of Low Medium Density Residential (LMDR).

The Planning Department determined the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.F and Pinellas County Ordinance 00-63 as follows: 1) The closest sanitary sewer line is located in front of the property in the East Drive right-of-way and the applicant has not paid the City's sewer impact and assessment fees and is aware of the additional costs to extend City sewer service to this property; 2) Collection of solid waste will be provided by the City of Clearwater; 3) The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen-Booth Road; 4) Fire and emergency medical services will be provided to this property by Station 48 located at 1700 N. Belcher Road; 5) The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service; 6) The proposed annexation will not have an adverse effect on public facilities and their levels of service; and 7) The proposed annexation is consistent with and promotes the following objective of the Clearwater Comprehensive Plan: Objective 2.4: Compact urban development within the urban service area shall be promoted through application of the Clearwater Development Code.

The proposed RL Future Land Use Plan category is consistent with the current Countywide Plan designation of this property. The RL designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property are the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the LMDR District and the property exceeds the LMDR District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan, City's Comprehensive Plan and Community Development Code; and The property proposed for annexation is located within an enclave, is contiguous to existing municipal boundaries and is within the City's urban service area; therefore the annexation is consistent with Section 6(1)(a) of Pinellas County Ordinance 00-63 which governs annexation, and meets the applicable requirements of F.S. 171. The PPC staff has reviewed this annexation and no objections were raised.

Councilmember Cretekos moved to approve the Annexation, Initial Land Use Plan Designation of Residential Low (RL), and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1869 East Drive (Lot 1, Block A, Clearwater Highlands Unit A; Sec. 02-29-15

Ordinance 7811-07 was presented for first reading and read by title only. Councilmember Gibson moved to pass Ordinance 7811-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7812-07 was presented for first reading and read by title only. Councilmember Petersen moved to pass Ordinance 7812-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7813-07 was presented for first reading and read by title only. Councilmember Doran moved to pass Ordinance 7813-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

7.8 Approve the Annexation, Initial Land Use Plan Designation of Residential Urban (RU), and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1836 Pineland Drive (Lot 26, Block B, Harbor Vista and the east ½ of vacated playground lying west of Lot 26, Block B, Harbor Vista; Sec. 03-29-15); and Pass Ordinances 7814-07, 7815-07, and 7816-07 on first reading.

This voluntary annexation petition involves a 0.170-acre property consisting of one parcel of currently vacant land. It is located on the west side of Pineland Drive, approximately 90 feet north of Vista Way. The applicant is requesting this annexation in order to receive solid waste service from the City. The property is located within the Clearwater Planning Boundary and is contiguous to existing City boundaries to the east and south. It is proposed that the property be assigned a Future Land Use Plan designation of Residential Urban (RU) and a zoning category of Low Medium Density Residential (LMDR).

The Planning Department determined the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.F and Pinellas County Ordinance 00-63 as follows: 1) Sanitary sewer service is not currently available in this area; 2) Collection of solid waste will be provided by the City of Clearwater; 3) The property is located within Police District II and service will be administered through the district headquarters located at 645 Pierce Street; 4) Fire and emergency medical services will be provided to this property by

Station 51 located at 1720 Overbrook Avenue; 5) The City has adequate capacity to serve this property with solid waste, police, fire and EMS service; 6) The proposed annexation will not have an adverse effect on public facilities and their levels of service; and 7) The proposed annexation is consistent with and promotes the following objective of the Clearwater Comprehensive Plan: Objective 2.4: Compact urban development within the urban service area shall be promoted through application of the Clearwater Development Code.

The proposed RU Future Land Use Plan category is consistent with the current Countywide Plan designation of this property. The RU 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 LMDR District and the property exceeds the LMDR District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan, City's Comprehensive Plan and Community Development Code; and The property proposed for annexation is located within an enclave, is contiguous to existing municipal boundaries and is within the City's urban service area; therefore the annexation is consistent with Section 6(1)(a) of Pinellas County Ordinance 00-63 which governs annexation and meets the applicable requirements of Florida Statutes 171. The PPC staff has reviewed this annexation and no objections were raised.

Councilmember Cretekos moved to approve the Annexation, Initial Land Use Plan Designation of Residential Urban (RU), and Initial Zoning Atlas Designation of Low Medium Density Residential (LMDR) District for 1836 Pineland Drive (Lot 26, Block B, Harbor Vista and the east ½ of vacated playground lying west of Lot 26, Block B, Harbor Vista; Sec. 03-29-15). The **motion** was duly seconded and **carried** unanimously.

Ordinance 7814-07 was presented for first reading and read by title only. Councilmember Gibson moved to pass Ordinance 7814-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7815-07 was presented for first reading and read by title only. Councilmember Petersen moved to pass Ordinance 7815-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

Ordinance 7816-07 was presented for first reading and read by title only. Councilmember Doran moved to pass Ordinance 7816-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

8 - Second Readings - Public Hearing

8.1 Adopt Ordinance 7792-07 on second reading, annexing certain real property whose post office address is 2115 Pleasant Parkway, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 7792-07 was presented for second reading and read by title only. Councilmember Cretekos moved to pass and adopt Ordinance 7792-07 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

8.2 Adopt Ordinance 7793-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the City to designate the land use for certain real property whose post office address is 2115 Pleasant Parkway, upon annexation into the City of Clearwater, as Residential Low and Preservation.

Ordinance 7793-07 was presented for second reading and read by title only. Councilmember Gibson moved to pass and adopt Ordinance 7793-07 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

8.3 Adopt Ordinance 7794-07 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 2115 Pleasant Parkway, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR) and Preservation (P).

Ordinance 7794-07 was presented for second reading and read by title only. Councilmember Petersen moved to pass and adopt Ordinance 7794-07 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

8.4 Adopt Ordinance 7803-07 on second reading, amending Ordinance 6779-01, as amended by Ordinance 7350-04, and as amended by Ordinance 7400-05 and as amended by Ordinance 7599-06, vacating the 60 foot right-of-way of Third Street (AKA Third Avenue), bounded on the east by the westerly right-of-way line of Coronado Drive and bounded on the west by the easterly right-of-way line of South Gulfview Boulevard, subject to special conditions, amending the special conditions.

Ordinance 7803-07 was presented for second reading and read by title only. Councilmember Doran moved to pass and adopt Ordinance 7803-07 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

8.5 Adopt Ordinance 7804-07 on second reading, amending Ordinance 6780-01, as amended by Ordinance 7351-04, and as amended by Ordinance 7401-05 and as amended by Ordinance 7600-06, vacating the east 35 feet of the 70 foot right-of-way of Gulfview Boulevard, bounded on the north by the westerly extension of a line parallel to and 20 feet north of the northerly lot line of Lots 57 and 104 of Lloyd-White-Skinner Subdivision, as recorded in Plat Book 13, Page 12 of the public records of Pinellas County, Florida, and bounded on the south by the westerly extension of the south lot line of Lot 59 of said Lloyd-White-Skinner Subdivision (AKA the south lot line of the Beach Place Motel Condo, Plat Book 65, Page 13, of the public records of Pinellas County, Florida), subject to special conditions, amending the special conditions.

Ordinance 7804-07 was presented for second reading and read by title only. Councilmember Cretekos moved to pass and adopt Ordinance 7804-07 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

City Manager Reports

9 - Consent Agenda - Approved as submitted.

9.1 Approve a donation to Clearwater Homeless Intervention Project, Inc. (CHIP) for funding of operations in the amount of \$100,000. (consent)

9.2 Appoint Todd Fontechia to the Airpark Advisory Board with the term expiring on April 30, 2011.

9.3 Approve a Contract (Blanket Purchase Order) for \$2,200,000 to McMullen Oil Company, Inc. of Clearwater, FL for the purchase of unleaded and diesel fuel for City Vehicles and authorize the appropriate officials to execute same. (consent)

9.4 Approve a Contract Renewal with the State of Florida as a Third Party Administrator to conduct driver license tests and authorize appropriate officials to execute same. (consent)

9.5 Approve settlement of the liability claim of Alfred Furtado for payment of \$80,000. (consent)

9.6 Authorize the City Attorney to hire Jeffrey Hinds, Esq., to represent the City in inverse condemnation litigation arising from the construction related to the "Beachwalk Project," in the total estimated amount of up to \$50,000. (consent)

9.7 Award a contract to Keystone Excavators, Bid 060-0061PR, for \$787,270, for the construction of a portion of the Ream Wilson Clearwater Trail from the Long Center to the Bridge connection at Alligator Creek, on the southern most part of Northeast Coachman Park and authorize the appropriate officials to execute same. (consent)

9.8 Approve a Contract For Sale of Real Property with Pinellas Habitat For Humanity, Inc. ("Habitat") to sell real property legally described as Pennsylvania Subdivision, Lot 12, for the sum of \$30,000, and authorize appropriate officials to execute same, together with related instruments required to effect closing. (consent)

9.9 Award a contract to Phoenix Architectural Products, Inc., Atlanta, Georgia, in the amount of \$577,554 for the purchase and installation of hurricane protection over the glass in the Municipal Services Building and Countryside Library in accordance with Sec. 2.564(1)(d), Code of Ordinances - Alachua County School Board Bid 05-06 and authorize the appropriate officials to execute same; and authorizes a total project budget of \$620,000 to be funded from General Fund retained earnings, to provide for this contract as well as funding for a structural engineering study of the roof, walls, and floors of the MSB. (consent)

9.10 Award a Contract for \$331,900 to Malcolm Pirnie, Inc. (EOR) and it's sub-consultant, Jones, Edmonds & Associates, Inc. (EOR), to provide professional engineering services for the Project Management, Preliminary Design Activities, Design, Permitting and Bidding for the upgrade of the process air system at the Marshall Street APCF, and authorize the appropriate officials to execute same. (consent)

9.11 Ratify and confirm a supplemental work order to McKim & Creed (EOR) of Clearwater, FL, for additional Construction Engineering and Inspection services on the Northeast Filter and Marshall Street Blower Motor Control Center Improvements Project (03-0066-UT) increasing the purchase order amount by \$59,478 for a new purchase order total of \$226,878. (consent)

9.12 Renew the appointment of C.W. "Bill" Renfroe to the Board of Trustees, Clearwater Police Supplementary Pension Plan. (consent)

9.13 Approve a work order to Advanced Engineering & Design, Inc., Engineer of Record, to provide engineering design and permitting services for the Tropic Hills Outfall Improvements Project for the sum of \$143,166.70 and authorize the appropriate officials to execute same. (consent)

9.14 Recommend William Jonson be appointed as a Clearwater Representative to the Metropolitan Planning Organization's Citizen Advisory Committee.

Councilmember Doran moved to approve the Consent Agenda as submitted and that the appropriate officials be authorized to execute same. The **motion** was duly seconded and **carried** unanimously.

10 - Other items on City Manager Reports

10.1 Adopt Resolution 07-13 establishing the intent to reimburse certain Boat Slip project costs incurred with proceeds of future tax-exempt financing.

The Boat Slip project was approved by a referendum on March 13, 2007. The project is expected to cost approximately \$11 million with \$10.4 million to be funded with bond proceeds and the remaining \$600,000 to be funded from the Downtown Development Board (\$50,000/year for 2 years) and the Community Redevelopment Agency (\$500,000). It is anticipated the bonds will be issued in the spring of 2008, however the exact date of issuance will be determined at a later date based on market conditions. The Boat Slip Project will be incurring expenses prior to the issuance of the bonds. This reimbursement resolution will allow for the City to be reimbursed from the Bond proceeds.

Councilmember Petersen moved to establish the intent to reimburse certain Boat Slip project costs incurred with proceeds of future tax-exempt financing. The **motion** was duly seconded and **carried** unanimously.

Resolution 07-13 was presented and read by title only. Councilmember Doran moved to pass and adopt Resolution 07-13 and authorize the appropriate officials to execute same. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretkos, Gibson, and Hibbard.

"Nays": None.

10.2 Amend Chapter 32 as related to reclaimed water availability fee parameters and exemptions for wells, lakes or pond irrigation systems in specified areas, and adding a rebate and credits for well, lake and pond irrigation system abandonment for customers committing during construction to using reclaimed water and pass Ordinance 7778-07 on first reading.

Lack of rainfall and the corresponding increased frequency of drought conditions has prompted staff to seek alternative sources to meet the water needs of Clearwater's citizens and businesses. Using reclaimed water for irrigation, rather than the City's precious potable water or water from private wells, ponds or lakes will reduce demand for potable water and will allow the surficial and Floridan aquifers to recharge.

Reducing the amount of potable water purchased from Pinellas County is another driving factor in the reclaimed water initiative since purchased water costs more than the water the City produces itself. The City's current production levels are not able to keep up with potable demand. As the use of reclaimed for irrigation increases, the City will increase its ability to meet potable water demand with water that it produces itself.

The wastewater that Clearwater turns into reclaimed water is treated to a much higher standard than in other municipalities, because at this point, the City still has the need to release its excess reclaimed water into Tampa Bay. Expansion of reclaimed water used for irrigation purposes will have a beneficial effect on the coastal environment, as the need for such releases will be reduced.

In areas where reclaimed water expansion projects are completed or are under construction, the owners of existing well, lake or pond irrigation systems not willing to abandon the current system to use reclaimed water, will not be charged the availability fee for reclaimed water. These areas are identified in the ordinance as projects named and boundaries defined

by construction co-funding agreements Clearwater has with SWFWMD (Southwest Florida Water Management District).

Other provisions in the ordinance include incentives to connect to the reclaimed water system during construction, and a rebate to reimburse homeowners for costs incurred in abandoning well, lake or pond irrigation systems in order to receive reclaimed water for irrigation. Owners of single-family homes in areas where reclaimed is being installed will have the option of retaining their current irrigation systems (except potable), or to use reclaimed water. Owners of commercial or multi-family buildings connecting to the reclaimed system may keep an existing private well for emergency purposes, but must install the proper precautionary interconnect device.

The costs associated with this item are not yet determined. Approximately \$50,000 per year is anticipated to cover the rebates for well, lake or pond irrigation system abandonment, but no true figures can be established until after the project area is surveyed for customer commitment to the reclaimed system. With lack of sufficient customer commitment according to SWFWMD's 50/50/50 Rule, the project will not be feasible and will be called off. Rebate requests are not anticipated until some time after the beginning of FY (Fiscal Year) 2007/08. At that time, an agenda item will be brought forward to establish the appropriate funding after the Resource Management Committee approves the funding statement.

This Ordinance shall take effect immediately upon adoption.

Acting Utilities Director Tracy Mercer reviewed changes in the ordinance. The exemption will expire when the property is sold. She said the rebate for abandoning wells will be available whenever a property is connected to reclaimed water. The tap fee will be waived only at the time of construction.

Discussion ensued. It was stated that a resident opposed the expiration of the exemption when property is sold. Concern was expressed the expiration of the exemption was not included in the package of information provided to neighborhoods. Assistant City Manager Garry Brumback said that change was based on City Council input at Monday's Work Session. It was stated that Clearwater Customer Service has a mechanism in place to track expiration of the exemption.

One resident expressed concern with neighborhoods not providing input regarding latest changes. One resident thanked staff for their effort in addressing neighborhood concerns.

Councilmember Cretokos moved to amend Chapter 32 as related to reclaimed water availability fee parameters and exemptions for wells, lakes or pond irrigation systems in specified areas, and adding a rebate and credits for well, lake and pond irrigation system abandonment for customers committing during construction to using reclaimed water. The **motion** was duly seconded and **carried** unanimously.

Ordinance 7778-07 was presented for first reading and read by title only. Councilmember Gibson moved to pass Ordinance 7778-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

10.3 Amend Chapter 32 as related to watering restriction changes under a drought directive from the Southwest Florida Water Management District and pass Ordinance 7802-07 on first reading.

Due to the declaration of a severe water shortage by SWFWMD issued January 9, 2007, heightened watering restrictions began January 16 and will end July 31, 2007 (unless rescinded sooner by SWFWMD). Watering days will now be one day per week, on weekends, as defined in the ordinance for all watering sources except reclaimed. No watering is permitted between the hours of 8:01 a.m. and 5:59 p.m., because that is the least beneficial time to water. Reclaimed customers may continue to water any day of the week, abiding by the same time window as all other water sources.

The change in watering days to weekends, and making all times uniform, lessens the burden and confusion of enforcing and explaining watering restrictions. No one may water between 8:01 a.m. and 5:59 p.m., and only reclaimed customers may water during weekdays. A provision is added to address future declarations by regulatory agencies during water shortages.

Clearwater already has declared the new hours to be in effect and is requesting required Council approval. There are no costs associated with this item. This Ordinance shall take effect immediately upon adoption.

In response to a question, Assistant City Manager Garry Brumback said a standard grace period for the change will be in effect. Residents receive warnings for first violations.

Councilmember Petersen moved to amend Chapter 32 as related to watering restriction changes under a drought directive from the Southwest Florida Water Management District. The **motion** was duly seconded and **carried** unanimously.

Ordinance 7802-07 was presented for first reading and read by title only. Councilmember Doran moved to pass Ordinance 7802-07 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Doran, Petersen, Cretekos, Gibson, and Hibbard.

"Nays": None.

10.4 Appoint Councilmembers as representatives on Regional and Miscellaneous Boards.

Councilmember Cretekos moved to approve the appointment of Councilmembers as representatives on Regional and Miscellaneous Boards: Tampa Bay Regional Planning Council - Petersen; Mayor's Council of Pinellas County – Hibbard; Barrier Island Governmental Council – Cretekos, Doran – Alternate; Tampa Bay Partnership Board of Governors – Hibbard; Tampa Bay Partnership Policy Board – Hibbard; Courtney Campbell Scenic Highway Citizen Advisory

Committee – Doran; Tampa Bay Estuary Policy Board – Gibson; Homeless Leadership Network – Petersen and Doran; Area Agency on Aging of Pasco/Pinellas - Kerry Kimball; Pinellas Collaborative Committee – Cretekos; School Transportation Safety Committee – Cretekos; Pinellas County Economic Development Council – Cretekos (two-year term expires July 31, 2007); Pinellas Planning Council – Doran (two-year term expires December 31, 2008); Pinellas Suncoast Transit Authority – Gibson (three-year term expires September 30, 2009); Metropolitan Planning Organization – Hibbard (four-year term expires September 2009); Sister Cities Advisory Board – Petersen (four year term expires December 31, 2010; and Pension Advisory Committee –Petersen (two-year term expires April 4, 2009), Gibson - (two-year term expires April 4, 2008), Doran - (two-year term expires April 4, 2008). Appointments by other entities: Downtown Development Board Ex-Officio Members – Petersen - (CRA Trustees) – Doran; Convention Visitors Bureau – Petersen; Pinellas WorkNet Board - Cretekos (two-year term expires June 30, 2007); U.S. Conference of Mayors – Hibbard; Florida Conference of Mayors – Hibbard. The **motion** was duly seconded and **carried** unanimously.

Miscellaneous Reports and Items

11 - City Manager Verbal Reports

The City Manager reported that tomorrow he will appoint Tracy Mercer as Director of Utilities.

Assistant City Attorney Laura Lipowski reviewed House Bill 1585. This bill clarifies that uses in place along the Memorial Causeway are for public purpose, including the Marina fuel dock and downtown boat docks, and allows private property owners use of their riparian rights without triggering the reverter clause. The City Attorney said riparian use is restricted to property owners with dock permit applications on file.

12 - Other Council Action

Councilmembers reported on events in which they recently participated and reviewed upcoming events; complimented GotGov group activities and thanked staff for their help; complimented police volunteers and the value of their work; sent prayers and thoughts to Virginia Tech students, victims, and families

Councilmember Petersen requested that discussion be agendaed regarding hotel density issues; said the CVB (Convention & Visitors Bureau) had reported that Clearwater's world class facilities attract many sporting events, which benefit tourism and the County.

Mayor Hibbard requested rescheduling the June 21, 2007, City Council meeting to June 20, 2007, and for the May 15, 2007 Work Session to begin at 8:00 a.m. Consensus was to schedule if no conflicts exist.

Councilmember Doran reviewed the history of the Beach Walk project on Coronado. Mr. Brumback said a panel of experts evaluated each request to accommodate safety and the Code. Back-out parking is not permitted. The City wants sidewalks to be safe zones for residents and tourists.

Councilmember Cretekos complimented the Sailing Center program that allows disabled

veterans to sail and fish, encouraged students to pursue marine and environmental science programs at local universities.

Councilmember Doran thanked the Threshers for sponsoring Bark in the Park.

Mayor Hibbard said the School Board plans to expand the school adjacent to the Chi Chi Rodriguez Golf Course and provide new opportunities for nearby high school students; Clearwater Rotary honored staff Bob Smyth and Martin Pettingill; a successful trip to Washington D.C. provided an opportunity for the City to discuss its legislative package with legislators representing Florida.

13 - Adjourn

The meeting adjourned at 8:13 p.m.

Mayor
City of Clearwater

Attest:

City Clerk



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve the Petition for Annexation, Future Land Use Plan Amendment from the County Residential Low (RL) & Commercial General (CG) Categories to the City Residential Low (RL) & Commercial General (CG) Categories and Zoning Atlas Amendment from the County R-4, One, Two & Three Family Residential & C-2, General Retail Commercial and Limited Services Districts to the City Low Medium Density Residential (LMDR) & Commercial (C) Districts for 205 North Belcher Road (2212-2216 Drew Street & 2205 Norman Drive) (M/B 33/12 Lot 2, 30, & 29 Block D, Temple Terrace Subdivision in Section 7, Township 29 South and Range 16 East); and Pass Ordinances 7784-07, 7785-07 and 7786-07 on first reading.

SUMMARY:

This annexation involves a 0.89-acre property consisting of four parcels, located on the northeast corner of Drew Street and Belcher Road. The parcels involved in this annexation are addressed 2212, 2214, 2216 Drew Street and 2205 Norman Drive and when redeveloped in conjunction with another adjacent property will be addressed as 205 N. Belcher Road. The property is contiguous with the existing City boundaries to the south, east and west; therefore, the proposed annexation is consistent with Pinellas County Ordinance 00-63 with regard to voluntary annexation. The applicant is requesting this annexation in order to receive sanitary sewer and solid waste service from the City. It is proposed that the property be assigned Future Land Use Plan designations of Residential Low (RL) and Commercial General (CG) and zoning categories of Low Medium Density Residential (LMDR) & Commercial (C).

The Planning Department determined that the proposed annexation is consistent with the following standards specified in the Community Development Code:

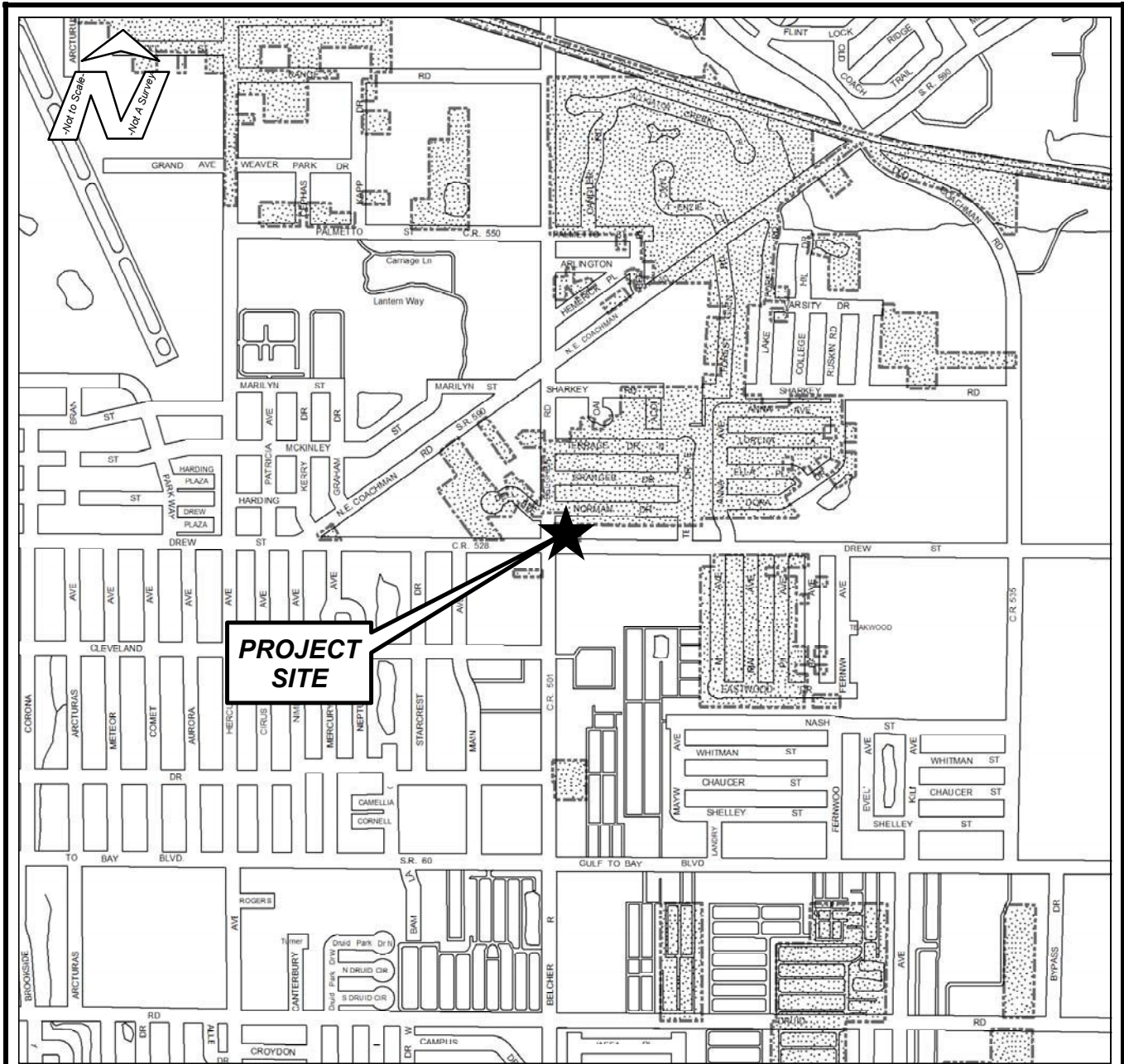
- The proposed annexation will not have an adverse impact on public facilities and their level of service.
- The proposed annexation is consistent with the City's Comprehensive Plan, the Countywide Plan and the Community Development Code.
- The proposed annexation is contiguous to existing municipal boundaries, represents a logical extension of the city boundaries and does not create an enclave.

This annexation has been reviewed by the Pinellas Planning Council (PPC) County staff in accordance with the provisions of Pinellas County Ordinance 00-63, Section 7(1-3), and no objections have been raised.

Please refer to the staff report (ANX2006-10039) for the complete staff analysis.

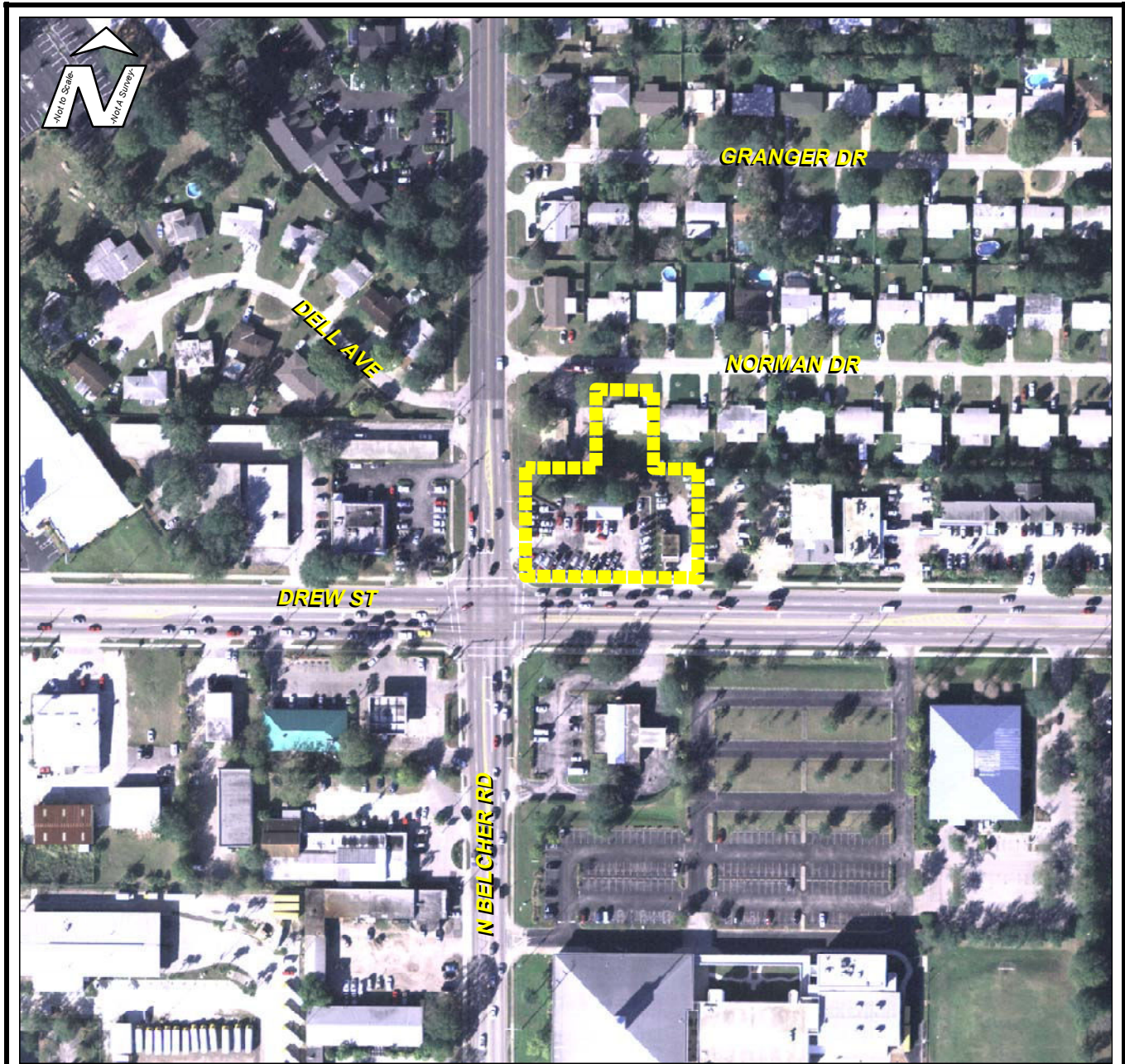
The Community Development Board reviewed this proposed annexation at its regularly scheduled meeting on January 16, 2007 and unanimously recommended approval.

Review Approval: 1) Clerk



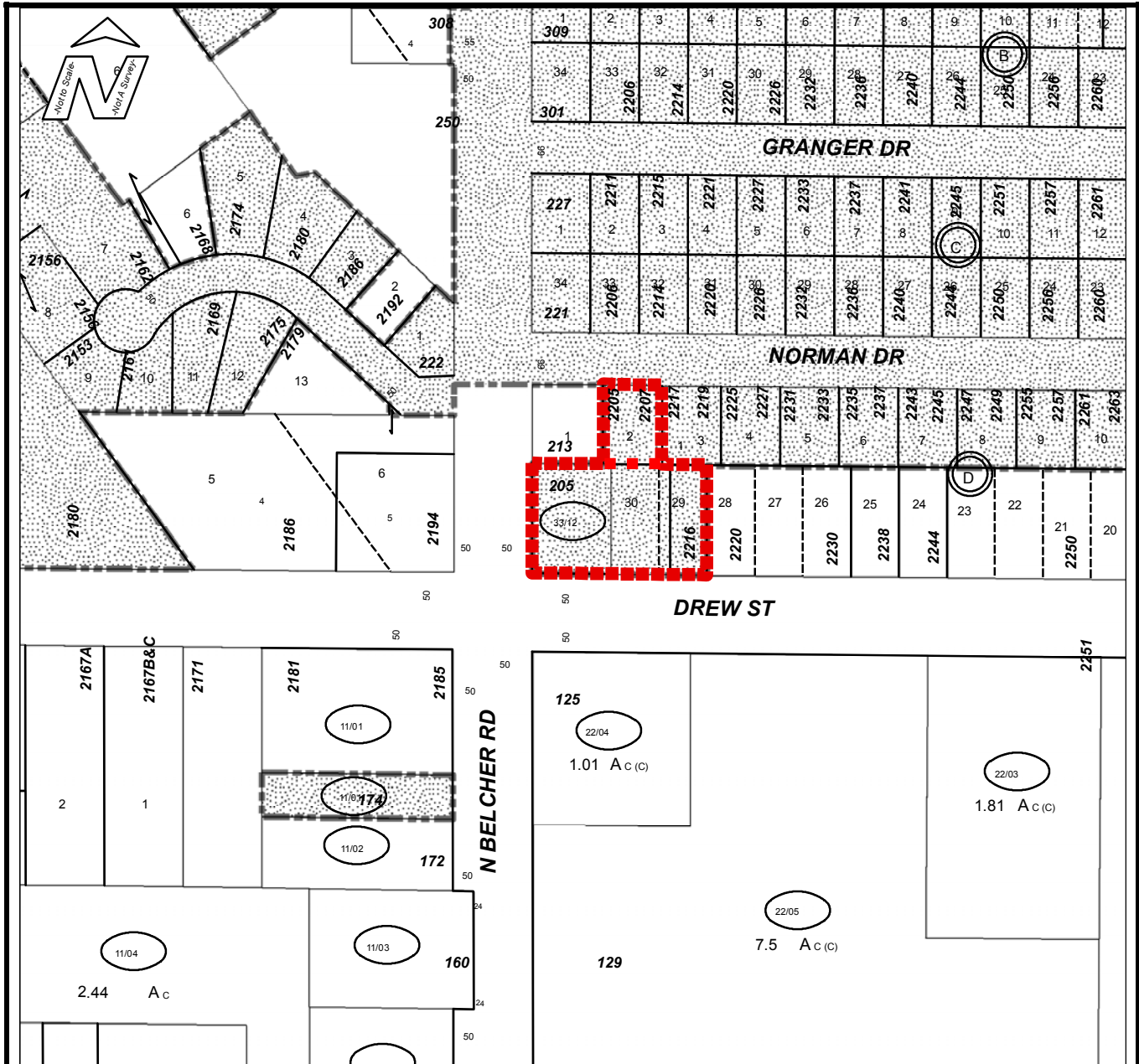
Location Map

Owner	Alice & Ronald Nisk		Case:	ANX2006-10039
Site:	205 N. Belcher Road (2212-2216 Drew & 2205 Norman Drive)		Property Size (Acres):	0.89
Land Use		Zoning	PIN:	07-29-16-90126-004-0020 07-29-16-90126-004-0300 07-29-16-90126-004-0290 07-29-16-00000-330-1200
From :	CG & RL (County)	C-2 & R-4 (County)		
To:	CG & RL (City)	C & LMDR (City)	Atlas Page:	281A



Aerial Photograph

Owner	Alice & Ronald Nisk		Case:	ANX2006-10039
Site:	205 N. Belcher Road (2212-2216 Drew & 2205 Norman Drive)		Property Size (Acres):	0.89
Land Use		Zoning	PIN:	07-29-16-90126-004-0020 07-29-16-90126-004-0300 07-29-16-90126-004-0290 07-29-16-00000-330-1200
From :	CG & RL (County)	C-2 & R-4 (County)		
To:	CG & RL (City)	C & LMDR (City)	Atlas Page:	281A



Proposed Annexation Map

Owner	Alice & Ronald Nisk		Case:	ANX2006-10039
Site:	205 N. Belcher Road (2212-2216 Drew & 2205 Norman Drive)		Property Size (Acres):	0.89
Land Use		Zoning	PIN:	07-29-16-90126-004-0020 07-29-16-90126-004-0300 07-29-16-90126-004-0290 07-29-16-00000-330-1200
From :	CG & RL (County)	C-2 & R-4 (County)		
To:	CG & RL (City)	C & LMDR (City)		
			Atlas Page:	281A



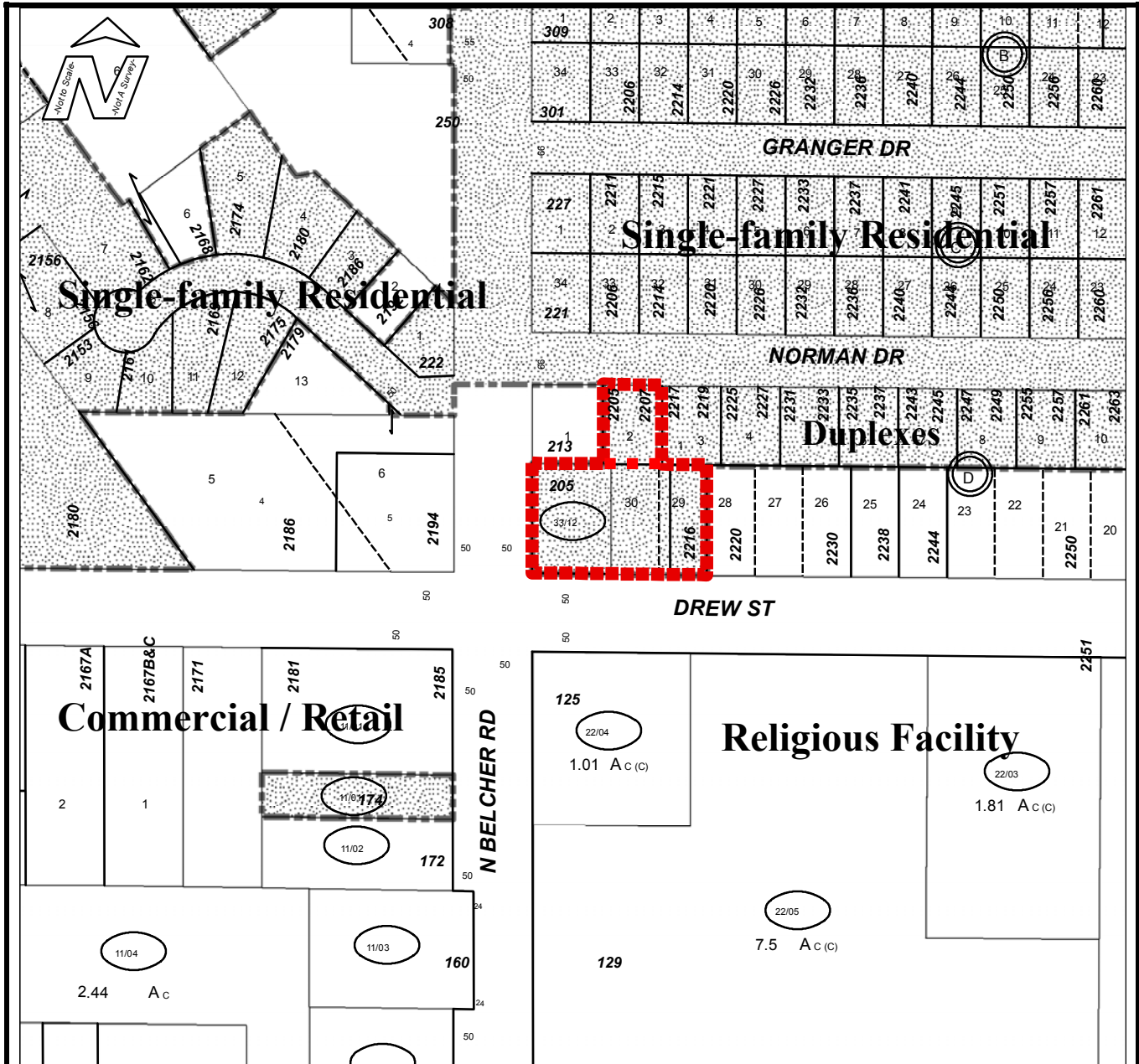
Future Land Use Map

Owner	Alice & Ronald Nisk	Case:	ANX2006-10039
Site:	205 N. Belcher Road (2212-2216 Drew & 2205 Norman Drive)	Property Size (Acres):	0.89
Land Use		PIN:	07-29-16-90126-004-0020 07-29-16-90126-004-0300 07-29-16-90126-004-0290 07-29-16-00000-330-1200
From :	CG & RL (County) C-2 & R-4 (County)		
To:	CG & RL (City) C & LMDR (City)	Atlas Page:	281A



Zoning Map

Owner	Alice & Ronald Nisk	Case:	ANX2006-10039
Site:	205 N. Belcher Road (2212-2216 Drew & 2205 Norman Drive)	Property Size (Acres):	0.89
Land Use		PIN:	07-29-16-90126-004-0020 07-29-16-90126-004-0300 07-29-16-90126-004-0290 07-29-16-00000-330-1200
From :	CG & RL (County) C-2 & R-4 County)		
To:	CG & RL (City) C & LMDR (City)	Atlas Page:	281A



Existing Surrounding Use Map

Owner	Alice & Ronald Nisk		Case:	ANX2006-10039
Site:	205 N. Belcher Road (2212-2216 Drew & 2205 Norman Drive)		Property Size (Acres):	0.89
Land Use		Zoning	PIN:	07-29-16-90126-004-0020
From :	CG & RL (County)	C-2 & R-4 (County)		07-29-16-90126-004-0300
To:	C & RL (City)	C & LMDR (City)		07-29-16-90126-004-0290
			Atlas Page:	281A



1. 2205 Norman Drive



2. facing west from 2205 Norman Drive



3. facing north from 2205 Norman Drive



4. facing east from 2205 Norman Drive



5. 2212-2216 Drew Street



6. 2212-2216 Drew Street



7. 2212-2216 Drew Street



8. 2212-2216 Drew Street



9. facing east from 2212-2216 Drew Street



10. facing south from 2212-2216 Drew Street



11. facing west from 2212-2216 Drew Street



12. facing north up Belcher Road

ANX2006-10039
2212-2216 Drew Street & 2205 Norman Drive
7-Eleven
Alice & Ronald Nisk

CDB Meeting Date: January 16, 2007
Case Number: ANX2006-10039
Owner/Applicant: Alice H. Nisk and Ronald P. Nisk
Location: 205 North Belcher Road (2212-2216 Drew Street & 2205 Norman Drive)
Agenda Item: F1

**CITY OF CLEARWATER
PLANNING DEPARTMENT
STAFF REPORT**

BACKGROUND INFORMATION

REQUEST:

- (a) Annexation of 0.89-acres of property to the City of Clearwater;
- (b) Future Land Use Plan amendments from Residential Low (RL) & Commercial General (CG) Categories (County) to Residential Low (RL) & Commercial General (CG) Categories (City of Clearwater); and
- (c) Rezoning from R-4, One, Two & Three Family Residential & C-2, General Retail Commercial and Limited Services Districts (County) to Low Medium Density Residential (LMDR) & Commercial (C) Districts (City of Clearwater).

SITE INFORMATION

PROPERTY SIZE: 38,500 square feet or 0.89 acres
(224 feet wide by 240 feet deep m.o.l.)

PROPERTY USE:

Current Use: Duplex, vehicle sales lot
Proposed Use: Convenience Store

PLAN CATEGORY:

Current Category: Residential Low (RL) & Commercial General (CG) (County)
Proposed Category: Residential Low (RL) & Commercial General (CG) (City)

ZONING DISTRICT:

Current District: R-4, One, Two & Three Family Residential & C-2, General Retail Commercial and Limited Services Districts (County)
Proposed District: Low Medium Density Residential (LMDR) & Commercial (C) (City)

SURROUNDING USES: North: Duplex / Single-family residence
South: Religious Facility
East: Professional Offices / Duplexes
West: Commercial / Retail

ANALYSIS

This annexation involves a 0.89-acre property consisting of four parcels, located on the northeast corner of Drew Street and Belcher Road. The parcels involved in this annexation are addressed 2212, 2214, 2216 Drew Street and 2205 Norman Drive. If the related FLD2006-10058 case is approved the entire site will be readdressed as 205 N. Belcher Road. The property is contiguous with the existing City boundaries to the south, east and west; therefore, the proposed annexation is consistent with Pinellas County Ordinance #00-63 with regard to voluntary annexation. The applicant is requesting this annexation in order to receive sanitary sewer and solid waste service from the City. It is proposed that the property be assigned a Future Land Use Plan designations of Residential Low (RL) and Commercial General (CG) and zoning categories of Low Medium Density Residential (LMDR) & Commercial (C).

I. IMPACT ON CITY SERVICES:

Recommended Findings of Fact

Water and Sewer

The applicant receives water service from the Pinellas County. Sanitary sewer service will be provided by the City of Clearwater and the City has adequate capacity to serve this property. The property is currently on septic. City of Clearwater water and sanitary sewer lines are located in both the Drew Street and N. Belcher Road right-of-ways. The applicant has not paid the City's sewer impact fee and assessment fee and is aware of the additional costs to extend City sewer service to this property.

Solid Waste

Collection of solid waste will be provided by the City of Clearwater. The City has an interlocal agreement with Pinellas County to provide for the disposal of solid waste at the County's Resource Recovery Plant and capacity is available to serve the property.

Police

The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. There are currently 56 patrol officers and seven patrol sergeants assigned to this district. Community policing service will be provided through the City's zone system and officers in the field. The Police Department has stated that it will be able to serve this property and the proposed annexation will not adversely affect police service and response time.

Fire and Emergency Medical Services

Fire and emergency medical services will be provided to this property by Station #48 located at 1700

North Belcher Road. The Fire Department will be able to serve this property. The proposed annexation will not adversely affect fire and EMS service and response time.

Recommended Conclusions Of Law

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.

II. CONSISTENCY WITH CITY'S COMPREHENSIVE PLAN: [Section 4-604.F.2]

Recommended Findings of Fact

The Pinellas County Comprehensive Plan and the Countywide Future Land Use Plan map designate the site as Residential Low (RL) & Commercial General (CG). It is the purpose of the RL category to depict those areas of the County that are now developed, or appropriate to be developed, in a low density residential manner; and to recognize such areas as primarily well-suited for residential uses that are consistent with the low density, non-intensive qualities and natural resource characteristics of such areas. Residential is the primary use in this plan category up to a maximum of five (5) dwelling units per acre. Secondary uses include Residential Equivalent; Institutional; Transportation/Utility; Public Educational Facility; Ancillary Non-Residential and Recreation/Open Space.

It is the purpose of the CG category to depict those areas of the County that are now developed, or appropriate to be developed, in a manner designed to provide community and countywide commercial goods and services; and to recognize such areas as primarily consistent with the need, relationship to adjoining uses and with the objective of encouraging a consolidated, concentrated commercial center providing for the full spectrum of commercial uses.

The proposed annexation is consistent with and promotes the following objective of the City of Clearwater Comprehensive Plan:

- 2.4 Objective – Compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Recommended Conclusions of Law

The property proposed for annexation is contiguous to existing city boundaries and within the City's urban service area and will be located in the RL & CG categories. The proposed annexation is consistent the City's Comprehensive Plan.

III. CONSISTENCY OF DEVELOPMENT WITH COMMUNITY DEVELOPMENT CODE AND CITY REGULATIONS: [Sections 2-202, 2-702 & 4-604.F.5.]

Recommended Findings of Fact

The site is currently zoned R-4, One, Two and Three Family Residential and C-2, General Retail Commercial and Limited Services Districts in Pinellas County. The applicant proposes to rezone the property to the Low Medium Density Residential (LMDR) & Commercial (C) Districts. Under the current LMDR zoning district provisions, a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet are required. The site to be rezoned LMDR is 75 feet wide and 7,500 square feet in lot area. It is anticipated that this property will be used for parking and storm water retention. Under current C zoning requirements for an automobile service station, a minimum lot width of 100 feet and a minimum lot area of 10,000 square feet are required. The site to be rezoned C is 224 feet wide and 31,360 feet in lot area.

Recommended Conclusions of Law

The subject property exceeds the City's minimum LMDR & C dimensional requirements and is therefore consistent with the Community Development Code.

IV. CONSISTENCY WITH THE COUNTYWIDE PLAN:

Recommended Findings of Fact

There is no change requested in the Countywide Future Land Use Plan designations for the site, which will remain Residential Low (RL) with a maximum density of 5 dwelling units per acre and Commercial General (CG) with a maximum floor area ratio of 0.55.

Recommended Conclusions of Law

No change is proposed for the Future Land Use Plan designations of the property proposed for annexation and the use and density of the property is consistent with the current designations.

V. CONSISTENCY WITH PINELLAS COUNTY:

Recommended Findings of Fact

Pursuant to Pinellas County Ordinance No. 00-63, the Pinellas Planning Council staff has reviewed this annexation and determined it complies with all applicable ordinance criteria. Pinellas County Ordinance No. 00-63(1)(a) requires that a proposed annexation be both contiguous to the existing municipal boundaries and compact. This site is contiguous with the existing City boundaries to the south, east and west and represents a logical and appropriate extension of the existing boundaries. The compactness

standard requires that the annexation not create an enclave or a serpentine pattern of municipal boundaries.

Recommended Conclusions of Law

The annexation of this property is consistent with this standard and no new enclave will be created. In summary, the annexation of this property is consistent with Florida law.

VI. CODE ENFORCEMENT ANALYSIS:

There are no current code enforcement violations or any code enforcement history on this site.

SUMMARY AND RECOMMENDATIONS

The proposed annexation can be served by City of Clearwater services, including sanitary sewer, solid waste, police, fire and emergency medical services without any adverse effect on the service level. The proposed annexation is consistent with both the City's Comprehensive Plan and is consistent with Pinellas County Ordinance No. 00-63 regarding voluntary annexation.

Based on the above analysis, the Planning Department recommends the following actions on the request:

- (a) Recommend **APPROVAL** of the annexation of 0.89-acres to the City of Clearwater;
- (b) Recommend **APPROVAL** of the Residential Low (RL) & Commercial General (CG) Future Land Use Plan classifications; and
- (c) Recommend **APPROVAL** of the Low Medium Density Residential (LMDR) and Commercial (C) zoning classifications pursuant to the City's Community Development Code.

Prepared by Planning Department Staff:

Cky Ready, Planner II

Attachments:

Application
Location Map
Aerial Photograph
Proposed Annexation
Future Land Use Map
Zoning Map
Surrounding Uses Map
Site Photographs

*S:\Planning Department\C D B\Annexations\ANX - 2006\ANX2006-10039 - 205 N Belcher - 7-Eleven\ANX2006-10039
Staff_Report.doc*

ORDINANCE NO. 7784-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ANNEXING CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF DREW STREET AND BELCHER ROAD AND SOUTH OF NORMAN DRIVE, WHOSE POST OFFICE ADDRESS IS 2212-2216 DREW STREET, UNADDRESSED PARCEL, AND 2205 NORMAN DRIVE, INTO THE CORPORATE LIMITS OF THE CITY, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the real property described herein and depicted on the map attached hereto as Exhibit A has petitioned the City of Clearwater to annex the property into the City pursuant to Section 171.044, Florida Statutes, and the City has complied with all applicable requirements of Florida law in connection with this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following-described property is hereby annexed into the City of Clearwater and the boundary lines of the City are redefined accordingly:

Legal description attached hereto.
(ANX2006-10039)

Section 2. The provisions of this ordinance are found and determined to be consistent with the City of Clearwater Comprehensive Plan. The City Council hereby accepts the dedication of all easements, parks, rights-of-way and other dedications to the public, which have heretofore been made by plat, deed or user within the annexed property. The City Engineer, the City Clerk and the Planning Director are directed to include and show the property described herein upon the official maps and records of the City.

Section 3. This ordinance shall take effect immediately upon adoption. The City Clerk shall file certified copies of this ordinance, including the map attached hereto, with the Clerk of the Circuit Court and with the County Administrator of Pinellas County, Florida, within 7 days after adoption, and shall file a certified copy with the Florida Department of State within 30 days after adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

ORDINANCE NO. 7785-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO DESIGNATE THE LAND USE FOR CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF DREW STREET AND BELCHER ROAD AND SOUTH OF NORMAN DRIVE, WHOSE POST OFFICE ADDRESS IS 2212-2216 DREW STREET, UNADDRESSED PARCEL, AND 2205 NORMAN DRIVE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS COMMERCIAL GENERAL (CG) AND RESIDENTIAL LOW (RL); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property, upon annexation into the City of Clearwater, as follows:

Property

A. 2212-2216 Drew St. (See Exhibit "A")
B. 2205 Norman Dr. (See Exhibit "A")
(ANX2006-10039)

Land Use Category

Commercial General
Residential Low

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7784-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

ORDINANCE NO. 7786-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE ZONING ATLAS OF THE CITY BY ZONING CERTAIN REAL PROPERTY AT THE NORTHEAST CORNER OF THE INTERSECTION OF DREW STREET AND BELCHER ROAD AND SOUTH OF NORMAN DRIVE, WHOSE POST OFFICE ADDRESS IS 2212-2216 DREW STREET, UNADDRESSED PARCEL, AND 2205 NORMAN DRIVE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS COMMERCIAL (C) AND LOW MEDIUM DENSITY RESIDENTIAL (LMDR); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assignment of a zoning district classification as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following described property located in Pinellas County, Florida, is hereby zoned as indicated upon annexation into the City of Clearwater, and the zoning atlas of the City is amended, as follows:

Property

A. 2212-2216 Drew St. (See Exhibit "A")
B. 2205 Norman Dr. (See Exhibit "A")
(ANX2006-10039)

Zoning District

Commercial (C)
Low Medium Density
Residential (LMDR)

Section 2. The City Engineer is directed to revise the zoning atlas of the City in accordance with the foregoing amendment.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7784-07.

PASSED ON FIRST READING
PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7746-07 on second reading, annexing certain real property whose post office address is 222 North Belcher Road, together with the abutting right of way of North Belcher Road, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7746-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ANNEXING CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTH BELCHER ROAD AND DELL AVENUE, CONSISTING OF LOT 1, PINE DELL, WHOSE POST OFFICE ADDRESS IS 222 NORTH BELCHER ROAD, TOGETHER WITH THE ABUTTING RIGHT OF WAY OF NORTH BELCHER ROAD, INTO THE CORPORATE LIMITS OF THE CITY, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the real property described herein and depicted on the map attached hereto as Exhibit A has petitioned the City of Clearwater to annex the property into the City pursuant to Section 171.044, Florida Statutes, and the City has complied with all applicable requirements of Florida law in connection with this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following-described property is hereby annexed into the City of Clearwater and the boundary lines of the City are redefined accordingly:

Lot 1 of PINE DELL, according to the plat thereof, recorded in Plat Book 45, Page 26, Public Records of Pinellas County, Florida, together with the abutting right of way of North Belcher Road (ANX2006-09031)

Section 2. The provisions of this ordinance are found and determined to be consistent with the City of Clearwater Comprehensive Plan. The City Council hereby accepts the dedication of all easements, parks, rights-of-way and other dedications to the public, which have heretofore been made by plat, deed or user within the annexed property. The City Engineer, the City Clerk and the Planning Director are directed to include and show the property described herein upon the official maps and records of the City.

Section 3. This ordinance shall take effect immediately upon adoption. The City Clerk shall file certified copies of this ordinance, including the map attached hereto, with the Clerk of the Circuit Court and with the County Administrator of Pinellas County, Florida, within 7 days after adoption, and shall file a certified copy with the Florida Department of State within 30 days after adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 7



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7747-07 on second reading, amending the future land use element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 222 North Belcher Road, together with the abutting right of way of North Belcher Road, upon annexation into the City of Clearwater, as Residential/Office General.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7747-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO DESIGNATE THE LAND USE FOR CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTH BELCHER ROAD AND DELL AVENUE, CONSISTING OF LOT 1, PINE DELL, WHOSE POST OFFICE ADDRESS IS 222 NORTH BELCHER ROAD, TOGETHER WITH THE ABUTTING RIGHT OF WAY OF NORTH BELCHER ROAD, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS RESIDENTIAL/OFFICE GENERAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property, upon annexation into the City of Clearwater, as follows:

Property

Lot 1 of PINE DELL, according to the plat thereof, recorded in Plat Book 45, Page 26, Public Records of Pinellas County, Florida, together with the abutting right of way of North Belcher Road (ANX2006-09031)

Land Use Category

Residential/Office General

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7746-07.

PASSED ON FIRST READING
PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7748-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 222 North Belcher Road, together with the abutting right of way of North Belcher Road, upon annexation into the City of Clearwater, as Office (O).

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7748-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE ZONING ATLAS OF THE CITY BY ZONING CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTH BELCHER ROAD AND DELL AVENUE, CONSISTING OF LOT 1, PINE DELL, WHOSE POST OFFICE ADDRESS IS 222 NORTH BELCHER ROAD, TOGETHER WITH THE ABUTTING RIGHT OF WAY OF NORTH BELCHER ROAD, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS OFFICE (O); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assignment of a zoning district classification as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following described property located in Pinellas County, Florida, is hereby zoned as indicated upon annexation into the City of Clearwater, and the zoning atlas of the City is amended, as follows:

Property

Lot 1 of PINE DELL, according to the plat thereof, recorded in Plat Book 45, Page 26, Public Records of Pinellas County, Florida, together with the abutting right of way of North Belcher Road (ANX2006-09031)

Zoning District

Office (O)

Section 2. The City Engineer is directed to revise the zoning atlas of the City in accordance with the foregoing amendment.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7746-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 9

Ordinance No. 7748-07



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7778-07 on second reading, amending Section 32.380, Code of Ordinances, to add Section 32.380.1, outlining rebates and credits for abandoning well, lake or pond irrigation for connection to the reclaimed water system, and adding Section 32.380.2, outlining exclusions.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7778-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO RECLAIMED WATER AVAILABILITY FEE EXEMPTION IN SPECIFICALLY DEFINED AREAS BY CURRENT COOPERATIVE FUNDING AGREEMENTS WITH THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND REBATES AND INCENTIVES TO ABANDON WELL, LAKE OR POND IRRIGATION; AMENDING SECTION 32.380, CODE OF ORDINANCES, CHANGING AVAILABILITY FEE PARAMETERS; ADDING SECTION 32.380.1, OUTLINING REBATES AND CREDITS FOR ABANDONING WELL, LAKE OR POND IRRIGATION FOR CONNECTION TO THE RECLAIMED WATER SYSTEM; ADDING SECTION 32.380.2, OUTLINING EXCLUSIONS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA.

Section 1. Chapter 32, Article IX, Code of Ordinances, is amended to read as follows:

Sec. 32.380. Availability charge.

The utility account of any improved property adjacent to a sufficiently sized reclaimed water distribution main shall include a monthly availability charge to alleviate the capital outlay of extending accessibility to the reclaimed water system. See appendix A for availability rates. Properties with existing irrigation wells well, lake or pond irrigation system within the project areas defined in cooperative funding agreements with the Southwest Florida Water Management District as North Beach, South Beach, Island Estates, Harbor Oaks, Seville/Sunset, Drew Union, North Greenwood, Del Oro, and Morningside shall not be charged for availability as long as the irrigation well, lake or pond irrigation system remains active. Availability fee exemptions will not be granted after the completion of these projects. Such availability fee exemptions, where granted, shall expire upon conveyance of the property. The burden of proof is on the property owner to verify that an irrigation a well, lake or pond irrigation system is active and the director shall make the final determination have final approval.

Section 2. Chapter 32, Article IX, Code of Ordinances, is added to read as follows:

Sec. 32.380.1. Incentives.

Because the overall objective is to maximize usage of reclaimed water and to lessen the impact of effluent discharge into Tampa Bay, all customers willing to abandon a private well, lake or pond irrigation system and connect to the reclaimed water system at any time:

1. shall be offered a rebate of up to \$600 as reimbursement for a licensed well driller or professional to properly plug or abandon the well, lake or pond irrigation system; and
2. shall receive an incentive credit of \$240 on the utility account.

Those customers willing to abandon a private well, lake or pond irrigation system and connect to the reclaimed water system during project construction shall, in addition, not be charged a tap fee.

Section 3. Chapter 32, Article IX, Code of Ordinances, is added to read as follows:

Section 32.380.2. Exclusions.

Single-family residences with wells, lakes or ponds may choose the availability fee exemption or connection to reclaimed water, but not both.

Commercial or multifamily (more than 4 units) may keep an existing private well following connection to the reclaimed water system for "emergency purposes limited to times when the reclaimed water system may not be operational" with proper precautionary devices to assure no interconnection between the reclaimed water system and the private well system will be created.

Section 4. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7795-07 on second reading, annexing certain real property whose post office address is 1990 Abbey Lake Road and 1970 Abbey Lake Road, together with the abutting right of way of Abbey Lake Road, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7795-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ANNEXING CERTAIN REAL PROPERTY LOCATED ON THE WEST SIDE OF ABBEY LAKE ROAD, OPPOSITE THE INTERSECTION OF ABBEY LAKE ROAD AND HOMESTEAD COURT, CONSISTING OF A PORTION OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 16 EAST, METES AND BOUNDS 14/01 AND 14/02, WHOSE POST OFFICE ADDRESS IS 1990 ABBEY LAKE ROAD AND 1970 ABBEY LAKE ROAD, TOGETHER WITH THE ABUTTING RIGHT OF WAY OF ABBEY LAKE ROAD, INTO THE CORPORATE LIMITS OF THE CITY, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the real property described herein and depicted on the map attached hereto as Exhibit A has petitioned the City of Clearwater to annex the property into the City pursuant to Section 171.044, Florida Statutes, and the City has complied with all applicable requirements of Florida law in connection with this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following-described property is hereby annexed into the City of Clearwater and the boundary lines of the City are redefined accordingly:

See attached legal descriptions, together with the abutting right of way of Abbey Lake Road.
(ANX2007-01002 and ANX2007-01001)

Section 2. The provisions of this ordinance are found and determined to be consistent with the City of Clearwater Comprehensive Plan. The City Council hereby accepts the dedication of all easements, parks, rights-of-way and other dedications to the public, which have heretofore been made by plat, deed or user within the annexed property. The City Engineer, the City Clerk and the Planning Director are directed to include and show the property described herein upon the official maps and records of the City.

Section 3. This ordinance shall take effect immediately upon adoption. The City Clerk shall file certified copies of this ordinance, including the map attached hereto, with the Clerk of the Circuit Court and with the County Administrator of Pinellas County, Florida, within 7 days after adoption, and shall file a certified copy with the Florida Department of State within 30 days after adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 11

Ordinance No. 7795-07



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7796-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for whose post office address is 1990 Abbey Lake Road and 1970 Abbey Lake Road, together with the abutting right of way of Abbey Lake Road, upon annexation into the City of Clearwater, as Residential Suburban.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7796-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO DESIGNATE THE LAND USE FOR CERTAIN REAL PROPERTY ON THE WEST SIDE OF ABBEY LAKE ROAD, OPPOSITE THE INTERSECTION OF ABBEY LAKE ROAD AND HOMESTEAD COURT, CONSISTING OF A PORTION OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 16 EAST, METES AND BOUNDS 14/01 AND 14/02, WHOSE POST OFFICE ADDRESS IS 1990 ABBEY LAKE ROAD AND 1970 ABBEY LAKE ROAD, TOGETHER WITH THE ABUTTING RIGHT OF WAY OF ABBEY LAKE ROAD, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS RESIDENTIAL SUBURBAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property, upon annexation into the City of Clearwater, as follows:

Property

See attached legal descriptions, together with the abutting right of way of Abbey Lake Road (ANX2007-01002 and ANX2007-01001)

Land Use Category

Residential Suburban

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7795-07.

PASSED ON FIRST READING
PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 12



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7797-07 on second reading, amending the zoning atlas of the city by zoning whose post office address is 1990 Abbey Lake Road and 1970 Abbey Lake Road, together with the abutting right of way of Abbey Lake Road, upon annexation into the City of Clearwater, as Low Density Residential (LDR).

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7797-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE ZONING ATLAS OF THE CITY BY ZONING CERTAIN REAL PROPERTY LOCATED ON THE WEST SIDE OF ABBEY LAKE ROAD, OPPOSITE THE INTERSECTION OF ABBEY LAKE ROAD AND HOMESTEAD COURT, CONSISTING OF A PORTION OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 16 EAST, METES AND BOUNDS 14/01 AND 14/02, WHOSE POST OFFICE ADDRESS IS 1990 ABBEY LAKE ROAD AND 1970 ABBEY LAKE ROAD, TOGETHER WITH THE ABUTTING RIGHT OF WAY OF ABBEY LAKE ROAD, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS LOW DENSITY RESIDENTIAL (LDR); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assignment of a zoning district classification as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following described property located in Pinellas County, Florida, is hereby zoned as indicated upon annexation into the City of Clearwater, and the zoning atlas of the City is amended, as follows:

<u>Property</u>	<u>Zoning District</u>
See attached legal descriptions, together with the abutting right of way of Abbey Lake Road (ANX2007-01002 and ANX2007-01001)	Low Density Residential (LDR)

Section 2. The City Engineer is directed to revise the zoning atlas of the City in accordance with the foregoing amendment.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7795-07.

PASSED ON FIRST READING
PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 13



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7798-07 on second reading, vacating a portion of the right of way of 66th Street North, subject to a drainage and utility easement which is retained over the full width thereof.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7798-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, VACATING, A PORTION OF THE RIGHT-OF-WAY OF 66TH STREET NORTH, SUBJECT TO A DRAINAGE AND UTILITY EASEMENT WHICH IS RETAINED OVER THE FULL WIDTH THEREOF; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Edward P. and Cynthia Malinski, Kyriacos Pantelis, Ryan and Anita Gryn, Paul and Deborah Rhodes, Robertus and Henrietta van der Putten, Charles Karras, Francis and Yee Chun Kapusinsky, Gilbert and Kathy Austin, Barbara Johnson, Douglas and Sandra Norris, owners of real property located in the City of Clearwater, have requested that the City vacate the right-of-way depicted in Exhibit A attached hereto; and

WHEREAS, the City Council finds that said right-of-way 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; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following:

a portion of the right-of-way of 66th Street North right-of-way described as:

Commencing at the southwest corner of Lot 20, Wynwoods Landing, as recorded in Plat Book 88, pages 36 – 39 of the Official Records of Pinellas County, Florida, proceed thence N 00° 24' 48" W along the west line of said Lot 20 a distance of 56.20 feet to the Point of Beginning, thence N 16° 13' 24" W, 55.00 feet, thence N 00° 24' 48" W, 782.87 feet, thence N 89° 51' 16" E, 15.00 feet to a point on the West property line of Lot 11 of said Wynwoods Landing, thence S 00° 24' 48" E along the west property lines of Lots 11 through 20 of said Wynwoods Landing 835.79 feet to the Point of Beginning.

is hereby vacated, closed and released, and the City of Clearwater releases all of its right, title and interest thereto, except that the City of Clearwater hereby retains a drainage and utility easement over the described property for the installation and maintenance of any and all public utilities thereon.

Section 2. The City Clerk shall record this ordinance in the public records of Pinellas County, Florida, following adoption.

Section 3. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Carlos F. Colón
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7802-07 on second reading, amending Section 32.153, Code of Ordinances, changing watering restrictions, and amending Section 32.383, amending the reclaimed watering schedule.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7802-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO WATERING SCHEDULE; AMENDING SECTION 32.153, CODE OF ORDINANCES, CHANGING WATERING RESTRICTIONS; AMENDING SECTION 32.383, AMENDING RECLAIMED WATERING SCHEDULE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA.

Section 1. Chapter 32, Article IV, Division 3, Code of Ordinances, is amended to read as follows:

Sec. 32.153. Watering Schedule.

The declaration of a water shortage condition or water shortage emergency affecting all or part of the city or its water service area by the governing board or the executive director of the district supports and requires the following watering schedule for lawns, landscape and other uses of water and such schedule is established for the City of Clearwater as set forth below.

(1) When using potable water (domestic and lawn meters), or water from wells, lakes or ponds:

- (a) Property addresses ending in even numbers, letters A through M - on ~~Tuesday~~Saturday,
- (b) Property addresses ending in odd numbers, letters N through Z, or mixed or no street addresses - on Sunday,
- (c) All locations - no watering between ~~8:00 a.m. and 6:00 p.m.~~ 8:01 a.m. and 5:59 p.m. on any day;

~~(2) When using water from wells, lakes or ponds:~~

- ~~(a) Property addresses ending in even numbers, letters A through M - on Tuesday, and/or Saturday,~~
- ~~(b) Property addresses ending in odd numbers, letters N through Z - on Sunday, and/or Wednesday;~~
- ~~(c) Property with mixed or no address - on Sunday, and/or Wednesday~~
- ~~(d) All locations - no watering between 10:00 a.m. and 4:00 p.m. 8:01 a.m. and 5:59 p.m. on any day;~~

~~(3)~~ (2) When using reclaimed water:

- (a) All locations--On any day of the week,

(b) All locations--No watering between ~~10:00 a.m. and 4:00 p.m.~~ 8:01 a.m. and 5:59 p.m. on any day;

~~(4)~~ (3) Establishment period for new lawns:

- (a) Newly installed lawns may be watered daily for 60 days, if necessary. Watering is allowed only during authorized hours for water source.
- (b) No watering between ~~10:00 a.m. to 4:00 p.m. for well/lakes/ponds or from 8:00 a.m. to 6:00 p.m. for potable water~~ 8:01 a.m. and 5:59 p.m.
- (c) All locations which contain at least 50% of new plant material - for 60 days and at authorized hours for water source,
- (d) All locations which contain less than 50% of new plant material - for 60 days, at authorized hours for water source and by means other than irrigation system, unless an irrigation zone is created for the area with new plant material or watered so that only the new plant material is irrigated- - for 60 days, at authorized hours for water source. For the remainder of the location, irrigate at authorized hours for water source.

~~(5)~~ Establishment of new landscaping, such as trees, shrubs and plants:

~~New landscaping, including trees, shrubs, and plants, may be watered daily if done by hand with a handheld hose with an automatic shutoff. No watering is to occur between 10 a.m. and 4 p.m. 8:01 a.m. and 5:59 p.m.; and~~

~~(6)~~ (4) Low-volume irrigation devices, defined as micro-irrigation, bubblers, soaker hoses, or drip tubing, shall not be restricted to specific days or times of operation; and

~~(7)~~ (5) Miscellaneous - Applicable to all water sources:

- (a) Cars may be washed ~~on any day, at any time, when necessary.~~ once per week, according to the watering schedule above. A shutoff nozzle or other water efficient device must be used on the watering source,
- (b) Hand watering of trees, shrubs, flower and vegetable gardens is allowed as needed. A shutoff nozzle or other water efficient device must be used,
- (c) Hand watering of lawns is restricted as provided in subsections (1), (2), and (3), (4), and (5) of this section,
- (d) Insecticides, fungicides and herbicides may be watered in on an unauthorized day, but watering must be within authorized hours and limited to the minimum of watering necessary. Regular designated irrigation day and hours should be used when possible,
- (e) Fertilizers should be watered in on authorized day, during restricted hours.

(6) Regulatory compliance: Upon declaration by the District or regional water authority of a water shortage condition, or upon rescinding such declaration, the City Manager or designee shall have the authority to alter the watering restrictions contained in this Section. Such alteration shall be consistent with statutory and Florida Administrative

Code requirements as well as administrative order of the District or regional water authority.

Section 2. Chapter 32, Article IX, Code of Ordinances, is amended to read as follows:

Sec. 32.383. Reclaimed water use restrictions.

To conserve the resource, no irrigation by use of reclaimed water is allowed between the hours of ~~10:00~~ 8:01 a.m. and ~~4:00~~ 5:59 p.m. on each day of the week. When applied, reclaimed water should be used only to the extent necessary for irrigation needs of lawns, gardens and individual plants.

Section 3. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7805-07 on second reading, annexing certain real property whose post office address is 1301 Fairfield Drive into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7805-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ANNEXING CERTAIN REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKEVIEW ROAD AND FAIRFIELD DRIVE, CONSISTING OF LOT 42, DOUGLAS MANOR PARK, WHOSE POST OFFICE ADDRESS IS 1301 FAIRFIELD DRIVE, INTO THE CORPORATE LIMITS OF THE CITY, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the real property described herein and depicted on the map attached hereto as Exhibit A has petitioned the City of Clearwater to annex the property into the City pursuant to Section 171.044, Florida Statutes, and the City has complied with all applicable requirements of Florida law in connection with this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following-described property is hereby annexed into the City of Clearwater and the boundary lines of the City are redefined accordingly:

Lot 42, Douglas Manor Park, according to the plat thereof as recorded in Plat Book 53, Page 19, Public Records of Pinellas County, Florida (ANX2007-01003)

Section 2. The provisions of this ordinance are found and determined to be consistent with the City of Clearwater Comprehensive Plan. The City Council hereby accepts the dedication of all easements, parks, rights-of-way and other dedications to the public, which have heretofore been made by plat, deed or user within the annexed property. The City Engineer, the City Clerk and the Planning Director are directed to include and show the property described herein upon the official maps and records of the City.

Section 3. This ordinance shall take effect immediately upon adoption. The City Clerk shall file certified copies of this ordinance, including the map attached hereto, with the Clerk of the Circuit Court and with the County Administrator of Pinellas County, Florida, within 7 days after adoption, and shall file a certified copy with the Florida Department of State within 30 days after adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7806-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1301 Fairfield Drive, upon annexation into the City of Clearwater, as Residential Low.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7806-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO DESIGNATE THE LAND USE FOR CERTAIN REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKEVIEW ROAD AND FAIRFIELD DRIVE, CONSISTING OF LOT 42, DOUGLAS MANOR PARK, WHOSE POST OFFICE ADDRESS IS 1301 FAIRFIELD DRIVE UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS RESIDENTIAL LOW; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property, upon annexation into the City of Clearwater, as follows:

Property

Lot 42, Douglas Manor Park, according to the plat thereof as recorded in Plat Book 53, Page 19, Public Records of Pinellas County, Florida (ANX2007-01003)

Land Use Category

Residential Low

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7805-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 17



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7807-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1301 Fairfield Drive, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7807-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE ZONING ATLAS OF THE CITY BY ZONING CERTAIN REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKEVIEW ROAD AND FAIRFIELD DRIVE, CONSISTING OF LOT 42, DOUGLAS MANOR PARK, WHOSE POST OFFICE ADDRESS IS 1301 FAIRFIELD DRIVE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS LOW MEDIUM DENSITY RESIDENTIAL (LMDR); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assignment of a zoning district classification as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following described property located in Pinellas County, Florida, is hereby zoned as indicated upon annexation into the City of Clearwater, and the zoning atlas of the City is amended, as follows:

Property

Lot 42, Douglas Manor Park, according to the plat thereof as recorded in Plat Book 53, Page 19, Public Records of Pinellas County, Florida (ANX2007-01003)

Zoning District

Low Medium Density
Residential
(LMDR)

Section 2. The City Engineer is directed to revise the zoning atlas of the City in accordance with the foregoing amendment.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7805-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7808-07 on second reading, annexing certain real property whose post office address is 1278 Sedeeva Circle North, together with the right of way of Betty Lane, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7808-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ANNEXING CERTAIN REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF SEDEEVA CIRCLE NORTH AND BETTY LANE, CONSISTING OF LOT 1 AND THE EAST 40 FEET OF LOT 2, FLORADEL SUBDIVISION, WHOSE POST OFFICE ADDRESS IS 1278 SEDEEVA CIRCLE NORTH, TOGETHER WITH THE RIGHT OF WAY OF BETTY LANE, INTO THE CORPORATE LIMITS OF THE CITY, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the real property described herein and depicted on the map attached hereto as Exhibit A has petitioned the City of Clearwater to annex the property into the City pursuant to Section 171.044, Florida Statutes, and the City has complied with all applicable requirements of Florida law in connection with this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following-described property is hereby annexed into the City of Clearwater and the boundary lines of the City are redefined accordingly:

Lot 1 and the east 40 feet of Lot 2, Floradel Subdivision, according to the map or plat thereof recorded in Plat Book 15, Page 7, Public Records of Pinellas County, Florida, together with the right of way of Betty Lane (ANX2007-01004)

Section 2. The provisions of this ordinance are found and determined to be consistent with the City of Clearwater Comprehensive Plan. The City Council hereby accepts the dedication of all easements, parks, rights-of-way and other dedications to the public, which have heretofore been made by plat, deed or user within the annexed property. The City Engineer, the City Clerk and the Planning Director are directed to include and show the property described herein upon the official maps and records of the City.

Section 3. This ordinance shall take effect immediately upon adoption. The City Clerk shall file certified copies of this ordinance, including the map attached hereto, with the Clerk of the Circuit Court and with the County Administrator of Pinellas County, Florida, within 7 days after adoption, and shall file a certified copy with the Florida Department of State within 30 days after adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7809-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1278 Sedeeva Circle North, together with the right of way of Betty Lane, upon annexation into the City of Clearwater, as Residential Urban.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7809-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO DESIGNATE THE LAND USE FOR CERTAIN REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF SEDEEVA CIRCLE NORTH AND BETTY LANE, CONSISTING OF LOT 1 AND THE EAST 40 FEET OF LOT 2, FLORADEL SUBDIVISION, WHOSE POST OFFICE ADDRESS IS 1278 SEDEEVA CIRCLE NORTH, TOGETHER WITH THE RIGHT OF WAY OF BETTY LANE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS RESIDENTIAL URBAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property, upon annexation into the City of Clearwater, as follows:

Property

Lot 1 and the east 40 feet of Lot 2, Floradel Subdivision, according to the map or plat thereof recorded in Plat Book 15, Page 7, Public Records of Pinellas County, Florida, together with the right of way of Betty Lane (ANX2007-01004)

Land Use Category

Residential Urban

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7808-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7810-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1278 Sedeeva Circle North, together with the right of way of Betty Lane, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7810-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE ZONING ATLAS OF THE CITY BY ZONING CERTAIN REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF SEDEEVA CIRCLE NORTH AND BETTY LANE, CONSISTING OF LOT 1 AND THE EAST 40 FEET OF LOT 2, FLORADEL SUBDIVISION, WHOSE POST OFFICE ADDRESS IS 1278 SEDEEVA CIRCLE NORTH, TOGETHER WITH THE RIGHT OF WAY OF BETTY LANE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS LOW MEDIUM DENSITY RESIDENTIAL (LMDR); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assignment of a zoning district classification as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following described property located in Pinellas County, Florida, is hereby zoned as indicated upon annexation into the City of Clearwater, and the zoning atlas of the City is amended, as follows:

Property

Lot 1 and the east 40 feet of Lot 2, Floradel Subdivision, according to the map or plat thereof recorded in Plat Book 15, Page 7, Public Records of Pinellas County, Florida, together with the right of way of Betty Lane (ANX2007-01004)

Zoning District

Low Medium Density Residential (LMDR)

Section 2. The City Engineer is directed to revise the zoning atlas of the City in accordance with the foregoing amendment.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7808-07.

PASSED ON FIRST READING
PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7811-07 on second reading, annexing certain real property whose post office address is 1869 East Drive, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7811-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ANNEXING CERTAIN REAL PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SUNSET POINT ROAD AND EAST DRIVE, CONSISTING OF LOT 1, BLOCK A, CLEARWATER HIGHLANDS UNIT A, WHOSE POST OFFICE ADDRESS IS 1869 EAST DRIVE, INTO THE CORPORATE LIMITS OF THE CITY, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the real property described herein and depicted on the map attached hereto as Exhibit A has petitioned the City of Clearwater to annex the property into the City pursuant to Section 171.044, Florida Statutes, and the City has complied with all applicable requirements of Florida law in connection with this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following-described property is hereby annexed into the City of Clearwater and the boundary lines of the City are redefined accordingly:

Lot 1, Block A, Clearwater Highlands Unit A, according to the map or plat thereof as recorded in Plat Book 28, Page 95, Public Records of Pinellas County, Florida (ANX2007-02005)

Section 2. The provisions of this ordinance are found and determined to be consistent with the City of Clearwater Comprehensive Plan. The City Council hereby accepts the dedication of all easements, parks, rights-of-way and other dedications to the public, which have heretofore been made by plat, deed or user within the annexed property. The City Engineer, the City Clerk and the Planning Director are directed to include and show the property described herein upon the official maps and records of the City.

Section 3. This ordinance shall take effect immediately upon adoption. The City Clerk shall file certified copies of this ordinance, including the map attached hereto, with the Clerk of the Circuit Court and with the County Administrator of Pinellas County, Florida, within 7 days after adoption, and shall file a certified copy with the Florida Department of State within 30 days after adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7812-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1869 East Drive, upon annexation into the City of Clearwater, as Residential Low.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7812-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO DESIGNATE THE LAND USE FOR CERTAIN REAL PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SUNSET POINT ROAD AND EAST DRIVE, CONSISTING OF LOT 1, BLOCK A, CLEARWATER HIGHLANDS UNIT A, WHOSE POST OFFICE ADDRESS IS 1869 EAST DRIVE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS RESIDENTIAL LOW; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property, upon annexation into the City of Clearwater, as follows:

<u>Property</u>	<u>Land Use Category</u>
Lot 1, Block A, Clearwater Highlands Unit A, according to the map or plat thereof as recorded in Plat Book 28, Page 95, Public Records of Pinellas County, Florida (ANX2007-02005)	Residential Low

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7811-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 23



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7813-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1869 East Drive, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7813-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE ZONING ATLAS OF THE CITY BY ZONING CERTAIN REAL PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SUNSET POINT ROAD AND EAST DRIVE, CONSISTING OF LOT 1, BLOCK A, CLEARWATER HIGHLANDS UNIT A, WHOSE POST OFFICE ADDRESS IS 1869 EAST DRIVE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS LOW MEDIUM DENSITY RESIDENTIAL (LMDR); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assignment of a zoning district classification as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following described property located in Pinellas County, Florida, is hereby zoned as indicated upon annexation into the City of Clearwater, and the zoning atlas of the City is amended, as follows:

Property

Lot 1, Block A, Clearwater Highlands Unit A, according to the map or plat thereof as recorded in Plat Book 28, Page 95, Public Records of Pinellas County, Florida (ANX2007-02005)

Zoning District

Low Medium Density Residential (LMDR)

Section 2. The City Engineer is directed to revise the zoning atlas of the City in accordance with the foregoing amendment.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7811-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7814-07 on second reading, annexing certain real property whose post office address is 1836 Pineland Drive, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7814-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ANNEXING CERTAIN REAL PROPERTY LOCATED ON THE WEST SIDE OF PINELAND DRIVE, APPROXIMATELY 90 FEET NORTH OF VISTA WAY CONSISTING OF LOT 26, BLOCK B, HARBOR VISTA AND THE EAST ONE-HALF OF VACATED PLAYGROUND LYING WEST OF LOT 26, BLOCK B, HARBOR VISTA, WHOSE POST OFFICE ADDRESS IS 1836 PINELAND DRIVE, INTO THE CORPORATE LIMITS OF THE CITY, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the real property described herein and depicted on the map attached hereto as Exhibit A has petitioned the City of Clearwater to annex the property into the City pursuant to Section 171.044, Florida Statutes, and the City has complied with all applicable requirements of Florida law in connection with this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following-described property is hereby annexed into the City of Clearwater and the boundary lines of the City are redefined accordingly:

Lot 26, Block B, Harbor Vista, according to the plat thereof as recorded in Plat Book 18, Page 41, Public Records of Pinellas County, Florida. Together with that portion of the east ½ of a vacated playground abutting said Lot 26, Block B, Harbor Vista and lying west thereof.
(ANX2007-02006)

Section 2. The provisions of this ordinance are found and determined to be consistent with the City of Clearwater Comprehensive Plan. The City Council hereby accepts the dedication of all easements, parks, rights-of-way and other dedications to the public, which have heretofore been made by plat, deed or user within the annexed property. The City Engineer, the City Clerk and the Planning Director are directed to include and show the property described herein upon the official maps and records of the City.

Section 3. This ordinance shall take effect immediately upon adoption. The City Clerk shall file certified copies of this ordinance, including the map attached hereto, with the Clerk of the Circuit Court and with the County Administrator of Pinellas County, Florida, within 7 days after adoption, and shall file a certified copy with the Florida Department of State within 30 days after adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

Item # 25



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7815-07 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1836 Pineland Drive, upon annexation into the City of Clearwater, as Residential Urban.

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7815-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO DESIGNATE THE LAND USE FOR CERTAIN REAL PROPERTY LOCATED ON THE WEST SIDE OF PINELAND DRIVE, APPROXIMATELY 90 FEET NORTH OF VISTA WAY CONSISTING OF LOT 26, BLOCK B, HARBOR VISTA AND THE EAST ONE-HALF OF VACATED PLAYGROUND LYING WEST OF LOT 26, BLOCK B, HARBOR VISTA, WHOSE POST OFFICE ADDRESS IS 1836 PINELAND DRIVE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS RESIDENTIAL URBAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property, upon annexation into the City of Clearwater, as follows:

Property

Lot 26, Block B, Harbor Vista, according to the plat thereof as recorded in Plat Book 18, Page 41, Public Records of Pinellas County, Florida. Together with that portion of the east ½ of a vacated playground abutting said Lot 26, Block B, Harbor Vista and lying west thereof. (ANX2007-02006)

Land Use Category

Residential Urban

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7814-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Adopt Ordinance 7816-07 on second reading, amending the zoning atlas of the city by zoning certain real property whose post office address is 1836 Pineland Drive, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

SUMMARY:

Review Approval: 1) Clerk

ORDINANCE NO. 7816-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE ZONING ATLAS OF THE CITY BY ZONING CERTAIN REAL PROPERTY LOCATED ON THE WEST SIDE OF PINELAND DRIVE, APPROXIMATELY 90 FEET NORTH OF VISTA WAY CONSISTING OF LOT 26, BLOCK B, HARBOR VISTA AND THE EAST ONE-HALF OF VACATED PLAYGROUND LYING WEST OF LOT 26, BLOCK B, HARBOR VISTA, WHOSE POST OFFICE ADDRESS IS 1836 PINELAND DRIVE, UPON ANNEXATION INTO THE CITY OF CLEARWATER, AS LOW MEDIUM DENSITY RESIDENTIAL (LMDR); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assignment of a zoning district classification as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The following described property located in Pinellas County, Florida, is hereby zoned as indicated upon annexation into the City of Clearwater, and the zoning atlas of the City is amended, as follows:

Property

Lot 26, Block B, Harbor Vista, according to the plat thereof as recorded in Plat Book 18, Page 41, Public Records of Pinellas County, Florida. Together with that portion of the east ½ of a vacated playground abutting said Lot 26, Block B, Harbor Vista and lying west thereof. (ANX2007-02006)

Zoning District

Low Medium Density
Residential
(LMDR)

Section 2. The City Engineer is directed to revise the zoning atlas of the City in accordance with the foregoing amendment.

Section 3. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 7814-07.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Award a contract to Fisher Scientific Company LLC, 5904-D Hampton Oaks Parkway, Suite 200, Tampa Florida, in the amount of \$150,000, for the replacement and upgrade of Scott Air Packs in accordance with sec. 2.564 – (1) (b) and (e), and authorize appropriate officials to execute same. (consent)

SUMMARY:

This program provides for the replacement and upgrade of breathing apparatus needed for worn or damaged front line units used by firefighters. The project will provide for the purchase of self-contained breathing apparatus (SCBA) upgrade kits that have been approved through the National Institute for Occupational Safety & Health (NIOSH) and CDC.

The CDC and NIOSH have a program to approve SCBA for use by firefighters and other first responders to terrorist attacks. NIOSH approval under the program signifies that an SCBA is expected to provide needed protection to first responders in situations where an act of terror has released harmful chemicals. Pathogens, or radioactive materials into the air.

This program will provide for the standardization of existing airpacks and the purchase of new replacement airpacks that meet the new standard, which has been adopted by National Fire Protection Association (NFPA) revision of NFPA 1982.

Funding for this contract is available in capital project 315-91229, Replace and Upgrade Airpacks, and is partially reimbursed by the County since the equipment also serves the unincorporated area of the Clearwater Fire District.

Type:	Purchase		
Current Year Budget?:	Yes	Budget Adjustment:	None
Budget Adjustment Comments:			
Current Year Cost:	150,000.00	Annual Operating Cost:	
Not to Exceed:		Total Cost:	150,000.00
For Fiscal Year:	10/01/06 to 09/30/07		

Appropriation Code	Amount	Appropriation Comment
315-91229	\$150,000.00	

Review Approval: 1) Clerk



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Declare an estimated 50,000 pounds of aluminum from bleachers, box seating and other miscellaneous materials at Jack Russell Stadium surplus to the needs of the City and authorize sale to the highest bid received; and allow proceeds to be returned to the Jack Russell Stadium demolition project; and allow appropriate officials to execute same. (consent)

SUMMARY:

Jack Russell Stadium seating under the covered area and box seating is no longer needed at the stadium or any other City facility. Staff has contacted Pinellas, Pasco and Hillsborough County Schools, Tampa Bay Downs Race Track, Southeast Seating, Sunshine Speedway, Clearwater Central Catholic and Calvary Christian High Schools. None have expressed interest in obtaining the bleachers for reuse.

Cost of removal is estimated to be \$5000, which will be paid from revenue received. The current value of aluminum is approximately \$0.80/pound; therefore net proceeds are estimated to be \$35,000.

Several citizens have expressed interest in purchasing seats and signage. We will accommodate the citizens by allowing sealed bids for lots as small as one seat or sign. Small lot bids must be equal to or greater than the salvage value. A small fee will be charged for removal and handling.

City employees or prisoner volunteers will remove seats and/or signage. Bidders will be responsible for transportation from Jack Russell Stadium to the final destination.

Funds received will be utilized to pay unanticipated recycling costs for hazardous materials left on the site and for restoration after demolition. 13 large electrical transformers left on site may contain PCBs, therefore must be tested and properly recycled. In addition, over 700 pounds of chemicals were found in various storage facilities that must be sent to proper hazardous waste disposal facilities.

Site restoration will include new electrical service, dugout drainage, ADA approved sidewalks to the restroom facilities, a new backstop and modification of the remaining bleachers for code compliance.

A mid-year budget amendment to increase project 0315-93254, Jack Russell Stadium Infrastructure Repairs and Demolition, by the proceeds received from the sale of this surplus. This is estimated to be \$35,000 and represents a transfer from the General Fund.

Type:	Other		
Current Year Budget?:	None	Budget Adjustment:	None

Budget Adjustment Comments:

Current Year Cost:	\$0.00	Annual Operating Cost:	
Not to Exceed:		Total Cost:	
For Fiscal Year:	to		

Cover Memo

Item # 29

Appropriation Code	Amount	Appropriation Comment
0315-93254	Revenue to be	

determined at
tme of sale

Bid Required?:

No

Bid Number:

Other Bid / Contract:

Surplus sale
revenue

Bid Exceptions:

None

Review Approval: 1) Clerk



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve renewal of License Agreement, for period of June 1, 2007-May 31, 2010, with Ultimate Bounce to provide entertainment concessions at Pier 60 Park and authorize the appropriate officials to execute same. (consent)

SUMMARY:

Ultimate Bounce has provided successful entertainment concessions at Pier 60 Park for the past year.

During that time, Ultimate Bounce operated a water slide, dry slide and bounce house. The City makes 25% of gross revenue, which amounted to \$49,433 last year.

Staff has included revenue from entertainment concession in the general fund budget to off-set some of the costs of operating the Parks and Recreation Department.

Staff is recommending approval of the License Agreement between Ultimate Bounce and the City. The City may cancel the Agreement at any time during the agreement period.

Review Approval: 1) Clerk

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is entered into as of this _____ day of _____, 2007, between the City of Clearwater, a municipal corporation of the State of Florida, whose mailing address is P.O. Box 4748, Clearwater, Florida 33758-4748 ("**Licensor**") and Ultimate Bounce, LLC, whose mailing address is 3300 – 11 Street N., St. Petersburg, Florida 33704 ("**Licensee**").

WHEREAS, Licensor is the owner of the real property more particularly described in Exhibit "A", attached hereto and made a part hereof, located in Pinellas County, Florida hereinafter referred to as ("**Premises**"); and,

WHEREAS, Licensee desires to exercise certain rights and privileges upon the Premises; and

WHEREAS, Licensor is willing to grant Licensee a license for such occupancy and utilization, subject to the terms and conditions stipulated below (**the "License"**):

NOW, THEREFORE, it is mutually agreed as follows:

1. Licensor hereby grants to Licensee the License to occupy and use the Premises, subject to all of the terms and conditions herein set forth, commencing on June 1, 2007, and expiring on May 31, 2010, unless sooner terminated as herein provided ("License Term") for the purpose of installing an inflatable bounce house, dry slide, wet slide and other inflatable concessions ("Concessions") as more particularly described in Exhibit "B", attached hereto and made a part hereof. Licensee acknowledges and agrees that License is non-exclusive. Licensee's Concessions shall be located within the License area in conjunction with other Licensees as such Licensee's Concessions are located as of the inception of this Agreement. Licensor reserves the right to request relocation of the License at its discretion.
2. That for and in consideration of the foregoing License, Licensee shall pay Licensor a commission equivalent to twenty-five percent (25%) of the gross revenue proceeds generated during the License Term ("Commission"). For purposes of this Agreement, "Gross Revenue Proceeds" shall mean the total of all amounts charged to customers for entry to the concessions. Specifically, all amounts charged for numbered tickets, coupons or other type of invoices ("Tickets"), less any applicable taxes, regardless of whether said Tickets are redeemed. Commission shall be paid bi-weekly, first payment to be paid 14 days after the Licensee's first day of operation, and once every two weeks thereafter. If all amounts due to Licensor are not paid as indicated, Licensee will be considered in default hereunder and Licensor retains the right to terminate this Agreement immediately and require vacation of the Premises immediately, but in no event later than 24 hours from receipt of notification of such default.
3. Licensee shall pay all costs resulting from and associated with the installation and operation of electrical service for operation of the concessions.

4. The Licensee agrees that persons employed by Licensee for purposes related to the installation, operation or other purposes under this License are not employees of the Licensor for any purpose whatsoever, including unemployment tax, social security contributions, income tax withholding or workers compensation, whether state or federal. Licensee agrees to pay and be solely responsible for all applicable taxes, both state and federal, in connection with the amount paid by Licensee to Licensor.
5. Licensee duties and responsibilities pursuant to this Agreement are as follows:
 - (a) Licensee shall provide various inflatable amusements, such as: a water inflatable slide, a dry inflatable Slide and a Bounce House each manufactured out of 18 gauge fire-retardant vinyl, double-stitched seams, and other safety features in accordance with acceptable industry standards.
 - (b) Licensee shall setup the site, including securely anchoring the concessions, fencing off the area, and setting up an area for ticket sales.
 - (c) Licensee shall operate in or on the Premises, as designated by Licensor. Hours of operation shall be daily (seven days a week) no earlier than 9:00 a.m. until no later than 10:30 p.m., except during inclement weather. The City reserves the right to shut down the operation of the concessions if, in its sole discretion, it is in the best interest of the city, or to protect the safety and welfare of the public.
 - (d) Licensee will ensure that the concessions are a temporary structure that can be broken down in 2 days if needed.
 - (e) Licensee will ensure that the concessions are run and operated by properly trained employees, all of whom are uniformed in matching company tee shirts and shorts.
 - (f) Licensee specifies that each employee have specific duties, which include technical, safety, and operational support to ensure that the operation runs safely and efficiently, and that Licensee has provided any necessary and appropriate training for its employees to carry out the operation in a safe manner.
6. Licensee agrees to provide comprehensive general liability coverage on an "occurrence" basis in an amount of not less than One Million Dollars (\$1,000,000.00) combined single limit bodily injury liability and property damage liability with a minimum One Million Dollar (\$1,000,000.00) aggregate limit. The Certificate of Insurance shall show the City of Clearwater as an Additional Insured. The certificate must be provided to City of Clearwater prior to operation.
7. Licensee shall protect, defend, indemnify, save and hold harmless Licensor against and from any and all claims, including copyright/trademark infringement claims, demands, fines, suits, sections, proceedings, orders, decrees and

- judgments of any kind or nature by or in favor of, anyone whomsoever, and against and from any and all costs, damages and expenses, including attorney's fees, resulting from, or in connection with, loss of life, bodily or personal injury or property damages arising, directly or indirectly, out of, or from, or on account of, any accident or other occurrence in, upon, at or from the Premises, or occasioned in whole or in part through the use and occupancy of the Premises, or by any act or omission of Licensee, or any employees, agents, contractors or invitees in, upon, at or from the Premises or its appurtenances.
8. Licensee shall at its sole cost and expense (a) maintain the Premises in a safe, clean and proper manner; (b) secure any and all licenses or permits required by any governmental agency or authority with respect to Licensee's operation of the concessions, occupancy and use of the Premises, including any and all rights or licenses required under applicable copyright or trademark law; (c) secure and be responsible for the security of the concessions at close of business each day and during hours of non-operation; (d) not make or permit to be made any alterations, additions or improvements in the Premises without the prior written consent of Licensors; (e) not permit any mechanic's lien to be filed against the Premises by reason of any work, labor, service or materials performed at or furnished to the Premises; and (h) abide by all rules and regulations established by Licensors, from time to time, with respect to the use and occupancy of the Premises. All signs used at the Premises shall be subject to Licensors's prior approval.
 9. This License is personal to Licensee. It is not assignable, and any attempt to assign this License will terminate the License privileges granted to Licensee hereunder. In addition, Licensee shall not sell, mortgage, pledge or in any manner transfer this License Agreement or any interest therein, nor sublet all of any part of the Premises or license considerations therein.
 10. Licensors may terminate this License Agreement immediately, at will, in Licensors's sole discretion, with or without cause. This License Agreement may also be terminated at any time upon the mutual written agreement of Licensors and Licensee.
 11. Nothing contained herein shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto it being understood that nothing contained herein, or any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of Licensors and Licensee.
 12. All notices to either party must be sent by U.S. Mail to the address below:

As to Licensors City of Clearwater P.O. Box 4748 Clearwater, FL 33758-4748	As to Licensee Ultimate Bounce, LLC c/o Alfonso Rojas 3300 – 11 th Street N. St. Petersburg, FL 333704
--	--

Miscellaneous Provisions

13. The provisions of this License shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the parties, as permitted herein. Any provision hereof which imposes upon Licensor or Licensee, any obligation after termination or expiration of this License Agreement, shall survive termination or expiration hereof and be binding upon Licensor or Licensee.
14. Licensee agrees to comply with all local, state, and federal statutes and ordinances, and is responsible for obtaining all necessary state and local permits prior to setting up and operating the concessions.
15. All advertising or related communications pertaining to Licensor must be pre-approved in writing by the Licensor.
16. Licensor shall have the right to enter upon the Premises at all times. Licensor shall not unduly interfere with Licensee's business.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

LICENSEE:
ULTIMATE BOUNCE, LLC

Signed in the Presence of:

Dated:

By: _____
Alfonso Rojas
Manager

Countersigned:

LICENSOR:
CITY OF CLEARWATER, FLORIDA

Frank V. Hibbard
Mayor

By: _____
William B. Horne II
City Manager

Approved as to form:

Attest:

Laura Lipowski
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

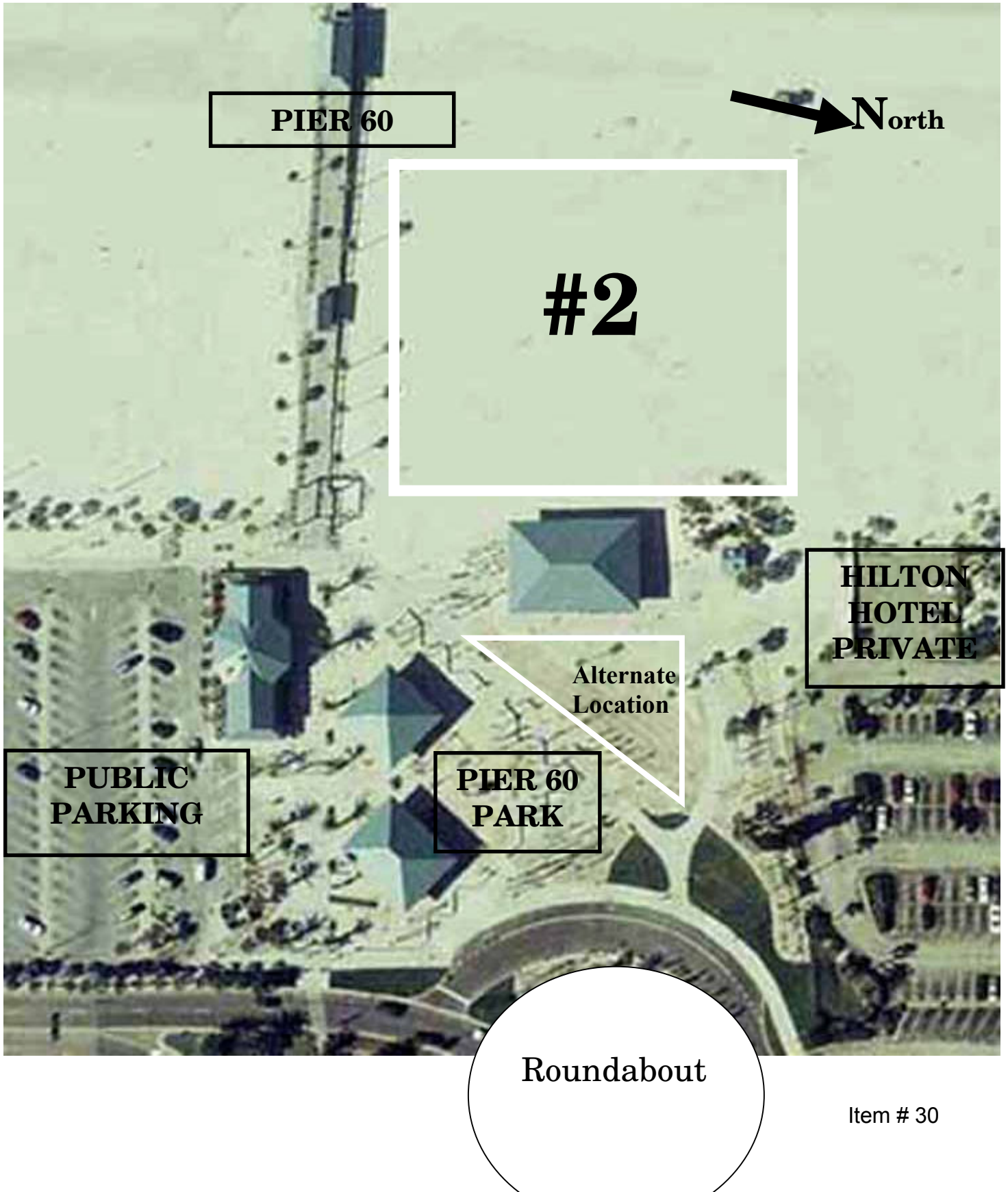
STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by WILLIAM B. HORNE II, City Manager of the City of Clearwater, who is personally known to me.

Print/Type Name: _____
Notary Public

Exhibit A

City of Clearwater
SPECIAL EVENTS BEACH VENUE #2: North Of Pier 60
(Approximately 200' x 250' = 50,000 sf or 1.1 acre)





Gone Fishin

Tropical Wave Front
In use May-Feb



“Hippo” Slide– In use Feb– Apr



Sponge Bob Bounce House

Item # 30



Tropical Wave Back

Exhibit B



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve renewal of License Agreement, for period June 1, 2007-May 31, 2010, with Emerald Coast Bungee, Inc., to provide entertainment concessions at Pier 60 Park and authorize the appropriate officials to execute same. (consent)

SUMMARY:

Emerald Coast Bungee, Inc. has provided successful entertainment concessions at Pier 60 Park for the past two years.

During that time, Emerald Coast Bungee, Inc. operated a climbing wall and trampoline bungee jump. The City makes 25% gross revenue, which amounted to \$54,545 last year.

Staff has included revenue from entertainment concession in the general fund budget to offset some of the costs of operating the Parks and Recreation Department.

Staff is recommending renewal and approval of the License Agreement between Emerald Coast Bungee, Inc. and the City. The City may cancel the Agreement at any time during the agreement period.

Review Approval: 1) Clerk

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is entered into as of this _____ day of _____, 2007, between the City of Clearwater, a municipal corporation of the State of Florida, whose mailing address is P.O. Box 4748, Clearwater, Florida 33758-4748 ("**Licensor**") and Emerald Coast Bungee, Inc., a Florida corporation, whose mailing address is 915 Lantana Avenue, Clearwater, Florida 33755 ("**Licensee**").

WHEREAS, Licensor is the owner of the real property more particularly described in Exhibit "A", attached hereto and made a part hereof, located in Pinellas County, Florida hereinafter referred to as ("**Premises**"); and,

WHEREAS, Licensee desires to exercise certain rights and privileges upon the Premises; and

WHEREAS, Licensor is willing to grant Licensee a license for such occupancy and utilization, subject to the terms and conditions stipulated below (**the "License"**):

NOW, THEREFORE, it is mutually agreed as follows:

1. Licensor hereby grants to Licensee the License to occupy and use the Premises, subject to all of the terms and conditions herein set forth, commencing on June 1, 2007, and expiring on May 31, 2010, unless sooner terminated as herein provided ("License Term") for the purpose of installing a bungee powered trampoline jump amusement ride and faux-rock climbing wall ("Concessions") as more particularly described in Exhibit "B", attached hereto and made a part hereof. Licensee acknowledges and agrees that License is non-exclusive. Licensee's Concessions shall be located within the License area in conjunction with other Licensees as such Licensee's Concessions are located as of the inception of this Agreement. Licensor reserves the right to request relocation of the License at its discretion.
2. That for and in consideration of the foregoing License, Licensee shall pay Licensor a commission equivalent to twenty-five percent (25%) of the gross revenue proceeds generated by the Bungee/Climbing Wall during the License Term ("Commission"). For purposes of this Agreement, "Gross Revenue Proceeds" shall mean the total of all amounts charged to customers for entry to the Bungee/Climbing Wall. Specifically, all amounts charged for numbered tickets, coupons or other type of invoices ("Tickets"), less any applicable taxes, regardless of whether said Tickets are redeemed. Commission shall be paid bi-weekly, first payment to be paid 14 days after the Licensee's first day of operation, and once every two weeks thereafter. If all amounts due to Licensor are not paid as indicated, Licensee will be considered in default hereunder and Licensor retains the right to terminate this Agreement immediately and require vacation of the Premises immediately, but in no event later than 24 hours from receipt of notification of such default.

3. Licensee shall pay all costs resulting from and associated with the installation and operation of electrical and water service for operation of the Bungee/Climbing Wall.
4. The Licensee agrees that persons employed by Licensee for purposes related to the installation, operation or other purposes under this License are not employees of the Licensor for any purpose whatsoever, including unemployment tax, social security contributions, income tax withholding or workers compensation, whether state or federal. Licensee agrees to pay and be solely responsible for all applicable taxes, both state and federal, in connection with the amount paid by Licensee to Licensor.
5. Licensee duties and responsibilities pursuant to this Agreement are as follows:
 - (a) Licensee shall provide a "Euro Bungee" with an aluminum framing, trampolines (3' H x 15' diameter), adjustable bungees attached to 110V wenchers, safety harnesses and other safety features; and a four-sided faux-rock climbing wall, 24.5' high, with mountain climbing rated safety harnesses and other safety features in accordance with acceptable industry standards.
 - (b) Licensee shall setup the site, including securely anchoring the Bungee, fencing off the area, and setting up an area for ticket sales.
 - (c) Licensee shall operate in or on the Premises, as designated by Licensor. Hours of operation shall be daily (seven days a week) no earlier than 9:00 a.m. until no later than 10:30 p.m., except during inclement weather. The City reserves the right to shut down the operation of the Bungee if, in its sole discretion, it is in the best interest of the city, or to protect the safety and welfare of the public.
 - (d) Licensee will ensure that the Bungee is a temporary structure that can be broken down in 2 days if needed.
 - (e) Licensee will ensure that the Bungee is run and operated by properly trained employees, all of whom are uniformed in matching company tee shirts and shorts.
 - (f) Licensee specifies that each employee have specific duties, which include technical, safety, and operational support to ensure that the operation runs safely and efficiently, and that Licensee has provided any necessary and appropriate training for its employees to carry out the operation in a safe manner.
6. Licensee agrees to provide comprehensive general liability coverage on an "occurrence" basis in an amount of not less than One Million Dollars

(\$1,000,000.00) combined single limit bodily injury liability and property damage liability with a minimum One Million Dollar (\$1,000,000.00) aggregate limit. The Certificate of Insurance shall show the City of Clearwater as an Additional Insured. The certificate must be provided to City of Clearwater prior to operation.

7. Licensee shall protect, defend, indemnify, save and hold harmless Licensor against and from any and all claims, including copyright/trademark infringement claims, demands, fines, suits, sections, proceedings, orders, decrees and judgments of any kind or nature by or in favor of, anyone whomsoever, and against and from any and all costs, damages and expenses, including attorney's fees, resulting from, or in connection with, loss of life, bodily or personal injury or property damages arising, directly or indirectly, out of, or from, or on account of, any accident or other occurrence in, upon, at or from the Premises, or occasioned in whole or in part through the use and occupancy of the Premises, or by any act or omission of Licensee, or any employees, agents, contractors or invitees in, upon, at or from the Premises or its appurtenances.
8. Licensee shall at its sole cost and expense (a) maintain the Premises in a safe, clean and proper manner; (b) secure any and all licenses or permits required by any governmental agency or authority with respect to Licensee's operation of the Bungee, occupancy and use of the Premises, including any and all rights or licenses required under applicable copyright or trademark law, (c) secure and be responsible for the security of the Bungee at close of business each day and during hours of non-operation; (d) not make or permit to be made any alterations, additions or improvements in the Premises without the prior written consent of Licensor; (e) not permit any mechanic's lien to be filed against the Premises by reason of any work, labor, service or materials performed at or furnished to the Premises; and (h) abide by all rules and regulations established by Licensor, from time to time, with respect to the use and occupancy of the Premises. All signs used at the Premises shall be subject to Licensor's prior approval.
9. This License is personal to Licensee. It is not assignable, and any attempt to assign this License will terminate the License privileges granted to Licensee hereunder. In addition, Licensee shall not sell, mortgage, pledge or in any manner transfer this License Agreement or any interest therein, nor sublet all of any part of the Premises or license considerations therein.
10. Licensor may terminate this License Agreement immediately, at will, in Licensor's sole discretion, with or without cause. This License Agreement may also be terminated at any time upon the mutual written agreement of Licensor and Licensee.
11. Nothing contained herein shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto it being understood that nothing contained herein, or any acts of the parties hereto, shall be deemed to

create any relationship between the parties hereto other than the relationship of Licensor and Licensee.

12. All notices to either party must be sent by U.S. Mail to the address below:

As to Licensor

City of Clearwater
P. O. Box 4748
Clearwater, FL 33758-4748

As to Licensee

Emerald Coast Bungee
c/o Dan Northcott
915 Lantana Avenue
Clearwater, Florida 33755

Miscellaneous Provisions

13. The provisions of this License shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the parties, as permitted herein. Any provision hereof which imposes upon Licensor or Licensee, any obligation after termination or expiration of this License Agreement, shall survive termination or expiration hereof and be binding upon Licensor or Licensee.
14. Licensee agrees to comply with all local, state, and federal statutes and ordinances, and is responsible for obtaining all necessary state and local permits prior to setting up and operating the Bungee.
15. All advertising or related communications pertaining to Licensor must be pre-approved in writing by the Licensor.
16. Licensor shall have the right to enter upon the Premises at all times. Licensor shall not unduly interfere with Licensee's business.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

LICENSEE:
EMERALD COAST BUNGEE, INC.

Signed in the Presence of:

Dated:

By: _____
Dan Northcott
President

Countersigned:

LICENSOR:
CITY OF CLEARWATER, FLORIDA

Frank V. Hibbard
Mayor

By:

William B. Horne II
City Manager

Approved as to form:

Attest:

Laura Lipowski
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

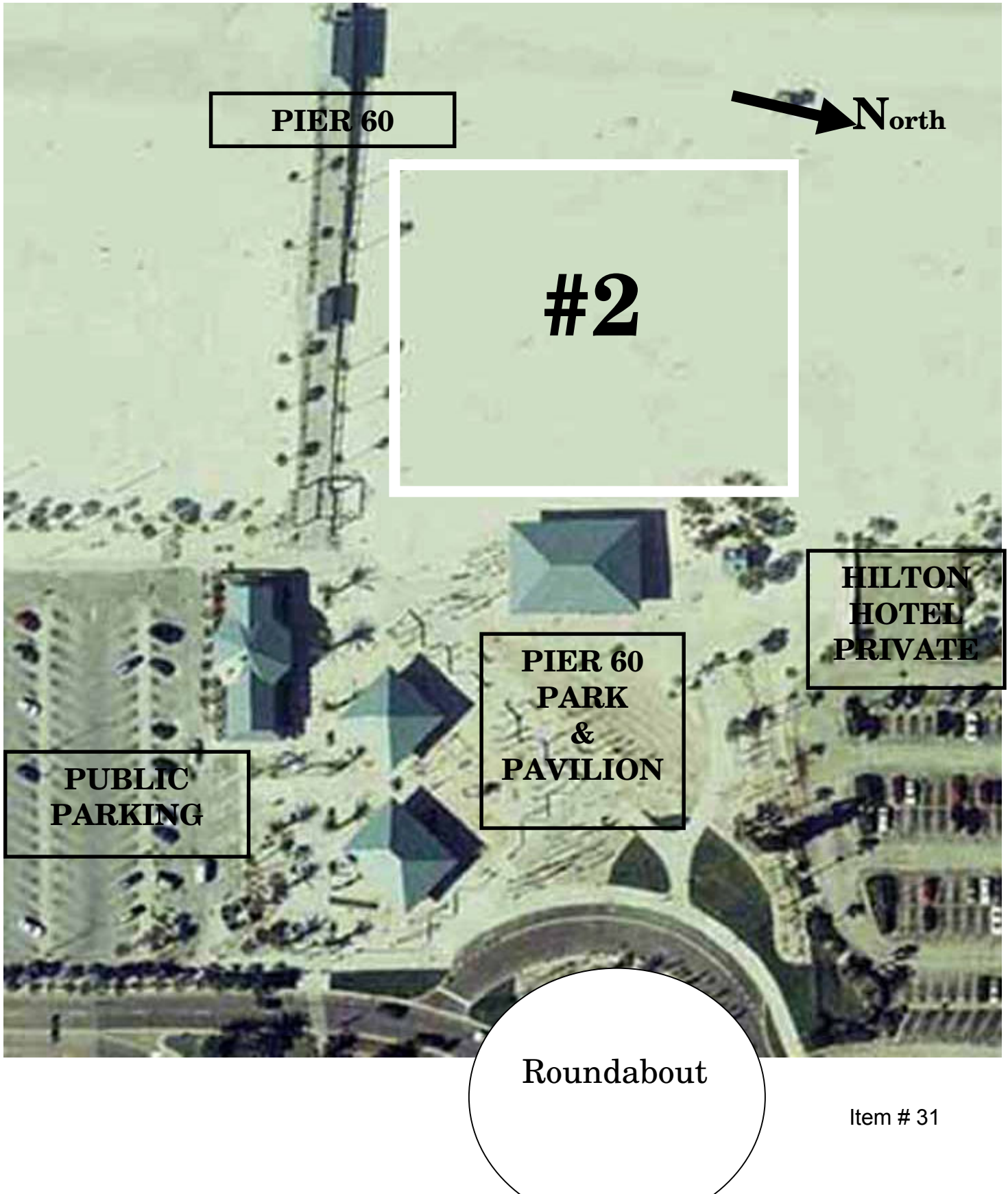
STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by WILLIAM B. HORNE II, City Manager of the City of Clearwater, who is personally known to me.

Print/Type Name: _____
Notary Public

Exhibit A

City of Clearwater
SPECIAL EVENTS BEACH VENUE #2: North Of Pier 60
(Approximately 200' x 250' = 50,000 sf or 1.1 acre)

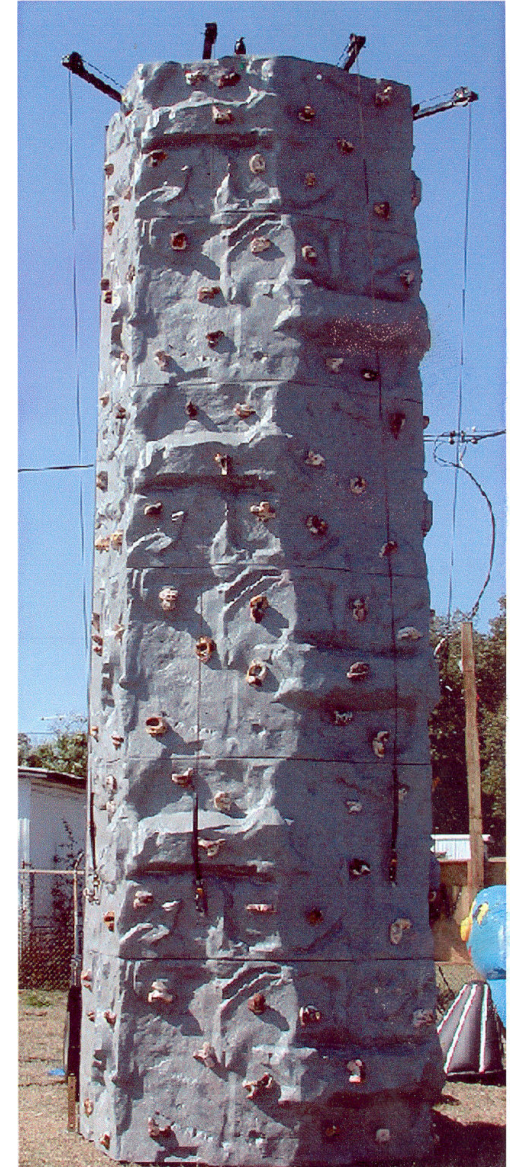


Emerald Coast Bungee

Euro Bungee (4 station)



Rock Wall (4 Station)





City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve Acknowledgment and Consent between the City and PACT, Inc., a not-for-profit corporation, to provide access to City property east of PACT in order to complete mitigation project and authorize the appropriate officials to execute same. (consent)

SUMMARY:

The City of Clearwater owns property known as Alligator Lake Park that is adjacent to and due east of property leased to PACT.

Until recently, the property was overgrown with invasive species and the property was not accessible by the public. There was a desire and need by the City to improve the property as part of a storm water mitigation project.

The City is preparing final specifications to go out to bid to improve the property to meet the mitigation requirements.

In order for the City to gain access to the property this Acknowledgement and Consent is needed. This will allow the City use of the entrance road at PACT for ingress and egress purposes.

Review Approval: 1) Clerk

ACKNOWLEDGEMENT & CONSENT

WHEREAS, the City of Clearwater, a Florida municipal corporation of the State of Florida ("City"), and PACT, Inc., a Florida corporation ("PACT") (collectively the "Parties"), have entered into that certain lease agreement dated March 7, 2001 and ending March 6, 2031, (the "Lease"), said "Leased Premises" being commonly known as Ruth Eckerd Hall addressed at 1111 McMullen Booth Road, Clearwater, Florida; and,

WHEREAS, a portion of the Leased Premises was released on November 25, 2003 to allow City to construct and maintain the Alligator Lake Wetland Creation & Stormwater Treatment Project, City Project No. 99-0020-EN (hereafter "Project") which contemplates restoring 1.83 acres of wetland, creation of 0.618 acres of new wetland, and filling 0.022 acres of existing wetland; and,

WHEREAS, the City now seeks to undertake the Project and a portion of the Project activity lies within the Leased Premises, including ingress and egress for the Project; and,

WHEREAS, PACT recognizes and acknowledges the benefits of closely cooperating with the City in implementing the Project for the greater benefit of the natural environment and the citizens of Clearwater;

NOW THEREFORE, in consideration of the mutual covenants set forth herein, and other good and valuable consideration, the receipt of which are hereby acknowledged, the Parties agree as follows:

1. PACT hereby acknowledges receipt of 90% Project plans and consents to the City undertaking the Project as proposed, acknowledging that Project plans may be further amended until 100% approval is achieved.
2. PACT further consents and agrees that throughout the period of project development and implementation the City, its contractor, employees, representatives and invitees, shall have the right and privilege of ingress and egress to Project lands, for Project purposes, over and across Ruth Eckerd Drive and adjoining roadways and parking lots as depicted in Exhibit "A" appended hereto and made a part hereof.
3. The City covenants and agrees that it shall limit ingress and egress for Project purposes to normal daytime working hours, and that its contractor, employees, representatives and invitees shall not unreasonably interfere with PACT's use of the Leased Premises as provided in the Lease.

4. The City shall save and hold PACT, its successors and assigns, harmless from any and all liability arising as a result of its acknowledgment and consent as provided herein, from injury to person or property occasioned wholly or in part by any negligent act or omission of the City, its contractors, employees, representatives and invitees; provided, however, the City shall not be liable to PACT for any damage or injury to the extent that same results from the negligent acts of PACT, its servants, agents, employees, successors or assigns, and provided further, that the extent of indemnification by the City under any circumstances shall not exceed the limits of liability as set forth in Section 768.28, Florida Statutes, modify the doctrine of sovereign immunity, or be construed as consent to be sued by third parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this ____ day of _____, 2007.

Signed & sealed in the
presence of:

PACT, Inc.

WITNESS signature

By: _____
Robert A. Freedman, President

Print WITNESS name

WITNESS signature

Print WITNESS name

COUNTERSIGNED:

CITY OF CLEARWATER, FLORIDA

By: _____
Frank V. Hibbard
Mayor

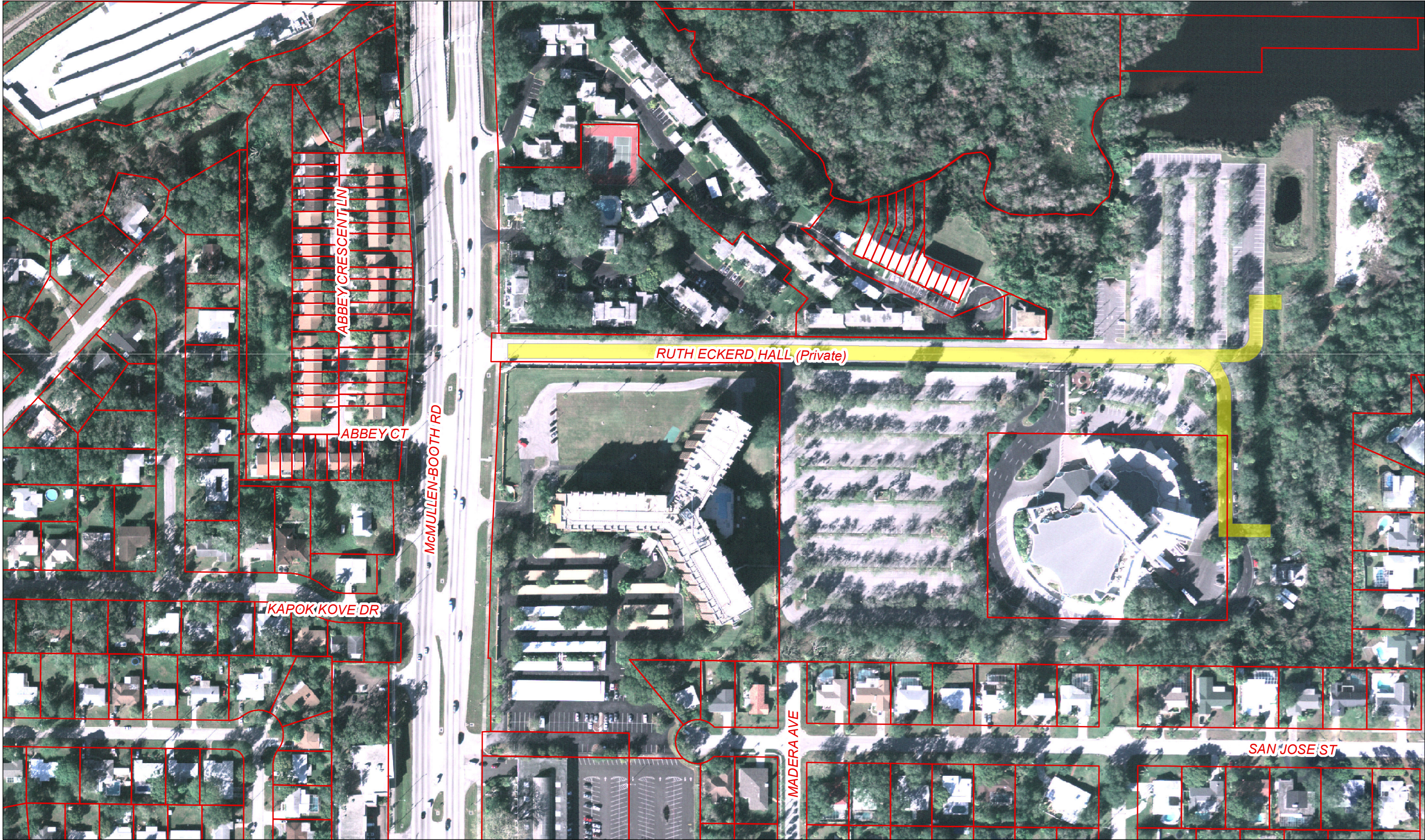
By: _____
William B. Horne II
City Manager

Approved as to form:

Attest:

Laura Lipowski
Assistant City Attorney

Cynthia E. Goudeau, City Clerk



Hauling Route At Ruth Eckerd Hall

	City of Clearwater Engineering Department			Drawn By:	S.K.	Reviewed By:	J.H.	Scale:	1" = 200 ft
				Grid #	274A & 274B	S - T - R	9-29s-15e	Date:	02/12/07



Hauling Route At Ruth Eckerd Hall Sht.#2

	City of Clearwater Engineering Department			Drawn By:	S.K.	Reviewed By:	J.H.	Scale:	1" = 100 ft
				Grid #	274A & 274B	S - T - R	9-29s-15e	Date:	02/12/07



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve Agreement between the School Board of Pinellas County and the City of Clearwater for a term from June 2007 through June 2008 for the City to use Pinellas County School buses at a cost of \$1.00 per mile plus \$19.20 per hour, for a total estimated cost of \$45,000 and authorize the appropriate officials to execute same. (consent)

SUMMARY:

The Parks and Recreation Department organizes field trips requiring bus transportation for participants.

The Pinellas County School System (PCSS) allows municipalities to use their fleet of buses and drivers for \$1.00 per mile plus \$19.20 per hour for driver with a four-hour booking minimum.

During the summer of 2006, 232 field trips used PCSS buses at a cost of \$1.00 per mile, plus \$18.20 per hour.

During the summer of 2007, the department will organize approximately 150 field trips that could use school bus transportation.

Comparing a sampling cost of school buses for these trips against the use of private bus lines indicates school buses are a less costly mode of transportation, in most cases.

Approval of this Agreement will provide staff with a larger number of options when determining the most cost effective source of transportation for participants.

The attached Agreement is similar to Agreements between the Pinellas County School Board and other Pinellas County municipalities that use school bus transportation.

The Recreation Programming Division's Operating Budget contains sufficient funds to cover the costs associated with this Agreement.

Type:	Capital expenditure	Budget Adjustment:	No
Current Year Budget?:	Yes		

Budget Adjustment Comments:

Appropriation Comment: Being coded as a blanket P.O. to 1805 - actual costs will come from a variety of operational codes in Recreation Division.

Current Year Cost:	\$45,000	Annual Operating Cost:	\$45,000
Not to Exceed:	\$45,000	Total Cost:	\$45,000
For Fiscal Year:	2006 to 2007		

Appropriation Code	Amount	Appropriation Comment
1805	\$45,000	See comments in Budget Adjustment Comment area

Review Approval: 1) Clerk

Cover Memo

Item # 33

VEHICLE USE AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 2007 by and between **THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA**, hereinafter referred to as the "**School Board**," and the **City Of Clearwater**, a (municipal corporation), hereinafter referred to as "**User**". The parties agree as follows:

1. The School Board will provide shuttle bus transportation for the month(s) of **June 2007 – June 2008**, for the purpose of transporting participants in **User's** sponsored programs.
2. Transportation is for the sole purpose of transporting participants in **User's** sponsored programs to and from various program locations in Pinellas and adjacent counties.
3. The bus or buses will be operated by an employee of the **School Board**, who is licensed to drive a school bus, and shall be assigned by the Director of Transportation or designee. Buses may be used under this agreement only if they are available at the times requested, and such use shall not interfere with or impair regular school transportation. The **School Board** shall be the final authority as to the availability of buses.
4. (a) **User** shall pay to the **School Board**, for the use of said school bus service, a sum, per bus of \$19.20 per hour to include 15 minutes before and 15 minutes after trip charge; plus 1.00 per mile for weekday trips that begin before 4 p.m., with a minimum charge of four hours.
(b) If requests extend to service that begins after 4 p.m., the expense will include a minimum charge of four hours, and a sum per bus of \$19.20 per hour to include 30 minutes before and 30 minutes after trip charge; plus 1.00 per mile for the trips that begin after 4 p.m. weekdays, weekends, and any non-school day.
(c) "Weekend" is defined as a Saturday and Sunday, except during the time that the School Board is on its summer calendar schedule, Friday will be considered part of the "weekend." "Non-school" day is defined as a weekday wherein students are not scheduled to attend classes.
5. **User** shall provide to School Board a letter certifying that it is self-insured.
6. This agreement is made pursuant to section 1006.261, Florida Statutes, and the parties agree that they will comply with the provisions therewith.

IN WITNESS WHEREOF, the parties have executed this agreement at Largo, Pinellas County, Florida, the date first above written.

THE SCHOOL BOARD OF
PINELLAS COUNTY, FLORIDA

City of Clearwater, Florida

By: _____
Chairman

By: See Attached Signature Page

Attest: _____
Superintendent

Approved as to form: _____
School Board Attorney's Office

SIGNATURE PAGE TO VEHICLE USE AGREEMENT

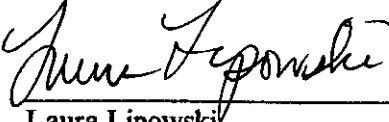
Countersigned:

Frank V. Hibbard
Mayor

CITY OF CLEARWATER, FLORIDA

By: _____
William B. Horne II
City Manager

Approved as to form:



Laura Lipowski
Assistant City Attorney

Attest:

Cynthia E. Goudeau
City Clerk



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve the Public Art and Design Master Plan as submitted by the Public Art & Design Board and staff, in compliance with Ordinance 7489-05 establishing criteria, policies and priorities for the Public Art and Design Program. (consent)

SUMMARY:

In 2005, the Council approved Ordinance 7489-05 establishing the Public Art and Design Program. This Ordinance requires 1 percent of the construction budget of eligible City capital improvement projects be allocated for public art. Private development projects with a total construction value of \$5 million or greater may either allocate 1 percent of their construction costs for an on-site public art project or they may contribute .75 percent to a City Public Art Fund.

The Ordinance also calls for the development of a Public Art and Design Master Plan, subject to City Council approval to establish criteria, policies, and priorities for the Public Art and Design Program. The Public Art and Design Board, in concert with City staff, and the consulting team of Brown and Keener Bressi and Via Partnership, has prepared a Master Plan to fulfill this requirement and to set a strong direction for the future of the public art program.

To develop the recommendations in the plan, interviews with City staff and civic leadership were held along with two "Imagine Art Here" public workshops. More than 30 participants helped to articulate and prioritize specific desired outcomes for the Public Art and Design Program. They discussed and ranked various program directions, and brainstormed ideas for specific projects. The interviews, workshops, site investigations, review of City planning and budget documents, and research of public art practices helped to shape this plan.

The Plan recommends that Clearwater's Public Art and Design Program focus its efforts on commissioning artwork in this priority order: 1) projects that will shape the overall City image, reinforcing the City's role as a destination, 2) strengthen civic connectivity by enhancing citywide infrastructure, or 3) support individual neighborhood identity by creating local points of pride.

The Plan also recommends commissioning "Special Initiative" art projects in addition to those related to the City's Capital Improvement Program. Funding for these projects would come from private developers who choose the in-lieu contribution to the Public Art Fund to fulfill the requirements of Ordinance 7489-05.

The Plan identifies various public art opportunities and recommends a project approach, budget range and timeframe based on the availability of funding. An action plan outlines projects that can be commissioned in the first few years of the program and suggests how the program can begin laying groundwork for longer-term projects.

The Plan makes programmatic and policy recommendations including an Artwork Gift Policy and a Deaccession Policy.

Approval of this Plan will not require the immediate expenditure of any funds. Individual projects requiring the expenditure of public and private monies will be included in the annual budget review process.

Review Approval: 1) Clerk

CITY OF CLEARWATER, FLORIDA
PUBLIC ART AND DESIGN
MASTER PLAN

ACKNOWLEDGEMENTS

CITY OF CLEARWATER

Frank V. Hibbard, Mayor
John Doran, Vice-Mayor
Carlen A. Petersen, Councilmember
George N. Cretekos, Councilmember
Paul F. Gibson, Councilmember

William B. Horne II, City Manager
Kevin Dunbar, Director of Parks and Recreation
Art Kader, Assistant Director for Projects, Planning and Administration

PUBLIC ART AND DESIGN BOARD

Joshua Bomstein, Chair
Howard Warshauer, Vice-Chair
George Ann Bissett
Mark Flickinger
Davida Milne
Alex Plisko, Jr.
John Timberlake

CULTURAL AFFAIRS STAFF

Marsha Beall, Cultural Affairs Assistant
Christopher Hubbard, Public Art Specialist
Elizabeth Minor, Cultural Affairs Programmer
Margo Walbolt, Cultural Affairs Manager

CONSULTANTS

Special thanks to the consulting team of Todd Bressi of *Brown and Keener Bressi (BKB)*, Philadelphia, PA, and Meridith McKinley of *Via Partnership*, St. Louis, MO, for their hard work and development of the Clearwater Public Art and Design Program Master Plan.

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EXECUTIVE SUMMARY



Public art at Beach Access Areas (A1) and Clearwater Beach (A2) will enhance the beachfront identity and create new landmarks.



EXECUTIVE SUMMARY

In 2005, the City of Clearwater City Council approved Ordinance NO. 7489-05 establishing the Public Art and Design Program. This Ordinance requires that eligible City capital improvement projects (CIP) and eligible private development projects participate in the public art program. The Ordinance also calls for the development of a Public Art and Design Master Plan, subject to City Council approval, which will establish criteria, policies, and priorities for the Public Art and Design Program. This plan has been commissioned by the City to fulfill this requirement and to set a strong direction for the future of the public art program.

A Vision for Public Art

Public art in Clearwater will add to the visual identity of the City, creating memorable images of the City for visitors and residents alike. Public art will reinforce Clearwater's role as an emerging regional leader in culture, recreation and environmental management, and it will support the City's development as a wonderful place to live, learn, work and play.

Shaping the City: The Clearwater Approach

Public art can contribute to Clearwater's visual identity in three basic ways. Some projects will shape Clearwater's CITY IMAGE as perceived by outsiders, reinforcing the city's role as a destination. Some projects will strengthen CIVIC CONNECTIVITY among Clearwater's neighborhoods or serve residents from throughout the city. And some projects will support individual NEIGHBORHOOD IDENTITY by creating local points of pride.

Operating Guidelines

The City of Clearwater Public Art and Design Program will accomplish this by:

- Commissioning projects of all three types — those that impact the CITY IMAGE, those that strengthen CIVIC CONNECTIVITY, and those that support NEIGHBORHOOD IDENTITY.
- Commissioning public art that enables people to engage Clearwater's unique landscape and climate — particularly its connection to water and sunlight.
- Commissioning "Special Initiative" art projects as well as those that are related to the City's Capital Improvement Program.
- Commissioning projects that "retrofit" into existing public facilities as well as those that are related to new capital projects.
- Leveraging the impact of public art by clustering projects in key locations.
- Commissioning projects that are appropriate to the site in terms of scale, media and artistic approach.
- Creating opportunities for people to connect with public art through public education or community-based design approaches.

- Providing guidance that shows private developers how they can commission artwork that helps achieve the vision and outcomes for public art that the City has established.
- Working with the Pinellas County Public Art and Design program and other public agencies on projects of mutual significance.
- Creating an arts-friendly environment to ensure city codes and policies support the City's vision for public art.
- Involving the community in appropriate ways throughout the commissioning process.

Project Opportunities

The Project Opportunities identified in this plan are based on their potential to contribute to the City's vision for public art, their visual impact on the city, and their compatibility with the operating guidelines outlined above. The top priority is to commission projects that shape the CITY IMAGE. The second priority is to commission projects that impact the City by strengthening CIVIC CONNECTIVITY. The third priority is to commission public art to support NEIGHBORHOOD IDENTITY.

Many of the public art project opportunities will be funded through the City's one percent-for-art requirement on City capital improvement projects (CIP). The City is also developing a Discretionary Fund with revenues collected from contributions from private developers who opt to make a direct contribution in lieu of commissioning artwork. This fund can be used to commission artwork that is not associated with CIP projects and to supplement public art budgets of CIP projects.

Over time, Clearwater's public art program will collect hundreds of thousands of dollars from private developers. These funds should be used not only to supplement key CIP projects whose art budgets are too low, but also to "retrofit" important existing facilities (such as the Main Library) with public art, and to commission "Special Initiative" projects in critical locations where there is no immediate CIP project (such as Clearwater Beach).

Projects that shape the CITY IMAGE.

These projects add to the iconography of Clearwater and contribute to the image of the City that is projected to the rest of the world. These projects are located in places that are easily accessible, highly visible and in a certain sense "owned" by the entire community. These places include Clearwater's business and government center (downtown), recreational and cultural destinations (Clearwater Beach, major sporting venues such as the Joe DiMaggio Sports Complex/Bright House Networks Field/trails area, Ruth Eckerd Hall), and major gateways (Courtney Campbell Causeway). Public art can be commissioned in conjunction with CIP projects or as Special Initiative projects, including retrofits of existing locations.

Projects that strengthen CIVIC CONNECTIVITY.

These projects create a visual language that helps make the places that connect Clearwater neighborhoods identifiable and unique. These places could be considered “common grounds” for Clearwater’s residents; places where neighborhoods come together through recreation and social activities, or which literally provide threads that enable people to move from one neighborhood to the next. These places include infrastructure systems that link different parts of the City (trails, stream corridors), or facilities that touch and knit together multiple neighborhoods (special parks and recreation facilities). Public art can be commissioned in conjunction with CIP projects or as Special Initiative projects, including retrofits of existing locations.

Projects that support NEIGHBORHOOD IDENTITY.

These projects create points of pride within individual neighborhoods in Clearwater. Generally, they will be commissioned in conjunction with neighborhood-focused projects such as libraries, local public safety facilities, and neighborhood parks. These projects could include a much stronger level of community involvement than those in other categories. These projects will generally be CIP projects only. Projects should be focused on new construction, expansions or major renovations; retrofits of existing facilities are not generally recommended.

Private Development

Clearwater is one of the increasing number of cities in Florida and elsewhere that has adopted policies for incorporating public art into private development. So far, it has established two mechanisms for accomplishing this: Percent-for-art and considering public art as an amenity that developers can exchange for a Zoning Bonus. A third opportunity may be to include public art as a requirement when the City issues Request for Proposals to private developers. Through large-scale redevelopment and the use of Zoning Bonuses, there may be times when private development projects will design and build elements of the public realm. This plan identifies several private development projects of this type, and identifies how the City and the Public Art and Design program may wish to have a stronger role in identifying or shaping the public art opportunity.

Prioritizing Projects

The Public Art and Design Program must prioritize projects in terms of both the allocation of financial resources (specifically, the Discretionary Fund) and the allocation of staff time. The budget and timeline for some projects will be dictated by the budget and timing of related capital projects. Special Initiative and retrofit projects may have more flexibility in terms of timing and require that choices be made. And other opportunities, unforeseen during the development of this plan, may emerge and take priority.

As a general principle, City CIP projects with a percent-for-art allocation should always include public art. Some CIP projects should receive supplemental funding if the percent-for-art allocation is too small to accomplish the goals for the project. This supplemental funding will come from the Discretionary Fund, private fundraising or partnerships. Special Initiative Projects (those not linked to CIP projects) should be funded entirely from the Discretionary Fund, private fundraising or partnerships.

When determining how Discretionary Funds should be allocated, the following principles should be observed. CITY IMAGE projects should be the top priority for Discretionary Funds. After that, CIVIC CONNECTION projects are the next priority for Discretionary Funds. NEIGHBORHOOD IDENTITY projects should not be funded entirely by the Discretionary Fund, but, in some cases, their budgets might be supplemented with allocations from the Discretionary Fund. Private development projects will not receive funding from the Discretionary Fund.

Action Plan

The Clearwater Public Art and Design program's action plan will be driven by the availability of resources and the timing of CIP projects. In the coming years, the program will be able to commission a small but steady flow of public art projects related to the city's CIP investments. However, the program will be able to pursue Special Initiative projects only when the Public Art Fund receives cash contributions from developers.

- 2007 and 2008 - Start-up Actions // Do it Now!
The Public Art and Design Program should aim for some quick wins — art projects that are at the same time simple to execute but dramatic in the statement they can make about the City's commitment to public art. It should first start by commissioning art with the Capital Improvement Program projects that are currently funded. And it should take the first discretionary funding it receives and use it to commission the high impact Special Initiative projects.
- 2009 and 2010 - Short-Term Actions // Do it Next!
The next tier of projects relates to longer-term Capital Improvement Program projects and more complex Special Initiative projects.
- 2011 through 2020 - Long-Term Actions // Do it When the Time is Right // Penny 3
The final tier of projects includes Capital Improvement Program projects anticipated through the Penny 3 program, as well as longer-term Special Initiative projects. The schedule for these projects will be driven by timeline decisions in the Capital Improvement Program and contributions to the Discretionary Fund.

Programmatic and Policy Recommendations

In addition to the identified project opportunities, the following programmatic and policy recommendations serve to support the overall vision and goals for the Public Art and Design Program.

Community-Initiated Projects

- If a community-initiated project is managed by the Public Art and Design program staff according to the program guidelines, then the project can be accepted into the City's collection.
- The program should not allocate its Discretionary Funds to community-initiated projects.
- The Public Art and Design Program can further support community-initiated art projects by establishing a partnership with the Clearwater Development and Neighborhood Services Department.

Penny for Pinellas Funding

- When Penny funding is allocated to generic categories of CIP projects, such as Youth Sports Facilities, for which there will be multiple small projects that have not yet been determined, the percent-for-art funding for these project types can be pooled and spent in conjunction with any project in this project category.
- When Penny funding is allocated to projects, such as road widenings, that are not themselves priorities for public art expenditures, art opportunities should be identified close to the site of the project and the public art funds should be spent accordingly.

Multi-year Projects

- When capital projects are funded over multiple years, the percent-for-art funds generated in the early phase(s) of the project should be utilized for the design phase of the public art project to allow for the artist to work with the selected architectural team.

Grant and Bond Funding

- When a city agency seeks funding for a capital project through grant or bond funding, the agency shall write into the provisions of that grant or bond language the requirement that the City's percent-for-art ordinance be followed, to the extent that the funding source allows.

INTRODUCTION



Public art projects such as the Beach Interpretative Project (A4) will help to document and preserve elements of Clearwater's past.



INTRODUCTION

In recognition of the importance of the arts to the future of Clearwater, in 2002 the City and the Clearwater Arts Foundation commissioned the Cultural Plan. This plan outlined several high priority goals for the City, one of which was to develop a Public Art and Design Program.

Through the subsequent efforts of City and civic leaders, in October of 2005 the City of Clearwater City Council passed Ordinance NO. 7489-05 establishing the Public Art and Design Program for “the purpose of enhancing Clearwater for those who live and visit here and contribute to a legacy for generations to come.” This Ordinance requires that eligible City capital improvement projects (CIP) equal to or greater than \$500,000 and private development projects with an aggregate job value of at least \$5 million participate in the public art program. City CIP projects must allocate 1 percent of construction costs for on-site public art. Private developers must either contribute the same amount for on-site art, or contribute 0.75 percent of construction costs to the City Public Art and Design Fund, up to a maximum of \$200,000.

The Ordinance also calls for the establishment of a Council-appointed Public Art and Design Board to establish policy and administer the public art program, and for the development of a Public Art and Design Master Plan, subject to City Council approval, which will establish criteria, policies, and priorities for the Public Art and Design Program. This plan has been commissioned by the City to fulfill this requirement and to set a strong direction for the future of the public art program.

The Master Planning Process

The consulting team of Brown and Keener Bressi and Via Partnership was hired in the fall of 2006 to work with the City and the Public Art and Design Board to develop the Public Art and Design Master Plan.

To develop the recommendations in the plan, the consultant team built upon the work conducted by Parks and Recreation Department staff leading up to the passing of the public art ordinance, which included a considerable amount of public consultation. The consultant team met with many members of the City staff and civic leadership to obtain information about specific City and private development projects and to learn about the City’s vision and aspirations for its future, and how public art can help the City realize this vision. The team also facilitated two “Imagine Art Here” workshops in December of 2006. More than 30 participants helped to articulate and prioritize specific desired outcomes for the public art and design program, discussed and ranked various program directions, and brainstormed ideas for specific projects. The interviews, “Imagine Art Here” workshops as well as site investigations, review of city planning and budget documents, and research of public art practices helped to inform this plan.

A Vision for Public Art

Public art in Clearwater will add to the visual and cultural identity of the City, creating memorable images of the City for visitors and residents alike. Public art will highlight Clearwater's role as an emerging regional leader in culture, recreation and environmental management, and it will support the City's development as a wonderful place to live, learn, work and play.

Shaping the City: The Clearwater Approach

Public art can contribute to Clearwater's visual and cultural identity in many ways. The City of Clearwater's Public Art and Design program should focus its efforts on commissioning artwork that impacts the City at multiple scales:

- Projects that shape the overall CITY IMAGE, reinforcing the City's role as a destination.
- Projects that strengthen CIVIC CONNECTIVITY by enhancing citywide infrastructure or places that serve residents from throughout the City.
- Projects that support individual NEIGHBORHOOD IDENTITY by creating local points of pride.

Operating Guidelines

The City of Clearwater Public Art and Design Program will accomplish this by:

- *Commissioning projects of all three types — those that impact the CITY IMAGE, those that strengthen CIVIC CONNECTIVITY, and those that support NEIGHBORHOOD IDENTITY.* Recommended projects and criteria for prioritizing and identifying future projects are described below.
- *Commissioning public art that enables people to engage with Clearwater's unique landscape and climate — particularly its connection to water and sunlight.* Places where people can connect to Clearwater's natural features are some of the City's most popular and charged places. These can include vistas, bridges, beaches, docks, promenades, piers, lakes and streams, trails. Artists can create work that responds to the environment and engages people in experiencing these places with all of their senses.
- *Commissioning "Special Initiative" art projects as well as those that are related to the City's Capital Improvement Program. Commissioning projects that "retrofit" into existing public facilities as well as those that are related to new CIP projects.* Over time, Clearwater's public art program will collect hundreds of thousands of dollars from private developers. These funds should be used not only to supplement key CIP projects whose art budgets are too low, but also to "retrofit" important existing facilities (such as the Main Library) with public art, and to commission "Special Initiative" projects in critical locations where there is no immediate CIP project (such as Clearwater Beach).

- *Leveraging the impact of public art by clustering projects in key locations.* Some areas, such as downtown or the beaches, or some systems, such as the trail system, may benefit from the clustering of several projects within a geographic space. As a result, viewers will be able to encounter a variety of art experiences in one area, creating the sense of a “critical mass” of art activity.
- *Commissioning projects that are appropriate to the site in terms of scale, media and artistic approach.* Public art will exist in many contexts and scales in Clearwater, from the iconic gateway element recommended for the Courtney Campbell Causeway, to artist-designed elements incorporated into trails, to community-based projects at places like libraries. To create the desired visual impact, the Public Art and Design Program must plan projects carefully, allocate resources appropriately, and select artists whose interests and capabilities are right for the project.
- *Creating opportunities for people to connect with public art through public education or community-based design approaches.* By engaging people with artists and works of art, the Public Art and Design Program can provide meaningful, artful experiences. This can be accomplished through commissioning projects where artists employ a community-based approach to the design and/or implementation of their artwork, as well as marketing and community programming that spurs awareness and appreciation of the collection.
- *Providing guidance that shows private developers how they can commission artwork that helps achieve the vision and outcomes for public art that the City has established.* Most of the private development projects that will be required to have public art will be downtown or at the beaches, and those projects should support the overall visual goals for those areas. The Public Art and Design Program can provide guidance on the types of projects that best meet the community’s expectations for how public art can impact the visual environment.
- *Working with the Pinellas County Public Art and Design Program and other agencies on projects of mutual significance.* Some projects will be in locations that are important to both the City and the County because of their visibility (the proposed Courtney Campbell Causeway gateway) or their use (the PSTA transit center downtown). In these situations, the City’s Public Art and Design Program should work collaboratively with others, through creative arrangements to ensure that art projects satisfy the City’s objectives.
- *Creating an arts-friendly environment to ensure city codes and policies support the City’s vision for public art.* The Public Art and Design Program seeks to support the overall vision and mission of City government, and the goals of individual departments. Likewise, the Public Art and Design Program will rely on cooperation from other areas of City government to ensure successful implementation of the Public Art Master Plan.

- *Involving the community in appropriate ways throughout the commissioning process.*
The people who live, work and recreate at public art project sites can provide valuable insight into the project goals and even inspiration to the artist. The Public Art and Design Program should engage neighbors and user groups early in the commissioning process in imagining what the possibilities for public art can be, and involve community representation in the artist selection and review of concept design.

PROJECT OPPORTUNITIES



Public art will help to activate and make connections to important destinations such as Coachman Park (A6) and the Downtown Boat Slips (A7).



PROJECT OPPORTUNITIES

This chapter outlines public art projects that the City of Clearwater Public Art and Design Program could commission directly. Opportunities were identified based on their potential to contribute to the City's vision for public art, their visual impact, and their compatibility with the operating guidelines outlined above.

Many of the projects described in this chapter, and the goals for those projects, were identified through study of the City's CIP and other planning documents, meetings with City and civic leadership, community feedback from the Imagine Art Here! workshops, and a study of the City's development pattern and urban form.

The public art approaches, budget ranges and timeframes recommended in this plan are based on the consultants' experience in commissioning similar works and research into comparable projects from other communities. The proposed project budgets represent an estimate of the resources needed to commission a work of art that meets the project goals. As projects move into the Annual Work Plan, Public Art and Design Program staff should review the project scope, reviewing capital project plans and schedules as needed, and conduct further research to assure that the budget allocated is appropriate for the project.

Many of the public art project opportunities will be funded through the City's one percent-for-art requirement on City capital improvement projects (CIP). The City is also developing a Discretionary Fund with revenues collected from contributions from private developers who opt to make a direct contribution in lieu of commissioning artwork. This fund can be used to commission artwork that is not associated with CIP projects and to supplement public art budgets of CIP projects.

Over time, Clearwater's public art program will collect hundreds of thousands of dollars from private developers. These funds should be used not only to supplement key CIP projects whose art budgets are too low, but also to "retrofit" important existing facilities (such as the Main Library) with public art, and to commission "Special Initiative" projects in critical locations where there is no immediate CIP project (such as Clearwater Beach).

Projects that contribute to the CITY IMAGE.

These projects add to the iconography of Clearwater and contribute to the image of the city that is projected to the rest of the world. Public art can be commissioned in conjunction with CIP projects or as Special Initiative projects, including retrofits of existing locations.

PROJECT OPPORTUNITIES (2007-2020)

Beach

- A1. Beach Access Areas
- A2. Clearwater Beach
- A3. Beach Parking Garage
- A4. Beach Interpretative Project
- A5. Memorial Causeway Trail

Downtown

- A6. Coachman Park
- A7. Downtown Boat Slips
- A8. Downtown Library
- A9. Walking Streets - Temporary Projects
- A10. New City Hall
- A11. Downtown Parking
- A12. North and South Downtown Gateways
- A13. City Office Buildings
- A14. Cleveland Street Medians
- A15. Entry Arterials - Court, Chestnut and Gulf to Bay
- A16. Gulf to Bay Entry Element/ Crest Lake Park

Recreational and Cultural

- A17. Joe DiMaggio Sports Complex Renovation
- A18. Ruth Eckerd Hall
- A19. Courtney Campbell Causeway

A1. Beach Access Areas

Beach access points are one of the unique features of Clearwater's public realm, and a strong consideration as a location for public art. There are 27 Beach Access Areas in the City of Clearwater: 21 on Clearwater Beach and 8 on Sand Key. Three are adjacent to City or County parks that have large parking areas and wide sightlines to the beach, water and horizon. The rest are pedestrian paths that lead from the street through narrow, vegetated passages to the beach, and which provide little view of the beach or water until one passes through the dune zone. When the paths reach the entrance to the beach, there are sometimes a few amenities, such as signage, seating, landscaping, showers or restrooms. Most access points have a walkway that crosses through the environmentally sensitive dunes at the beach. Pinellas County Environmental Services is partnering with municipalities to upgrade these crossings with boardwalks to protect dunes and vegetation.

a. Goals

- Help people identify the access area from both the street side and the beach side
- Enhance the unique experience of transitioning from road to parking to dune crossing to beach
- Create a recognizable, distinctive visual vocabulary throughout the City for beach infrastructure
- Add a sense of color, texture and identity to each area
- Highlight the qualities of the natural environment, but do not dominate it.

b. Public Art Approach

Commission an artist to address the entire beach access environment, perhaps creating a series of works with similar elements for each beach access area. Alternatively, a platform could be created that would enable the program to commission several artists to execute artwork at each area.

The Pinellas County Public Art and Design Program is considering commissioning similar projects throughout the County, and may organize a planning charrette to create general design guidelines for incorporating art into beach access projects. The City should pursue a partnership with Pinellas County to develop these guidelines and be a site for a demonstration project or projects.

c. Budget Range

The budget for individual beach access areas will depend on the approach, however an average of \$10,000 should be allocated per access area. Funding could come from the Discretionary Fund. Between 2007 and 2010, the Public Art

and Design Program should plan on art projects at 5 access areas and over that period of time should allocate \$50,000 for these projects. Funding partnerships with Pinellas County Public Art and Design may also be possible.

d. Timeframe

Begin conversations with the Pinellas County Public Art and Design Program regarding participation in the planning charrette immediately.

A2. Clearwater Beach

Clearwater Beach is the City's signature destination; perhaps one of the top destinations along Florida's Gulf Coast. The mix of hotels, restaurants, shops and pedestrian activity add a special liveliness to this district.

Public art along Clearwater Beach should be inspired first and foremost by the environmental qualities — the sun, sand, wind and water — that bring thousands of people there every year and make it a breathtaking place. The scale, scope and intensity of the central area of Clearwater Beach create an unusual canvas for a collection of engaging, playful and memorable projects that are unique to the region.

a. Goals

- Reflect the fun, dynamic nature of the beachfront; capture the spirit of Clearwater's playful atmosphere; speak to the diverse audiences that come to the beach
- Respond to the sensory qualities of the beach environment, but do not dominate the environment
- Define landmarks, gathering places and meeting places
- Orient artworks so that they are clearly public

b. Public Art Approach

Consider the beach area and all of its elements — from sand walls to lifeguard chairs to shower poles and sand equipment to the pier and concession structures — as a canvas for a unique collection of signature projects. Invite artists to explore sites and ideas and create site-specific proposals that reflect their experience of the place. Works of art could be functional or site-specific; they could vary in scale, media and material; and they could consider interactive approaches that react to the environment or encourage user interaction.

c. Budget Range and Funding Source

Projects can range in size, depending on the scale and scope of the project. Funds can come from the percent-for-art generated from improvements to Pier 60 or from the Discretionary Fund. Between 2007 and 2020, the Public Art and Design Program should allocate a total of \$250,000 for 3 to 5 beach projects.

d. Timeframe

These public art opportunities are not tied to capital projects, therefore they can be commissioned at any time funds are available. This is a **high priority** for Discretionary Funds.

A3. Beach Parking Garage

Location TBD

The City anticipates constructing one or more new garages to provide structured parking for Clearwater Beach, the City's Marina and beach businesses. These projects may be public-private partnerships and may be developed in conjunction with other private developments. Like any parking garage, these structures will present challenging design issues in a place that is meant to be oriented towards pedestrian movement.

a. Goals

- Enhance the beach area and relate to the overall visual character of the beach area
- Provide a distinctive transition between the auto experience and the pedestrian experience
- Assist with visual orientation in the beach area
- Be visible day and night

b. Public Art Approach

Commission an artist to create a site-specific artwork for the facility that meets the goals for the beach area and the specific project. The artist should be commissioned early in the design process so that their work can be fully integrated into the space.

c. Budget Range and Funding Source.

The budget for this project should be a minimum of \$125,000, funded through the percent-for-art on the capital project. If necessary, funds from the privately sponsored portion of the project should also be set aside for public art.

d. Timeframe

Commence artist selection immediately upon selection of the firm to design the garage.

A4. Beach Interpretive Project

The beach areas in Clearwater are currently undergoing a significant economic and architectural transformation. Older “mom and pop” motels, restaurants and stores are being replaced by high-rise condos and hotels. The “old” Clearwater, much of which dates back to the boom days of the 1920’s and the postwar era, is fading. There is a desire to document the past visual and social character of this part of the city and to use that documentation as a stimulus for public reflection on the changing nature of Clearwater.

a. Goals

- Preserve images, artifacts and/or stories of Clearwater’s social, cultural and/or natural history
- Create opportunities for the public to experience the layers of Clearwater’s past

b. Public Art Approach

Commission an artist or artist team to create a public art project or a series of projects for the beach area that document and reveal elements of Clearwater’s history. The selected artist will develop a methodology that engages Clearwater residents about their memories, as well as utilizing other methods of research and investigation to inform their work. The call to artists should be open as to the location and type of artwork. Finalists should present proposals regarding their methodology, the location for their artwork, and the media.

c. Budget and Funding Source

The budget for this project could range from \$25,000 to \$60,000. Funding would come from the Discretionary Fund or private fundraising. Seek partnerships with organizations interested in preserving Clearwater history.

d. Timeframe

Commission this project as soon as funds become available.

A5. Memorial Causeway Trail

Clearwater's city trail system includes a link to Clearwater Beach. A bicycle and pedestrian path was incorporated into the recently completed Memorial Bridge that links the Memorial Causeway to the main peninsula. A short trail segment – along a bridge over an inlet at the west end of the causeway – remains to be completed. The construction of this segment, which will include a new bridge for the trail, is a good opportunity for thinking about the integration of public art along the causeway trail.

a. Goals

- Make visual connections between the beach and downtown
- Create linkages to adjacent areas

b. Public Art Approach

Commission an artist to work with the designers to create unique bridge elements, such as railings or markers. Consider expanding the scope of work to include art elements along the entire causeway and bridge trail – either functional elements or site specific works – or commissioning an artist to create an enhanced trailhead area at the western end of the trail.

c. Budget Range and Funding Source

The artwork budget for the trail bridge should be a minimum of \$75,000. The budget for trailhead artwork should be a minimum of \$15,000. If the artist is designing a functional element, the baseline budget for that functional element should be credited to the art budget. Percent-for-art funds from this capital project should be used to fund the public art. If necessary, additional funds should come from the Discretionary Fund.

d. Timeframe

Public Art and Design staff should monitor this project with Public Works and, at the appropriate time, develop a scope for the artist or artists.

A6. Coachman Park
301 Drew Street

Coachman Park is a key destination on the western edge of downtown and Clearwater Harbor. It is adjacent to the Bayfront Tennis Complex, Clearwater Main Library, Harborview Center and the planned new municipal Downtown Boat Slips and promenade. The park is a popular location for festivals such as *Clearwater Jazz Holiday*, *Clearwater Celebrates America Fourth of July Festival* and the *Christmas Under the Oaks Arts Festival*. The park consists largely of 20 acres of open space and the Charles Wharton Johnson Pavilion, an open-air theatre.

The City of Clearwater anticipates redeveloping Coachman Park within the coming decade. The proposed project provides for the expansion of Coachman Park to include the Drew Street extension, under the new Memorial Causeway Bridge, the Harborview parking lot and Cleveland Street west of Osceola Avenue. The Harborview Center, Bayfront Tennis Courts, the Bayfront Memorial Park and the waterfront area are included in the project scope. Any redevelopment of Coachman Park will require approval by Clearwater residents through a referendum process.

b. Goals

- Make visual and pedestrian connections within the park and between the park, downtown, and the Intracoastal Waterway
- Create a sense of destination year-round, draw people of all ages and cultures into the park and adjacent downtown area
- Integrate art into the overall design of the park
- Compliment the event-oriented nature of the space
- Reflect the importance of Coachman Park as one of the City's most important public gathering places

c. Public Art Approach

Plan for public art early on the process; select an experienced design team artist or artist team to be a member of the interdisciplinary team that will be hired to redesign the park. During the concept and planning phase, identify and explore ideas for integrating artwork into the landscape, collaborating on the design of park elements, and site-specific commissions. The artist or artist team that works on the concept plan can be invited to submit proposals for projects, or other artists could be solicited.

d. Budget Range and Funding Source

Coachman Park will be a CIP project and will generate percent-for-art funding. The current allocation in Penny 3 will generate \$50,000. Other funds will also be

sought for the renovation, but the total overall budget for the renovation, and therefore for the public art component, is still unknown.

Because of the importance of Coachman Park, the total public art budget for this project should be a minimum of \$350,000 for concept planning, conceptual design, final design, fabrication and installation. A minimum of 10 percent of that budget should be allocated for concept planning and conceptual design. This may require that additional funds, in addition to percent-for-art funds, be sought for this project.

e. Timeframe

Begin selection process for design team artist(s) at the same time as the selection of the concept plan consultant team.

A7. Downtown Boat Slips

Drew Street, north and south of the Memorial Causeway

A new marina with approximately 129 public boat slips is planned for construction on the downtown waterfront. This project will also include renovations to the Drew Street Pier building, parking improvements, landscaping and a landing for ferry service to the beach and commercial pickup/drop-off. Along with Coachman Park, this will create a new area of activity along the downtown bayfront. The funding for the project was approved by voters in a referendum in March, 2007.

a. Goals

- Create a strong visual presence when viewed from Coachman Park and Cleveland Street
- Encourage non-boat owners to come and experience the water
- Enhance the multi-sensory experience of interacting with the water and the waterfront
- Welcome people to the downtown waterfront

b. Public Art Approach

Select an artist to work in collaboration with the interdisciplinary team that will be designing the boat slips and adjacent amenities. This artist can participate and influence the design of the public spaces and/or create a site-specific work of art that will meet the goals of the project. Consider integrating the art into the infrastructure of the slip, creating a stand-alone sculpture on a platform in the water, or kinetic art that incorporates tidal movement.

c. Budget Range and Funding Source

The total recommended budget for this project is \$150,000. If the boat slip funding sources allow for percent-for-art, about \$110,000 would come from that source. Additional funding from the Discretionary Fund should be allocated to increase the total public art budget.

d. Timeframe

Begin selection process for artist(s) at the same time as the selection of the design team for the overall project.

A8. Downtown Library

112 N. Osceola Avenue

Clearwater's new Main Library opened in the spring of 2004, just to the east and up the hill from Coachman Park. This handsome new facility, designed by Robert A. M. Stern, is a high-profile location for public art because of its distinctive architecture, high public use and importance as a gathering place, but none was included in the initial project. Temporary exhibitions have been held in the library lobby and gallery.

a. Goals

- Create a strong visual dynamic with the building architecture
- Enhance connections to downtown along Drew Street and to Coachman Park
- Create a marker that conveys a sense of arrival downtown
- Engage and surprise library viewers

b. Public Art Approach

Invite an artist to propose a site-specific public artwork that meets the goals of the project.

c. Budget Range and Funding Source

A minimum of \$150,000 from the Discretionary Fund or private fundraising should be allocated for public artwork.

d. Timeframe

The timeframe for this project is flexible because it is an existing facility. Planning for the project could begin before funding is entirely in hand.

A9. Walking Streets — Temporary Projects

Cleveland between Myrtle and the Bayfront, Osceola between Drew and Court, and Ft. Harrison, Garden and East Avenues north and south of Cleveland

As the downtown area redevelops, it will develop a focus on restaurants, the arts, and more residences. It will also become more oriented towards pedestrians: downtown residents, workers and visitors will be encouraged to leave their cars behind and walk to an increasing number of restaurants, shops and other destinations. Temporary public art projects throughout downtown walking streets can become part of the pedestrian experience and add to the reasons that people feel it is desirable to walk downtown.

a. Goals

- Motivate people to walk and explore
- Create a sense of surprise and excitement
- Create a sense of pedestrian scale, even on blocks with large developments or little streetfront activity
- Reinforce key pedestrian linkages
- Showcase regional and emerging artists

b. Public Art Approach

There are two approaches to commissioning temporary works of art on downtown walking streets. The first is an ad hoc approach that would be based on partnerships to generate projects. For example, the City could partner with Pinellas Suncoast Transit Authority (PSTA) to do projects at bus shelters or bus stops or with civic organizations or schools to do street paintings or bench projects. Construction projects could have artist-created construction fence murals or other interesting artwork to visually mitigate the eyesore. The downtown wayfinding system could be expanded to include platforms for displaying temporary artworks. Property owners could be encouraged to install two-dimensional works of art on their buildings, do temporary projections, or other projects.

The second approach would be to organize an annual, curated temporary art exhibition downtown. For example, five to ten artists could be commissioned to create temporary works for a period of time throughout downtown. This could be modeled after projects such as “Avenue of the Arts” in Kansas City, Missouri; “The Cambridge River Festival” in Cambridge, Massachusetts; or “The Three Rivers Festival” in Pittsburgh, Pennsylvania. The exhibition could be housed within the Public Art and Design Program or with a partnering organization, so long as the Public Art and Design Program provides expertise in commissioning the artwork.

c. Budget Range and Funding Source

Budgets for the ad-hoc approach would depend on the type of project and how long it would be in place. Individual project budgets could range from \$5000 upwards. A curated temporary art exhibition would require funding for the projects as well as for administration, marketing, and documentation. A minimum budget for an annual exhibition would be \$50,000. Funding and support could come from civic and/or private project partners.

d. Timeframe

Begin immediately to seek support for partnering on projects on an ad-hoc basis or as part of a larger exhibition.

A10. New City Hall and Parking Garage

Location TBD

The city has begun early planning for a new, signature City Hall, which might include a parking garage for employees or the public. The specific location has not been determined. The City is also in discussions with Pinellas County and the Pinellas Suncoast Transit Authority (PSTA) to create a joint facility or civic campus downtown. If the project expands to include a new County Courthouse and/or PSTA bus terminal, then the public art program for the full site should be coordinated and each partner should contribute financially to the artwork.

a. Goals

- Create a strong visual destination downtown
- Reflect City Hall's civic importance
- Welcome visitors
- Reinforce newly created public gathering places
- Create visual connections to adjacent uses

b. Public Art Approach

Public art can be planned for early on in the design of the new City Hall, including any anticipated new public spaces. During master planning, the Public Art and Design Program should work with the master plan team to identify art opportunities for integrating site-specific works of art in the buildings and public spaces. Once opportunities have been identified, commission an artist or team of artists to develop site-specific project concepts.

c. Budget Range and Funding Source

Allocate a minimum of \$250,000 for one or more artworks commissioned in relation to this project, which will comprise one of the City's most important civic spaces. This budget may exceed the percent-for-art allocation for the building. Therefore, Discretionary Fund resources and possibly funds from private fundraising should be committed to this project to make up the difference.

d. Timeframe

The City has not set a specific time-frame for master planning. The Public Art and Design Program should coordinate efforts at the senior management level.

A11. Downtown Parking

Location TBD

The City has allocated funding to address future downtown parking needs, potentially by building a new garage. The specific location or locations for additional parking, the type of structure or facility, and the potential for public-private partnerships have not been finalized. No matter what size, shape or location, parking facilities can have a strong visual presence and can benefit through the inclusion of public art.

a. Goals

- Enhance downtown skyline and relate to the overall visual character of the downtown area
- Provide a distinctive transition between the auto experience and the pedestrian experience
- Assist with visual orientation
- Be visible day and night

b. Public Art Approach

If a parking structure is constructed, an artist can be commissioned to create work that would alter or be integrated into an element of the garage design such as the façade, grille-work, or entries.

c. Budget Range and Funding Source

Allocate a minimum budget of \$62,500 for this project, funded through the percent-for-art on the capital project.

d. Timeframe

Select an artist early in the design process so their work can be integrated into the design.

A12. Downtown North and South Gateways

Myrtle Avenue at the intersection of the Pinellas Trail (Palm Bluff intersection)

Fort Harrison at the intersection of the Pinellas Trail (between D and E Streets)

Myrtle Avenue and Fort Harrison Avenue/Old Alternate 19 are important entries to downtown Clearwater from the north and south. They also intersect with the Pinellas Trail at key points that also mark the transition into the downtown area. Though there are no CIP projects planned for these areas, there is a strong desire to create art projects that mark the gateways to downtown.

a. Goals

- Mark passage into downtown and reinforce these locations as important places in the City's visual structure
- Identify the downtown as a place where art and culture are part of the built environment
- Draw attention to access the Pinellas Trail
- Provide an oasis for trail users and pedestrians

b. Public Art Approach

Commission an artist or artists to work within the footprint of the triangle-shaped parcels of land where the road and trail intersect. The artist/s could create an environment using sculpture and landscape, providing an amenity for pedestrians and trail users and an organic and/or playful work which marks the entry to downtown. Different artists could be commissioned for each site, or a single artist could create a pair of complimentary works. The projects could be commissioned simultaneously or in sequence, allowing the projects to influence each other in different ways.

c. Budget Range and Funding Source

Allocate a minimum of \$75,000 for each site. This project would be funded through the Discretionary Fund.

d. Timeframe

This timing for this project would be determined by available funding. Should the Pinellas Trail or the streetscape be redeveloped at these sites, the Public Art and Design Program should consider doing this project in conjunction with these improvements in order to leverage resources.

A13. City Office Buildings

City Hall, 112 S. Osceola Avenue

Municipal Services Building, 100. South Myrtle Avenue

Fire Station No. 45, 610 Franklin Street

Police Headquarters, 645 Pierce Street

Downtown is home to City Hall, the Municipal Services Building, Fire Station No. 45 and the Police Headquarters. Many of these facilities are at prominent locations and are frequently visited by citizens. Some of these facilities could be renovated, replaced or relocated in the next decade. All of the facilities – existing or new – are possible locations for public art.

a. Goals

- Enhance the “curb appeal” of the facility
- Welcome visitors and create a marker that lets visitors know that they have arrived downtown
- Reinforce the civic importance of these places
- Show that Clearwater values the arts

b. Public Art Approach

Buildings slated for redevelopment, demolition or decommissioning as public facilities should only be provided with artwork that is temporary or portable. When major renovations or new facilities are being planned, artists should be invited to submit proposals for site-specific works.

c. Budget Range and Funding Source

Commission art for renovation projects only if they generate percent-for-art funds; these projects are a low priority for the Discretionary Fund. Budgets for art in renovation and new construction projects will depend on the scale, siting and permanence of the artworks.

d. Timeframe

For permanent, site-specific artworks, the artist selection process should begin early in the planning process for renovation or new construction.

A14. Cleveland Street Medians

Cleveland Street between Myrtle and the waterfront

Clearwater is currently rebuilding Cleveland Street, its traditional downtown main street, between Myrtle Avenue and the bayfront, with a special focus on pedestrian amenities and promoting retail and dining. Three locations for public art have been identified for the redesigned segment of Cleveland Street. These constitute pedestals that are positioned in the pedestrian oases at pedestrian crossings midway through each of the three blocks of the project.

a. Goals

- Install memorable, distinctive artwork that creates a sense of destination and enhances the city's identity
- Commission artwork that is of an appropriate scale to the space and structure

b. Public Art Approach

Invite an artist to propose site-specific public artworks for all three sites.

c. Budget Range and Funding Source

Depending on the scale and materials, approximately \$35,000 to \$50,000 should be budgeted for each site, for a total of \$105,000 to \$150,000. The Discretionary Fund, philanthropic or private development partners should be sought to support this project.

d. Timeframe

Begin artist selection when full funding becomes available for the project. Begin consulting potential partners and stakeholders immediately. Because public art has been identified as a contributing factor in enhancing the overall downtown experience, high priority should be given to this project. The streetscape is scheduled to be completed by late 2007.

A15. Entry Arterials

Court, Chestnut, Cleveland and Gulf to Bay between Myrtle Avenue and Highland

Penny 3 will include funding for many streetscape enhancements in the downtown area, including several of the arterials between Myrtle and Highland. Should Gulf to Bay/Cleveland, Court Street and Chestnut Street be upgraded, they would be appropriate streets for the involvement of an artist.

a. Goals

- Enhance the look and feel of these important civic corridors into Downtown
- Create a visual progression, letting people know they are heading in the right direction to get downtown and to the beaches

b. Public Art Approach

Hire an artist or artist team to be a part of the streetscape design team. Based on their work as part of the team, these artists can create unique streetscape elements or site-specific works to be located along the street, or the team may identify platforms for temporary artwork.

c. Budget Range and Funding Source

Pay each member of the artist or artist team \$5,000-\$15,000 to participate on the design team, depending on the scope of the project and the scope of work (approximately \$75-100/hour). Allocate additional funds for design, fabrication and installation of work not created as part of the baseline streetscape project. Funds for hiring the design team artist or artists should come from the percent-for-art funds generated by the streetscape improvements. Public art funds – whether from percent-for-art or the Discretionary Fund – should pay for the difference in cost between the basic streetscape improvements and the enhanced public art improvements.

d. Timeframe

Select the artist in time to begin work with the rest of the streetscape design team.

A16. Gulf-to-Bay Gateway Element/Crest Lake Park
201 Glenwood Ave.

Many visitors to Clearwater's downtown and beaches travel along Gulf-to-Bay Boulevard. Drivers traveling west encounter a fork in the road at Highland, with Court Street being the most direct route to the beach, and Gulf-to-Bay Boulevard/Cleveland Street being the most direct route to downtown. This place marks the beginning of the greater downtown district, and Crest Lake Park, which is adjacent to the intersection, has been identified as a potential location for a downtown gateway marker.

a. Goals

- Create a sense of arrival downtown and communicate that downtown is a dynamic destination
- Create a visual cue that you have arrived in the downtown area and reinforce this location as important places in the City's visual structure
- Set the tone that you are entering into a special district
- Be of an appropriate scale that creates an impression and is able to compete with the visual clutter of the highway environment

b. Public Art Approach

The key opportunity site for an artwork at this location is the edge of Crest Lake Park, on the north side of Gulf to Bay, east of Highland. Because of the prevalence of highway-style directional signs in the area, as well as signs that are part of the City's wayfinding system, vertical gateway elements might be lost in the visual clutter. Instead, a long, linear project might have greater impact. The entire edge of Crest Lake Park might be considered as the location of the artwork. Use a competitive artist selection process to select an artist to create a work of art that meets the project goals.

c. Budget Range and Funding Source

Allocate a minimum budget of \$350,000 for this project. Fund this project through the Discretionary Fund and/or philanthropic sources.

d. Timeframe

Monitor plans for streetscape improvements on Gulf to Bay or enhancements to Crest Lake Park. Should one of these enhancements be scheduled as a CIP project during the next 10 years, the public art project should be implemented in conjunction with that project. Otherwise, artist selection should begin as funding becomes available through the Discretionary Fund.

A17. Joe DiMaggio Sports Complex Renovation

2450 Drew Street

The City intends to undertake a complete renovation of the Joe DiMaggio Sports Complex. The renovation may include eight new soccer fields and one major league baseball field, restrooms, concession building, press box, parking and other park amenities. The DiMaggio Complex is adjacent to Bright House Networks Field, Carpenter Field, the Progress Energy Trail, and the Ream Wilson Clearwater Trail with easy access from US 19. The project may be developed in partnership with a private entity that might provide additional recreational facilities.

The DiMaggio Complex, considered in a broader setting that includes important trail connections and the nearby baseball fields, provides the most significant opportunity identified in this plan to create public art that celebrates Clearwater's love of outdoor recreation. Expectations for the level of artist involvement, approach to the artwork, and budget for the project should be set accordingly.

a. Goals

- Welcome people of all ages
- Celebrate Clearwater's culture of outdoor recreation and leisure
- Reflect the energy, activity and fun taking place in the facility
- Create or enhance gathering places and meeting places
- Enhance connections to adjacent recreational facilities, such as the trail and baseball stadium.

b. Public Art Approach

Include an artist or artists early in the design process for this facility. Encourage artists to focus their intervention on the connective and public features of the complex – such as entryways, walkways, shared facilities – to highlight its civic, shared nature. Explore the possibility of expanding the scope of the project to include the adjacent trail and sports facilities, so that art can serve as a focal or connective feature for this entire area.

c. Budget Range and Funding Source

The budget for this project will depend on the final scope of the overall facility. It should not be less than \$150,000 for the entire facility. Should the percent-for-art not total this amount, the Discretionary Fund and/or privately raised funds should be used.

d. Timeframe

The City has not finalized its timeframe for this project. Coordinate efforts with Parks and Recreation to establish a timeline and a detailed artist scope of work. When conceptual design of the facility begins, commission an artist to work with the design plan team to develop a project concept.

A18. Ruth Eckerd Hall

1111 McMullen Booth Road

Ruth Eckerd Hall is an important regional destination where people come to see world-class performances, and one of the more distinctive works of architecture in Pinellas County, as its design was completed by architects trained under Frank Lloyd Wright. A planned expansion of the Marcia P. Hoffman Performing Arts Institute, which is part of the Ruth Eckerd Hall facility, will provide additional space for classes and activities. This capital project provides an opportunity to commission a work of public art for the facility. This is the most significant project related to a cultural arts facility that has been identified in this plan.

a. Goals

- Enhance the overall experience of visiting Ruth Eckerd Hall
- Compliment the architecture of the facility

b. Public Art Approach

Invite an artist to propose a site-specific artwork for the site.

c. Budget Range and Funding Source

A minimum budget for an artwork at this facility should be \$80,000. The CIP project will generate \$40,000 for public art through percent-for-art. An additional \$40,000 should be raised for the project through private fundraising or the Discretionary Fund.

d. Timeframe

Begin artist selection when the design of the capital project begins.

A19. Courtney Campbell Causeway

The Courtney Campbell Causeway is one of the most important entry points to Clearwater and Pinellas County. It is a dramatic route, a straight long roadway that is enclosed by low mangrove and palm stands on one side and lined by a beach on the other, with Tampa Bay and the open sky a constant presence. As the most direct route for tourists and visitors who arrive at Tampa International Airport and want to head to the beach, the combination of its length and landscape provide remarkable transition from urban Tampa into Clearwater. It is also heavily used by commuters.

In addition to being a major thoroughfare, the Causeway is an important recreation area, particularly for water-related activities. The City is beginning a study of how the recreation area can be upgraded into a recreational trail, and what the possibilities are of linking the trail to Hillsborough County via a bridge over the main channel.

a. Goals

- Create a signature landmark that welcomes people to the City and enhances the entry experience.
- Engage viewers at multiple scales — both vehicular traffic and people using the recreation area and trail.

b. Public Art Approach

Key opportunities are the western end of the causeway, where it meets the peninsula, recreation areas, infrastructure elements (lighting, railings) that border the causeway, and any new bridge structure. The artwork should take into account the weather conditions that may impact the site. Given these opportunities and conditions, artist might be asked to consider a long, linear, landscape-based approach to the art project as well. A specific scope of work should be prepared for artist involvement and an artist should be invited to develop a project concept, and fabricate and install a project or projects for the site.

c. Budget Range and Funding Source

For a project of this scale and importance, allocate a minimum of \$250,000. Seek a funding partnership with the Pinellas County Public Art and Design Program; this project is being recommended as a priority in the County's public art master plan. Percent-for-art funds may be available if the City proceeds with the upgrades to the recreation area and trail. Otherwise, Discretionary Funds should be used.

d. Timeframe

Develop a specific scope of work for involving an artist in conjunction with the recreational trail study.

Projects that support CIVIC CONNECTIVITY

These projects create a visual language that helps make the places that connect Clearwater neighborhoods identifiable and unique. These places could be considered “common grounds” for Clearwater’s residents; places where neighborhoods come together through recreation and social activities, and places that literally provide threads that enable people to move from one neighborhood to the next. These places include infrastructure systems that link different parts of the City (trails, stream corridors), or places that touch and knit together multiple neighborhoods (special parks and recreation facilities). Public art can be commissioned in conjunction with CIP projects or as Special Initiative projects, including retrofits of existing facilities.

PROJECT OPPORTUNITIES (2007-2020)

- B1. Stream/Stormwater Corridors
 - Cooper’s Point Nature Park
- B2. City Trails
- B3. Recreation Facilities
 - Morningside Recreation Center
 - Countryside Family Aquatics
 - Senior Facility
- B4. Reverse Osmosis Plant

B1. Stream/Stormwater Corridors

Cooper's Point Park will be the next of a series of parks built along stormwater corridors that serve to provide a regional recreational amenity as well as to provide an ecologically responsible method of stormwater management. Ultimately, these parks will create a "necklace" of communitywide destinations along three of Clearwater's main stream corridors: Alligator Creek, Allen's Creek and Stevenson Creek. These parks, with their connectivity to each other and to the creek system, as well as their natural beauty, make them attractive and important places for public art.

a. Goals

- Highlight the City's natural assets and richness
- Showcase Clearwater's environmental leadership and innovation
- Promote education around environmental challenges
- Build a new connective tissue that links Clearwater's neighborhoods

b. Public Art Approach

Artists can be involved developing site-specific works of art for stormwater management parks that enhance appreciation of the waterways and/or make visible the stormwater management processes for educational purposes.

c. Budget Range

The budget range for public art at Cooper's Point Park should be \$50,000 – \$80,000. The Public Art and Design program should investigate if the capital project is eligible for percent-for-art funding, based on the restrictions of the bond issue that will fund the project. Otherwise, the Discretionary Fund should be used.

d. Timeframe

Include an artist on the design team for this project when that team is selected.

B2. City Trails

The City of Clearwater has an expanding trail system, connecting with the Pinellas County trail system and trails in adjacent municipalities. As it is completed, it will become an increasingly important way for people to get around, allowing residents and visitors to bike (and walk or run) throughout the City for recreation or to travel from neighborhood to neighborhood and to downtown and the beaches. The trail system will be completed with Penny 3 funds as well as other State and Federal grant funds.

Public art can enhance the experience of using the trail system in many ways. Artworks could range from artist-designed infrastructure to site-specific works in key locations. Artwork along trails will have the most impact at “nodes” - places where the trail intersects with important destinations or environmental or cultural features. These “nodes” may be at places where this plan is already recommending a public art project. Or, these nodes may be at other places in the City that support the public art program’s goals to contribute to the CITY IMAGE, to strengthen CIVIC CONNECTIVITY, or to support NEIGHBORHOOD IDENTITY.

CITY IMAGE

Potential locations related to project opportunities listed in the master plan:

- A5. Memorial Causeway Trail
- A2. Pier 60 Park
- A6. Coachman Park
- A10. New City Hall
- A13. Police Station
- A14. Cleveland Street
- A15. Entry Arterials
- A12. North and South Gateways
- A17. Joe DiMaggio Sports Complex
- A19. Courtney Campbell Causeway

Other potential locations:

- Downtown Post Office
- East Avenue/Pinellas Trail
- PSTA Terminal
- Bright House Networks Field
- Bayfront Tennis Complex

CIVIC CONNECTIVITY

Potential locations related to project opportunities listed in the master plan:

- B1. Cooper's Point Nature Park
- B1. Glen Oaks Park
- B1. Alligator Creek Corridor (Cliff Stephens Park)

Other potential locations:

- Countryside Sports Complex
- Carpenter Field
- McMullen Tennis Complex
- Long Center
- Eddie Moore Recreation Complex
- Clearwater High School

NEIGHBORHOOD IDENTITY:

Potential locations related to project opportunities listed in the master plan:

- C2. NE Coachman Park
- C2. Cliff Stephens Park
- C2. Countryside Community Park
- C2. Countryside Sports Complex

Other potential locations:

- Ed Wright Park
- Kapok Park
- Moccasin Lake Nature Park
- Wood Valley Park
- Coachman Ridge Park
- Del Oro Park
- Eisenhower Elementary School

a. Goals

- Enhance the experience of moving along the trail
- Call attention to places and phenomena of interest along the trail
- Call attention to the trail from adjacent areas
- Create a recognizable, city-wide infrastructure that defines the trail system

b. Public Art Approach

The approach to commissioning artwork for the City trail system depends on both the availability of public art funding and the schedule for building the trails.

Work with Parks and Recreation Department planners to create a work plan for public art on trails so that art projects can be commissioned in a strategic way. The workplan should be based on an analysis of upcoming trail construction schedules, as well as planned CIP projects adjacent to the trail system that might generate trail-related artwork. When possible, top priority should be given to projects at CITY IMAGE nodes, followed by CIVIC CONNECTIVITY nodes and then NEIGHBORHOOD IDENTITY nodes.

A variety of types of art projects could be commissioned, depending on the needs of the site and the available budget. Artists could be involved in designing trail infrastructure elements, such as bridges, trailhead areas, and furnishings. Artists could be commissioned to create site-specific artworks that reflect and draw attention to areas through which the trail is passing. Artists could identify a series of public art projects throughout the trail system that relate to one another and that can be implemented over time, such as a series of kiosks, trail markers, shade structures, bridge railings or another group of serial works designed by artists.

c. Budget Range and Funding Source

Individual project budgets will vary depending on the scope of the project.

Funding for trail projects should come from the percent-for-art on trail construction projects in the CIP; these funds should be pooled so that they can be spent anywhere along the trail system, not just on the segment being built. The current CIP identifies \$33,600 for public art from construction of recreation trails (Penny 2). There will be an additional \$30,000 percent-for-art for recreation trails generated by Penny 3. Where trails pass by the locations of other CIP projects, the budgets for these projects could be combined.

Allocate at least \$20,000 annually to trails projects. Funds could be used to commission single works of art annually, or could be accumulated over multiple years to commission larger-scale works of art or works at multiple sites simultaneously. Funds could also be used in combination with public art funds at “nodes” where the trail intersects with another priority public art opportunity. When percent-for-art funds are not available, the Discretionary Fund should be used.

d. Timeframe

Project timing will depend on availability of funds and the level of integration into the capital project.

B3. Recreation Facilities

The City's recreation facilities are important and popular destinations and places where residents meet and socialize, in addition to participating in recreational activities. As the City renovates or builds new facilities, it is moving towards a model of having each facility specialize in a function or activity that serves a wide range of neighborhoods or the City as a whole (such as aquatic centers or skate parks). There is an opportunity to include public art as part of the recreation experience. The following recreation facilities are tentatively planned for renovation or construction.

- Morningside Recreation Center
 - Countryside Family Aquatics
 - Senior Facility
- a. Goals
- Create memorable experiences and encourage repeat visits
 - Create a sense of connection among neighborhoods by addressing the shared, civic aspect of these facilities
 - Create opportunities for community involvement
 - Create the opportunity for artistic experiences as part of the overall recreation experience
- b. Public Art Approach
- An artist or artists should be brought on early in the design process for these facilities. Artists should be encouraged to create work that is integrated into the facility design. Artists should especially consider possibilities for incorporating art into the civic elements of the facilities, such as entryways, gathering places and circulation areas, so that the art can be experienced by all who visit the facility.
- c. Budget Range and Funding Source
- Budgets for recreation facilities should be in a range of \$25,000 - \$50,000. Funding should come from percent-for-art funds generated by the CIP projects.
- d. Timeframe
- Artist selection should coincide with design of the facility.

B4. Reverse Osmosis Plant

Location TBD

The City of Clearwater Public Utilities obtains its water supply, in part, by pumping groundwater and purifying it. The City will be building two additional reservoirs for the Reverse Osmosis Plant in order to increase its production capacity.

a. Goals

- Support the mission of Public Utilities to educate the public about water resources
- Make elements the City's water infrastructure visible and/or understood

b. Public Art Approach

Explore a public art project that would address the environmental and engineering issues around water resources and the City's stewardship of the water supply. Because the plants themselves will not be highly visible, consider alternative locations that are connected to the water system but of higher visibility than the plants.

c. Budget Range and Funding Source

Funding for the Reverse Osmosis Plant is a CIP project and is bond funded. The percent-for-art budget is \$200,000.

d. Timeframe

The timeframe will depend on whether the funds can be spent off-site. If so, the planning for this project can begin as soon as funds become available.

Projects that support NEIGHBORHOOD IDENTITY

These projects create points of pride within individual neighborhoods in Clearwater. These projects could include a much stronger level of community involvement than those in other categories. These projects will generally be CIP projects only. Projects should be focused on new construction, expansions or major renovations; retrofits of existing facilities are generally not recommended.

PROJECT OPPORTUNITIES (2007-2020)

C1. Neighborhood Fire Stations

- Fire Station No. 48
- Clearwater Beach Fire Station
- Lakeview Fire Station
- Countryside Fire Station

C2. Neighborhood Parks and Youth Sports Fields

C3. Libraries

- Countryside Branch Library
- East Branch Library

C1. Neighborhood Fire Stations

Fire Station No. 48

Clearwater Beach Fire Station

Lakeview Fire Station

Countryside Fire Station

Clearwater is renovating and expanding several of its fire stations. Each project will provide an opportunity for a neighborhood-scaled art project.

a. Goals

- Be welcoming to the firefighters and visitors to the facilities
- Be visually attractive and an asset to the neighborhoods in which the facilities are located
- Make each station unique and distinguish it from other stations

b. Public Art Approach

Encourage artists to create work that is integrated into the facility design.

c. Budget Range and Funding Source

Allocate a public art budget in the range of \$18,000 - \$45,000 for projects at each of these facilities. Funding should come from the percent-for-art generated from the capital project.

d. Timeframe

Commission an artist early in the design process for these facilities so that art projects can be integrated into the design and the construction drawings, if necessary.

C2. Neighborhood Parks and Youth Sports Fields

The Parks and Recreation department has 40 neighborhood-scale parks, which vary in size from .5 acres to 10 acres, and several Youth Sports Fields that Clearwater residents use for baseball, softball, soccer, and other sports activities. These parks and fields are generally used by residents from adjacent neighborhoods and have a combination of active and passive uses. There are two new neighborhood parks being planned (Sals Lake and State Street) for 2010-2020 and many park renovations (preliminary plans indicate Northeast Coachman, Woodgate, Valencia, Cliff Stephens, Charles, and Overbrook). There are also plans for the renovation of existing sports fields and the construction of new sports facilities (preliminary plans call for renovations of Sid Lickton Park, Countryside Community Park, Frank Tack Park and Countryside Sports Complex as well as new facilities for North Clearwater).

a. Goals:

- Reflect and celebrate the local neighborhood
- Help create a unique identity for the park
- When possible, integrate artwork into the design so that the parks or trails themselves are works of art

b. Public Art Approach

To the extent possible, percent-for-art funds generated by Neighborhood Park and Youth Sports Field projects should be pooled and spent on one or two projects. Priority should be given to projects that link Neighborhood Parks and Sports Fields to the City trail system.

c. Budget Range and Funding Source

Penny 3 funds will generate \$50,000 for public art from Neighborhood Parks and \$70,000 from Youth Sports Fields. These funds should be spent on two to four projects. The Highland Avenue widening project funded by Penny 3 may also generate up to \$25,000, which should be spent on a public art project in a nearby Neighborhood Park, Sports Field or other neighborhood gathering places.

Should additional funding become available through the Discretionary Fund, priority should remain with projects that link neighborhood parks to the City trail system.

d. Timeframe

Commission an artist early in the design process for these facilities so that art projects can be integrated into the design and the construction drawings, if necessary.

C3. Neighborhood Libraries

Countryside Branch Library

East Branch Library

The City of Clearwater has four neighborhood libraries in addition to the Downtown library. Two of them, the Countryside Branch Library and the East Branch Library, are scheduled for replacement as Penny 3 projects. It is proposed that the current buildings will be demolished and new libraries will be reconstructed on the same sites, providing a two-story facility and doubling the amount of space.

a. Goals

- Delight the visitor
- Encourage people to spend time, to linger
- Reflect the neighborhood in which the library is sited

b. Public Art Approach

Commission an artist or artists early in the design process for each facility.

Encourage artists to create work that is integrated into the design of the facility.

c. Budget Range and Funding Source

The budget range for neighborhood library projects should be \$50,000-\$65,000.

Funding should come from the percent-for-art generated from the capital project.

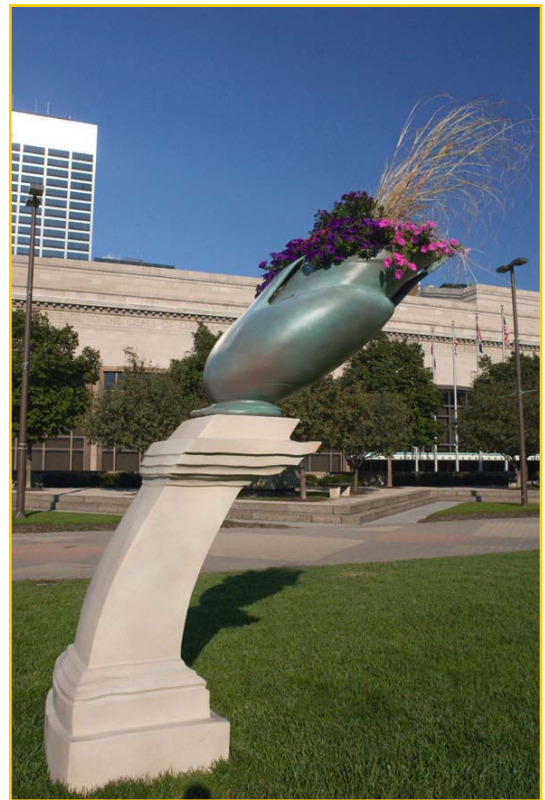
d. Timeframe

Commission an artist early in the design process for these facilities so that art projects can be integrated into the design and the construction drawings, if necessary.

PRIVATE DEVELOPMENT: KEY OPPORTUNITIES ON PRIVATE PROPERTY



Permanent public art projects, such as the Cleveland Street Medians (A14) and temporary projects, such as Walking Streets (A9) can help to enliven downtown streets and enhance the pedestrian experience.



PRIVATE DEVELOPMENT: KEY OPPORTUNITIES ON PRIVATE PROPERTY

Clearwater is one of the increasing number of cities in Florida and elsewhere that has adopted policies for incorporating public art into private development. So far, the City has developed two mechanisms for accomplishing this:

- Percent-for-art — City of Clearwater Ordinance No. 7489-05 requires that private development projects with an aggregate job value of at least \$5 million allocate 1 percent of construction costs for on-site public art or contribute 0.75 percent to the City Public Art and Design Fund.
- Zoning Bonus — In certain areas of the City, developers can obtain density credits for including certain amenities as part of their development. The eligible amenities include public art.

A third opportunity is on the horizon. When the City issues a Request for Proposals (RFP) to developers for a specific development project, as it may do for the Harborview or the old City Hall sites, the City may include a special requirement in the RFP that the developer has to meet. One of these requirements could be a public art requirement above and beyond the normal requirements. This may be desirable in large-scale projects for which the City has determined that the \$200,000 cap on the percent-for-art requirement for private development would not result the scale or type of project appropriate for the site.

The following are a select list of potential development projects that would benefit from the inclusion of public art either on-site or as part of the improvements to the public realm that will be occurring as part of the project. These projects are singled out because they may involve a stronger role of the City and the Public Art and Design program either through planning, defining the opportunity, or setting the level of funding.

D1. Beach Promenade Areas

Gulf Boulevard, Beach Drive and Mandalay Boulevard are the streets closest to the beach. These more 'urban' streets are places where tourists and beach visitors walk to shop, eat, get to and from the beach, and to take in the scene. There is a large amount of redevelopment going on in this area, and projects are of the scale that the developers will have sizable public art requirements.

a. Goals

- Create pedestrian scale works appropriate to the promenade nature of the area
- Connect the beach to the rest of the Clearwater community — emotionally, physically and historically
- Create memorable walking experiences throughout the district

b. Public Art Approach

As much as possible, artists should be invited in to explore sites and ideas and create site-specific proposals that reflect their experience of the place. Works of art could be functional or site-specific.

c. Budget Range and Funding Source

Projects can range in size, depending on the scale and scope of the project. These projects will be completed as part of the developer's public art requirement.

d. Timeline

Artist should be commissioned in time to integrate their work into the overall design of the development and the adjacent public realm.

D2. Marina District

The Marina District is the area to the east of Poinsettia Avenue, north of Causeway Boulevard and south of the Clearwater Beach Recreation Complex. The current district is mixed-use residential, motel and limited commercial. The City is creating incentives to intensify development in this area, transforming it to a destination waterfront neighborhood with restaurants, retail, hotels and denser residential development. The area will also have streetscape upgrades and a developer-financed boardwalk along the bay.

a. Goals

- Integrate artwork into the public spaces of the development
- Create an attractive skyline or visual interest from the downtown and causeway
- Create memorable walking experiences throughout the district

b. Public Art Approach

An artist should be part of the team that designs the boardwalk and other public infrastructure for the district. Sections of the boardwalk and streetscape improvements may be implemented by developers, and should be done so at their own cost, not as part of their percent-for-art obligation. Private developers should also be encouraged to commission artwork that meets the goals of the public art program for the beach area.

a. Budget Range and Funding Source

For the design team project, the artist should be compensated for their time to work on 2-3 charrettes with the design consultant, at \$75-\$100/hour. Individual projects can range in size, depending on the scale and scope of the project. These projects will be completed as part of the developer's public art requirement.

b. Timeline

The design team artist should be hired at the same time as the design consultant for the overall development. For other projects, the artist should be commissioned in time to integrate their work into the overall design of the development.

D3. Harborview Center
300 Cleveland Street

Harborview Center is a city-owned meeting facility downtown, adjacent to Coachman Park. The City anticipates issuing an RFP for redeveloping this site in the coming years.

a. Goals

- Enhance the visual and physical connections to Coachman Park, the downtown boat slips, the library, Cleveland Street and Osceola Street
- Support the economic uses of the site

b. Public Art Approach

The Harborview Center developer should be encouraged to work with a consultant early in the planning phase of this project to identify art opportunities and select the appropriate artists for the project. Artwork should be integrated into the buildings and public spaces.

c. Budget Range and Funding Source

The Public Art and Design Program should explore with City Planners whether the public art requirement for this project should exceed the one percent-for-art requirement.

d. Timeline

Artist should be commissioned in time to integrate their work into the overall design of the development.

D4. Station Square Park
620 Cleveland Street

Station Square is a new private development on Cleveland Street just east of Garden Avenue. The project includes the redevelopment of Station Square Park, a .5- acre urban plaza adjacent to the private development. The design for Station Square Park includes a formal gateway, trellises, a performance space, seating and connections to buildings and streets to the rear.

The park will be will be constructed by the developer. No public art is currently included in the design because the project was approved and permitted prior to the enactment of the ordinance that requires private developers participate in the public art program. However, the developer should be encouraged to include public art elements.

a. Goals

- Draw people into the park
- Create an interactive environment
- Create a distinctive downtown open space
- Compliment programmed arts activities

b. Public Art Approach

If public art is required for the overall development project, focus the art component on Station Square Park and commission an artist to design elements within the plaza, such as the entry marker, the trellis, and/or the stage area.

c. Budget Range and Funding Source

If the project becomes subject to the public art requirement, the public art budget should total one percent of the overall development budget, up to \$200,000, as per the City's ordinance.

d. Timeline

This project is subject to the timing of the Station Square development.

PROJECT PRIORITIES



Art can mark the entry to downtown through artist involvement in the streetscape design of Entry Arterials (A15), and the creation of site-specific work on the edge of Crest Lake Park (A16).



PROJECT PRIORITIES

Each year, the Public Art and Design Program will develop a work plan of projects that it will commission in the coming year. As part of the budget process, the work plan is approved by the City Council and becomes the annual budget for the program.

The projects in the work plan should largely be chosen from the projects in this master plan. The work plan will include a combination of CIP-related projects, whose timing will be driven by CIP schedules, and Special Initiative projects (including retrofits), whose timing may have more flexibility.

To develop the part of the work plan that relates to Special Initiative projects, the Public Art and Design Board will need to evaluate the resources available (primarily, money in the Discretionary Fund and staff time) and allocate those resources to the projects of the highest priority. The Public Art and Design Board will also have to consider allocating resources to other opportunities, unforeseen during the development of this plan, that may emerge and take priority.

The following sections set out principles and priorities that the Public Art and Design Board can use to determine which Special Initiative projects should be included in the annual work plan.

General Principles for Funding

- City CIP projects with a percent-for-art allocation should always include public art when the site is appropriate.
- Some CIP projects should receive supplemental funding if the percent-for-art allocation is too small to accomplish the goals for the project. This supplemental funding will come from the Discretionary Fund, or from private fundraising or partnerships. The Public Art and Design Program will have to manage its cash flow so that there is sufficient money available for CIP projects that require supplemental funding when those projects are scheduled to begin.
- Special Initiative Projects (those not generated by CIP projects) will be funded entirely from the Discretionary Fund, private fundraising or partnerships.
- There may be times when, because of the lack of money in the Discretionary Fund, there will be insufficient funding available for a project. In these cases, the Public Art and Design Program should evaluate whether the project can be delayed in order to wait for additional contributions to the Discretionary Fund, or if the project scope can be changed to accommodate a smaller budget. In general, if the project is integrated into the design, then an altered scope of work should be considered. If the work is a stand-alone piece and does not have to be installed in conjunction with a capital project, then waiting for additional funds should be considered.

General Principles for Use of the Discretionary Fund

- CITY IMAGE projects are the top priority for Discretionary Funds.
- After that, CIVIC CONNECTION projects are the next priority for Discretionary Funds.
- NEIGHBORHOOD IDENTITY projects should not be funded entirely by the Discretionary Fund. In some cases, the funding for these projects can be supplemented with the Discretionary Fund.
- Private development projects will not receive funding from the Discretionary Fund.

Prioritizing Projects

The project opportunities presented in this plan are all considered important projects based on their potential to contribute to the City's vision for public art, their visual impact on the City, and their compatibility with the operating guidelines. However, the resources that are available to the Public Art and Design Program are likely to be extremely limited. The Public Art and Design Board and program staff will have to make very careful choices about where to commission projects, and what types of project to commission, so that public art has the strongest possible impact on the city.

When establishing the annual work plan, the Public Art and Design Board should evaluate the options for allocating Discretionary Fund and staff resources to projects by using the following criteria:

Criteria for CITY IMAGE projects:

- CITY IMAGE projects should be in highly visible, highly used locations. The more visible a location is, and the more uses that are associated with it, the higher priority it is for public art.
- CITY IMAGE projects should enliven a destination of international, national or regional importance. These destinations include downtown, the beaches, the DiMaggio Sports Complex / Progress Energy Trail / East-West Trail, and Ruth Eckerd Hall. Projects in these areas are of higher priority than projects elsewhere.
- CITY IMAGE projects that are interactive and allow people to engage with the water or environment are of higher priority than projects that do not.
- CITY IMAGE projects that are clustered near other public art projects within a specific area are of higher priority than those that are not clustered near other public art.
- CITY IMAGE projects that can incorporate CIP funding or can leverage support from other public or private partners (within an appropriate time frame) are of higher priority than projects that rely solely on the Public Art Fund.

Criteria for CIVIC CONNECTIVITY projects:

- CIVIC CONNECTIVITY projects should be in locations used by residents from different parts of the City. These locations may include the Clearwater trails system, citywide recreational

facilities or parks, or projects related to the stormwater corridors. Projects in these areas are of higher priority than projects elsewhere.

- CIVIC CONNECTIVITY project that can result in a series or family of projects should take priority over those that cannot.
- CIVIC CONNECTIVITY projects that can incorporate CIP funding or can leverage support from other public or private partners (within an appropriate time frame) are of higher priority than projects that rely solely on the Discretionary Fund.

Criteria for NEIGHBORHOOD IDENTITY projects:

- NEIGHBORHOOD IDENTITY projects in areas with an active community interested in working with an artist should take a higher priority than projects elsewhere.
- NEIGHBORHOOD IDENTITY projects in areas that do not have public art should take a higher priority than projects elsewhere.
- NEIGHBORHOOD IDENTITY projects should have access to CIP or private funds. They should not rely solely on the Discretionary Fund.

Priority Projects 2007-2020

	FIRST PRIORITY	P	C	I	O	SECOND PRIORITY	P	C	I	O	THIRD PRIORITY	P	C	I	O
CITY IMAGE	A6. Coachman Park		X	X		A7. Downtown Boat Slips		X	X		A12. North and South Gateways			X	
	A8. Downtown Library			X	X	A13. City Office Bldgs		X			A11. Downtown Parking		X		
	A14. Cleveland St. Median			X	X	A16. Gulf to Bay Entry Element/ Crest Lake Park			X						
	A10. New City Hall		X	X	X	A15. Entry Arterials		X	X						
	A9. Walking Streets			X		A12. Beach Access Points			X						
	A4. Beach Interpretive Project			X		A3. Beach Parking Garage		X							
	A2. Clearwater Beach		X	X											
	A5. Memorial Causeway Trail			X	X										
	A17. Joe DiMaggio Sports Complex		X	X	X										
	A19. Courtney Campbell Causeway		X	X											
	A18. Ruth Eckerd Hall		X	X	X										
CIVIC CONNECTIVITY	B2. Trails		X	X		B1. Stream/ Stormwater Corridors		X	X						
	B3. Recreation Centers		X			B4. Reverse Osmosis		X							
NEIGHBORHOOD IDENTITY						C3. Libraries		X			C2. Neighborhood Parks		X		
						C1. Fire Stations		X							
PRIVATE DEVELOPMENT	D3. Harborview	X				D2. Marina District	X				D4. Station Square	X			
						D1. Beach Promenade	X								

P = PRIVATE FUNDING

C = CIP FUNDING

I = INITIATIVE PROJECT (Discretionary Fund)

O = PRIVATE FUNDRAISING OR PARTNERSHIP PROJECT

ACTION PLAN



Public art can serve as a landmark and gathering place at large sports centers such as the Joe DiMaggio Sports Complex (A17).



ACTION PLAN

Clearwater's Public Art and Design program should hit the ground running. The program should aim for some quick wins — art projects that are at the same time simple to execute but dramatic in the statement they can make about the City's commitment to public art.

This action plan outlines doable, impactful projects that can be commissioned and completed in the first few years of the plans, and suggests how the program can begin laying groundwork for longer-term projects.

FY 2007 and FY2008 - Start-up Actions // Do it Now!

The program should start by commissioning art with the following Capital Improvement Program projects, which are currently funded. And it should take the first discretionary funding it receives and use it to commission the initiatives described in this section.

CIP Projects

The following art projects can proceed in conjunction with the planning, design and construction of projects in the City's current CIP.

- A17. Joe DiMaggio Sports Complex. Continue discussion with Parks and Recreation about status of master plan and schedule for design, engineering and construction. Identify opportunities and develop Call for Artists.
- B3. Recreation Centers (Morningside). Initiate discussion with Parks and Recreation about the design, engineering and construction schedule for the replacement of the Morningside Recreation Center. Identify opportunities and develop Call for Artists.
- B2. City Trails. Initiate discussion with Parks and Public Works about the design, engineering and construction schedule for trail projects, and opportunities for developing one nodal project in FY 2008 in conjunction with the Druid Trail.
- C1. Fire Stations (Station 48 Renovation and Expansion). Initiate discussion with the Fire Department about the design, engineering and construction schedule for the replacement of the Station 48. Identify opportunities and develop Call for Artists.

Special Initiative Projects

While the Public Art Master Plan will be a first tool in describing to developers and funders the opportunities they can support through contributions to the Discretionary Fund, the Public Art and Design Program should also prepare a detailed prospectus or draft Call for Artists for each project that would be initiated immediately. This work would allow for staff to begin necessary coordination with project partners and for the Call to Artists to be issued as soon as funds are available.

In anticipation of receiving money for the Public Art Fund, initiate these projects:

- A14. Cleveland Street Medians. Identify external funding for the commissioning of new sculptures for medians. When funding is identified, issue Call for Artists and manage installation of project.
- A9. Walking Streets. Work with downtown stakeholders to generate interest in ad hoc or organized temporary sculpture exhibition. Develop a detailed prospectus or draft Call for Artists for FY 2008.
- A4. Beach Interpretive Project. Develop a detailed prospectus or draft Call for Artists.

FY 2009 and FY 2010 - Short-Term Actions // Do it Next!

CIP Projects

Several of the CIP projects below will be coming on-line in the near term, and whether or not they are developed within this timeframe, planning should begin soon.

- A7. Downtown Boat Slips. Initiate discussion with the Marina Department about the design, engineering and construction schedule for the downtown docks and boat slips. Identify opportunities and develop appropriate Call for Artists, or include an artist on the design team.
- A10. New City Hall. Request that forthcoming RFP for study of City-County complex include a component with public art recommendations. Recommend that the RFP call for the planning team to include an public art planning consultant, or that the scope of work involve consultation with Public Art and Design staff from the City and the County.
- A5. Memorial Causeway Trail. Monitor planning process. Identify opportunities and develop appropriate Call for Artists, or require that design team include an artist.

- B4. Reverse Osmosis Plant. Initiate conversation with Public Works about scope of project, agency mission, and planning-design-construction schedule.

Special Initiative Projects

The program's ability to commission these projects will depend on its ability to attract additional developer contributions to its Discretionary Fund, or other types of donations. Depending on the flow of discretionary funding, the Public Art and Design program should seek to initiate these projects in 2009 or 2010.

- A3. Downtown Library. Initiate discussion with appropriate stakeholders at the Library about the potential for locating public art within and adjacent to the building. Develop protocol for determining project opportunities.
- A13. Clearwater Beach. Develop Call for Artists first beach project.

FY 2011 to FY 2020 - Long-Term Actions // Do it When the Time is Right // Penny 3

CIP Projects

Long-term CIP projects are generally those that will be funded through Penny 3 and occur between 2011 and 2020. Public Art and Design staff should monitor the progress of these projects so that artists can be involved at the most appropriate time.

- A6. Coachman Park. Monitor planning process. Recommend consideration of public art opportunities at all phases of planning and design. Identify opportunities and develop appropriate Call for Artists, or include an artist on the design team.
- A13. City Office Buildings. Monitor planning for new City office buildings. Recommend consideration of public art opportunities at all phases of planning and design. Identify opportunities and develop appropriate Call for Artists, or include an artist on the design team.
- A11. Downtown Parking. Monitor planning for this project. Identify approach to public art that will meet the goals stated in the plan. Issue Call for Artists and manage installation of project.
- A15. Entry Arterials. Monitor planning for this project. When public works begins the process of developing scope of work for streetscape projects, develop the scope of work for the involvement of the design team artist. Issue Call for Artists in conjunction with process of selecting full design team.

- A19. Courtney Campbell Causeway Recreation Trail. Establish liaison with Pinellas County Public Art and Design program to budget for and schedule a gateway element that is developed independently or in conjunction with Causeway trail improvements.
- A18. Ruth Eckerd Hall. Monitor planning for expansion of the Marcia P. Hoffman Performing Arts Institute. Investigate potential funding partners. Identify opportunity and develop appropriate Call for Artists.
- B2. City Trails. Initiate discussion with Parks and Public Works about the design, engineering and construction schedule for trail projects, and opportunities for developing nodal and system element project.
- B1. Stream/Stormwater Corridors / Cooper's Point Nature Park. Monitor planning for joint stormwater-recreation space development at Coopers Point Park and in other stormwater corridors. Recommend consideration of public art opportunities at all phases of planning and design. Identify opportunities and develop appropriate Call for Artists, or include an artist on the design team.
- C3. Libraries. Monitor planning process. Identify opportunities and develop appropriate Call for Artists.

Special Initiative Projects

The program's ability to commission these projects will depend on its ability to attract additional developer contributions to its Discretionary Fund, or other types of donations. It will likely take several years for enough funds to accumulate to undertake this project.

- A16. Gulf-to-Bay Gateway Element/Crest Lake Park. Issue a Call for Artists for a gateway element in Crest Lake Park along Gulf-to-Bay Boulevard.

Private Development

The timing of these projects will depend on city decision-making about when to proceed with packaging publicly owned sites for private development.

- D3. Harborview. Monitor process for redevelopment. Recommend consideration of public art opportunities at all phases of planning and design. Recommend that RFP for redevelopment proposals require respondents to include an artist on the design team.
- D2. Marina District. Monitor process for redevelopment. Recommend consideration of public art opportunities at all phases of planning and design.
- D1. Beach Promenade. Monitor development proposals. Advise developers who wish to include public art in their projects on the goals for public art in this area of the City.

PROGRAMMATIC AND POLICY RECOMMENDATIONS



Civic Connectivity public art projects along the Trails (B2) will help to tie communities together and enrich the experience of using the trail.



PROGRAMMATIC AND POLICY RECOMMENDATIONS

Community-Initiated Projects

Generally, the Public Art and Design Program should provide technical assistance to groups or neighborhoods that wish to initiate art projects and can raise the funding to pay for those projects. If the community-initiated project is managed by Public Art and Design staff according to the program guidelines, then the project can be accepted into the City's collection. The program should not allocate its Discretionary Funds to community-initiated projects.

The Public Art and Design Program can further support community-initiated art projects by establishing a partnership with the Clearwater Development and Neighborhood Services Department awards and grant program. The Public Art and Design Program could supplement the CAN budget with public art funds generated by neighborhood-scale CIP projects that do not generate good art opportunities, such as traffic calming or sidewalk improvements projects.

Penny for Pinellas Funding

The City of Clearwater's policy is to require that the public art allocations for projects funded by Penny for Pinellas be spent directly in conjunction with the capital project that generates those funds. Some important clarifications of this policy should be noted.

Some Penny funding is allocated to generic categories of CIP projects, such as Youth Sports Facilities, for which there will be multiple small projects that have not yet been determined. The percent-for-art funding for these project types can be pooled and spent in conjunction with any project in this project category.

Some Penny funding is allocated to projects, such as road widenings, that are not themselves priorities for public art expenditures. To the extent possible, art opportunities should be identified close to the site of the project (for example, where the road intersects with a trail or provides access to a community facility) and the public art funds should be spent accordingly.

Multi-year Projects

When capital projects are funded over multiple years, the percent-for-art funds generated in the early phase(s) of the project should be utilized for the design phase of the public art project to allow for the artist to work with the selected architectural team.

Grant and Bond Funding

When a city agency seeks funding for a capital project through grant or bond funding, the agency shall write into the provisions of that grant or bond language the requirement that the city's percent-for-art ordinance be followed, to the extent that the funding source allows.

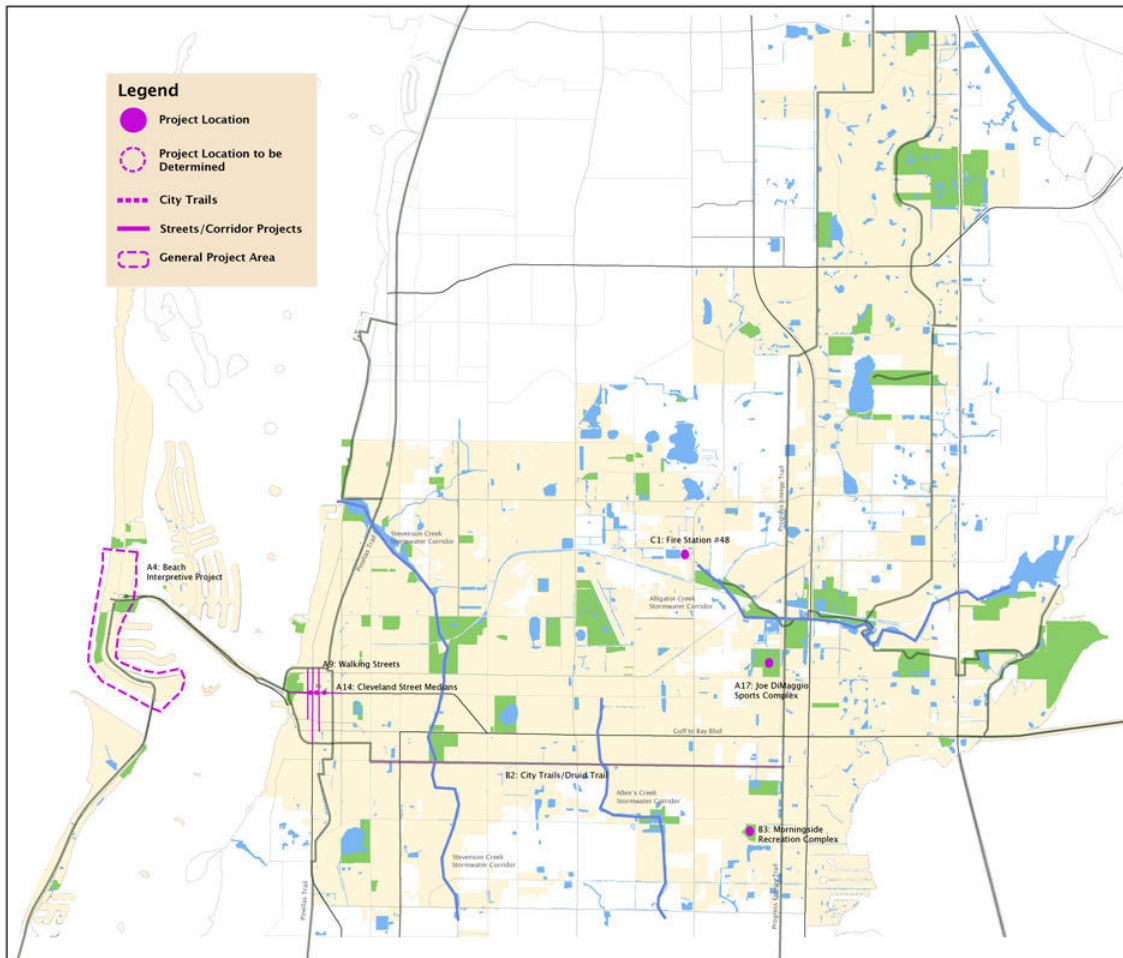
APPENDICES



Neighborhood Identity public art projects such as Fire Stations (C1) and Libraries (C3) will enhance neighborhood identity and create points of pride.

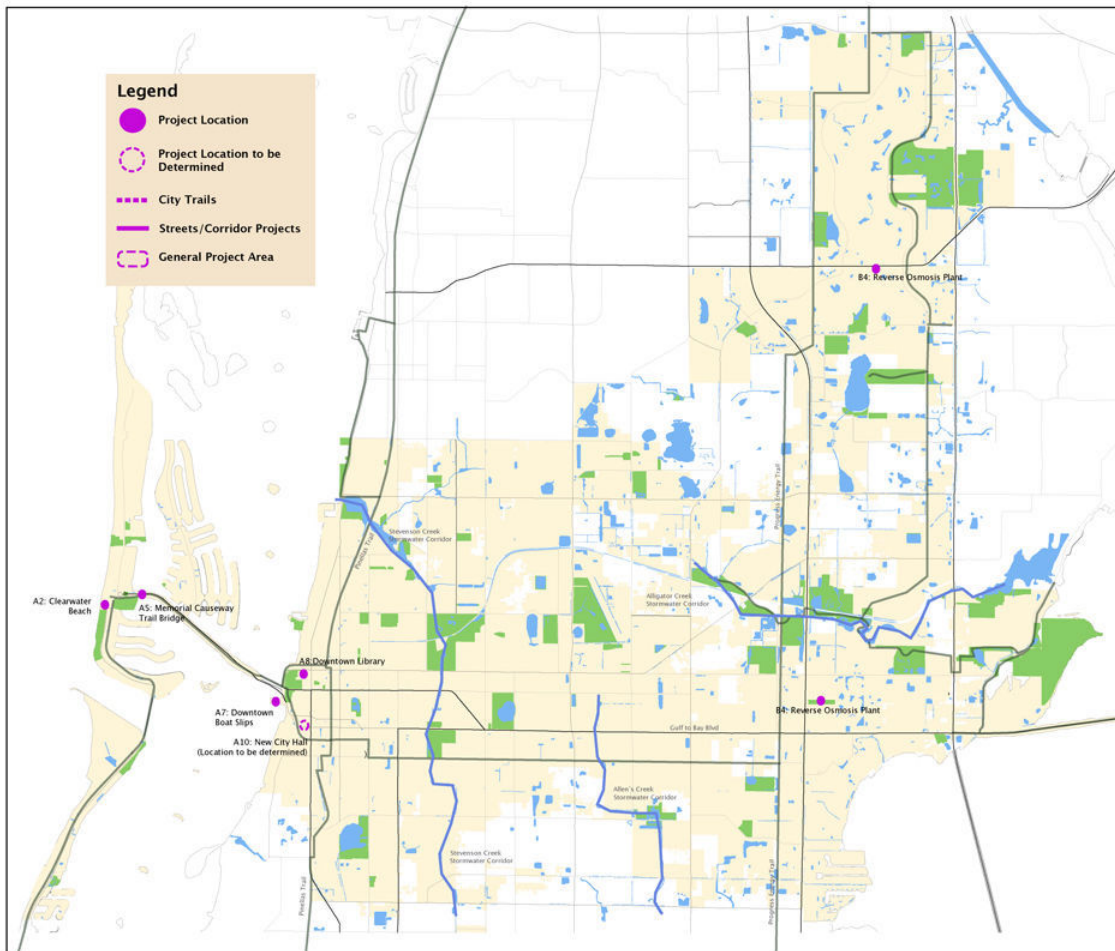


APPENDIX A - MAPS



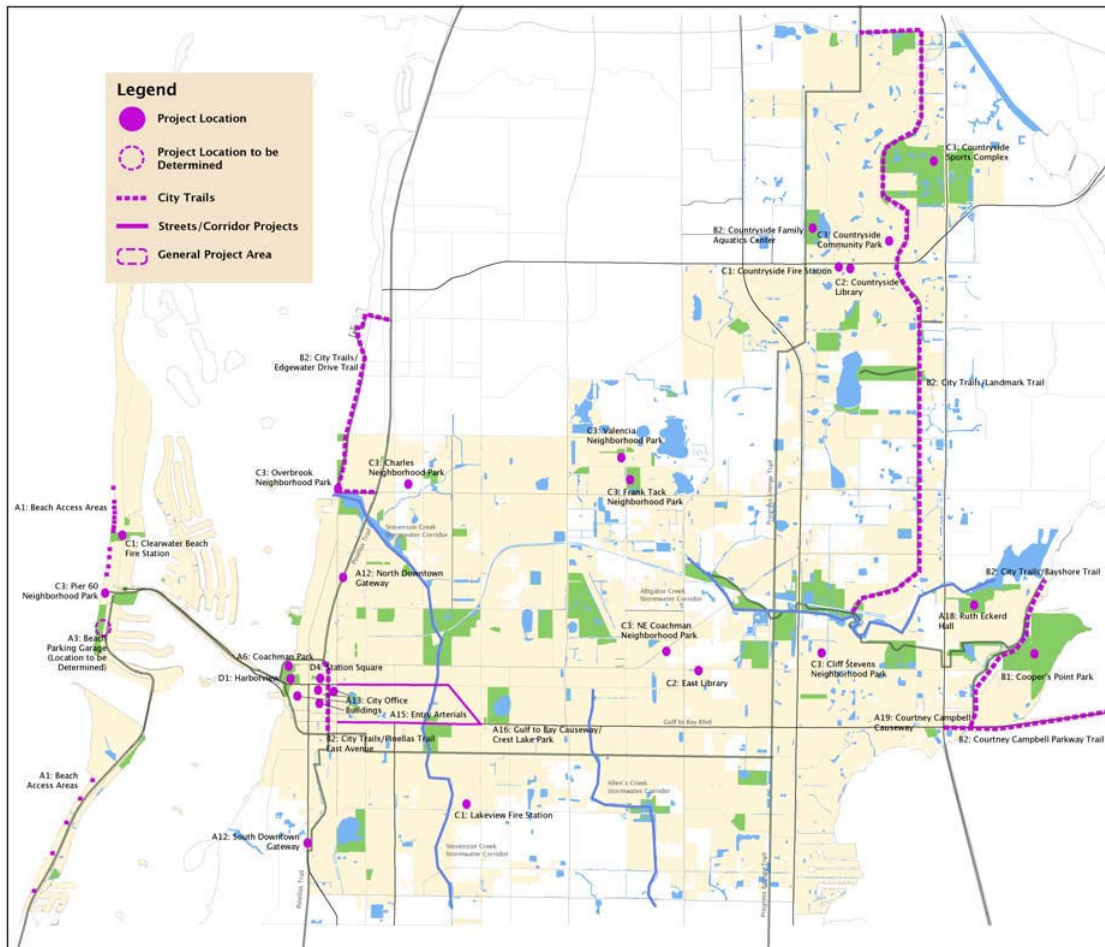
Clearwater Public Art Master Plan — Do it Now!
City of Clearwater Department of Parks and Recreation - Public Art and Design Program
March, 2007





Clearwater Public Art Master Plan — Do it Next!
City of Clearwater Department of Parks and Recreation - Public Art and Design Program
March, 2007





Clearwater Public Art Master Plan — Do it When the Time is Right
City of Clearwater Department of Parks and Recreation - Public Art and Design Program
March, 2007



APPENDIX B - DEFINITIONS

Aggregate Job Value (AJV): The total of all construction costs associated with a particular site plan project, regardless of the number of permits associated with the project, or whether it is a phased project. Construction costs include all labor, structural materials, plumbing, electrical, mechanical, infrastructure and site work.

Capital Improvement Program (CIP) projects: Projects included in the approved Clearwater Capital Improvement Program, commencing with the City's Fiscal Year budget, for any new facility construction or renovation projects equal to or greater than \$500,000. These include, but are not limited to, buildings, greenways, roads, parking facilities, bridges or other above-ground projects. Specifically excluded from this definition are street resurfacing, major drainage, wastewater, below-grade utilities, annual repair and replacement projects where the funding source is restricted from being used for the purchase of public art.

CITY IMAGE: Projects that add to the iconography of Clearwater and contribute to the image of the city that is projected to the rest of the world. These projects are located in places that are easily accessible, highly visible and shared by the entire community.

CIVIC CONNECTIVITY: Projects that create a visual language that helps make the places that connect Clearwater neighborhoods identifiable and unique. These places are considered "common grounds" for Clearwater's residents; places where neighborhoods come together through recreation and social activities, and areas which provide threads that enable movement from one neighborhood to the next.

Clearwater Arts Foundation (CAF): A not-for-profit organization created in 1999 with the belief that the arts can celebrate cultural pluralism and broaden cultural understanding. The CAF lists as its mission to be: "...a catalyst that advocates, fosters and promotes cultural awareness and opportunities for all people in Clearwater."

Clearwater Cultural Plan: Drafted in 2002 by a number of participants and committees throughout the Tampa Bay area, the Clearwater Cultural Plan identified six goals for the cultural activities of the City of Clearwater: the stimulation of local cultural development; the creation of a Public Art and Design Program; the enhancement and cultivation of visual, literary and performing arts; the establishment of Clearwater as an artist-friendly city; the promotion of life-long learning for all citizens of Clearwater; and the recognition of the economic potential of culture in Clearwater.

Design team: The collaborative team that includes, but is not limited to, an artist and at least one other design professional, such as an architect, landscape architect, or engineer.

Discretionary Fund: A fund comprised of public art contributions that private developers make to the city in lieu of installing a work of art on their own property, as stipulated by city ordinance.

Imagine Art Here!: Public participation and information gathering workshops held on December 12 and 13, 2006 at the Clearwater Main Library.

Infrastructure elements: Hardware incorporated into civic infrastructure throughout the city. Elements include: lighting, manhole covers, railings, benches, water fountains, etc.

Interpretive project: A public art project designed for public interaction and education. Interpretive projects often feature components that invite an audience to participate by learning more about the artwork's subject matter.

Public Art Master Plan: A guiding document created to establish the criteria, policies and priorities of the Clearwater Public Art and Design Program. The master plan serves many purposes including the development of a process and criteria for prioritizing public art projects, and the identification of important sites for public art.

NEIGHBORHOOD IDENTITY: Projects that create points of pride within individual neighborhoods in Clearwater. These projects are generally commissioned in conjunction with neighborhood-focused projects such as libraries, local public safety facilities, and community parks.

Ordinance NO. 7489-05: The City of Clearwater Ordinance, contained within Division 24 of the Development Standards of the Community Development Code, that establishes the Public Art and Design Program.

Penny 3: Also known as the Penny for Pinellas III, the "Penny" program was established in 1989 and allows for a sales tax increase of one cent on purchases within Pinellas County. The Penny 3 is the second ten-year extension (2010-2020) of the Penny for Pinellas program, with the preceding programs running from 1990-2000 and 2000-2010 respectively. The Penny for Pinellas program is approved by registered voters in Pinellas County, with the Penny 3 approved in a March, 2007, vote.

Pinellas Suncoast Transit Authority (PSTA): The public transit provider for Pinellas County, the PSTA maintains 197 buses and trolleys that serve 43 countywide routes.

Private Development: Development and construction within Clearwater city limits that is funded by private and non-City partnership sources. The Public Art and Design Program works specifically with private development projects valued at \$5,000,000 and above.

Public Art and Design Board (PADB): The seven-member board appointed by the City Council to administer the Public Art and Design Program.

Public Art and Design Fund: A separate accounting of monies received for the Public Art and Design Program consisting of funds received from eligible City capital improvement projects; private development projects; funds donated to the City for public art; and other funds allocated by the City through the budgetary process.

Public Art and Design Program (PADP): The program created through Ordinance NO. 7489-05 requiring that 1 percent of the construction budget for eligible City capital improvement projects be allocated for public art. There is a similar requirement on the construction of private development projects.

Retrofit: Public art projects that are commissioned, outside of a CIP or other construction budget, for city facilities that were constructed at an earlier date and are already occupied. In the language of this plan, “retrofits” are considered a category of “Special Initiative” projects.

Site-Specific Works: Public art that has been designed specifically for installation at a particular site or building. Site-specific artwork can often influence the design of a structure and, when completed, creates a dialogue with the space in which it is displayed.

Special Initiative Project: Public art projects that are commissioned by the Public Art and Design Program but not linked to a City CIP project. These can include “retrofit” projects, and are funded in part or in whole by the Discretionary Fund.

Temporary Artwork: Projects that are not permanent installations at the site in which they are featured. Temporary projects can range from curated exhibitions to special, time restricted commissions to dance performances.

Trail Head: A location where the public can access a trail, especially the beginning or end of a trail.

Trail Nodes: Places where the trail intersects with important destinations or environmental or cultural features.

Zoning Bonus: A zoning strategy that encourages the inclusion of certain amenities into a private development project in exchange for extra development rights.

APPENDIX C - PROJECTS CHART

All Recommended Project Opportunities

	Recommended Public Art Budget (2007-2020)	Percent-for-art Funding	CIP Funding Source	Deficit	Possible Sources
CITY IMAGE					
A1. Beach Access Areas <i>5 access areas at \$10,000/access areas</i>	50,000	12,500	Penny 3 (Seawall Replacement)	37,500	Discretionary Fund
A2. Clearwater Beach <i>3-5 projects, individual project budgets will vary</i>	250,000	-		250,000	Discretionary Fund
A3. Beach Parking Garage <i>may expand with public/private partnership</i>	125,000	125,000	Penny 3	-	
A4. Beach Interpretive Project	60,000	-		60,000	Discretionary Fund
A5. Memorial Causeway Trail	90,000	-		90,000	Discretionary Fund
A6. Coachman Park	350,000	50,000	Penny 3	300,000	Discretionary Fund
A7. Downtown Boat Slips	110,000	110,000	Bonds, Grants, CRA DDB		
A8. Downtown Library	150,000	-		150,000	Discretionary Fund, Friends of Library
A9. Walking Streets/Temporary Projects <i>budget based on annual festival, beginning in 2008 at a cost of \$50,000/year</i>	700,000	-		700,000	Clearwater Arts Foundation, Downtown Organizations, Businesses and Developers

All Recommended Project Opportunities (cont.)

	Recommended Public Art Budget (2007-2020)	Percent-for-art Funding	CIP Funding Source	Deficit	Possible Sources
A10. New City Hall and Parking Garage	250,000	250,000	Penny 3		
A11. Downtown Parking	62,500	62,500	Penny 3	-	
A12. North and South Downtown Gateways <i>two projects at \$75,000/each</i>	150,000	-		150,000	Discretionary Fund
A13. City Office Buildings <i>no CIP projects identified at this time</i>	-	-		-	
A14. Cleveland Street Medians	150,000	-		150,000	Private Fundraising
A15. Entry Arterials - Court Street/Chestnut Street/Cleveland/Gulf to Bay	125,000	125,000	Penny 3 (Downtown Streetscape)	-	
A16. Gulf to Bay Gateway Element/Crest Lake Park	350,000	-		350,000	Discretionary Fund
A17. Joe DiMaggio Sport Complex Renovation	150,000	80,000	Pinellas County, State of Florida, Federal Grants, other	70,000	Discretionary Fund, Private Fundraising
A18. Ruth Eckerd Hall	80,000	40,000	Penny 3	40,000	Discretionary Fund, Private Fundraising
A19. Courtney Campbell Causeway	250,000	-		250,000	Discretionary Fund

All Recommended Project Opportunities (cont.)

	Recommended Public Art Budget (2007-2020)	Percent-for-art Funding	CIP Funding Source	Deficit	Possible Sources
CIVIC CONNECTIVITY					
B1. Cooper's Point Park	70,000	70,000	Bond (if eligible)	-	
B2. City Trails <i>allocate average of \$20,000/year, individual project budgets will vary</i>	280,000	88,600	Penny 2 (Druid Road and Recreation Trails), Penny 3 (Recreation Trails and Bayshore Blvd Realignment)	191,400	Discretionary Fund
B3. Morningside Recreation Center	46,000	46,000	Penny 2 and grants	-	
B3. Senior Facility	35,000	35,000	Penny 3	-	
B3. Countryside Family Aquatics	25,000	25,000	Penny 3	-	
B4. Reverse Osmosis Plant <i>potentially offsite/multiple projects</i>	200,000	200,000	Future Bond Issue	-	

All Recommended Project Opportunities (cont.)

	Recommended Public Art Budget (2007-2020)	Percent-for-art Funding	CIP Funding Source	Deficit	Possible Sources
NEIGHBORHOOD IDENTITY					
C1. Clearwater Beach Fire Station	41,479	41,479	Penny 3	-	
C1. Countryside Fire Station	46,484	46,484	Penny 3	-	
C1. Fire Station No. 48	18,000	18,000	Penny 2	-	
C1. Lakeview Fire Station	47,555	47,555	Penny 3	-	
C2. Neighborhood Parks and Youth Sports Fields	145,000	145,000	Penny 3 (Neighborhood Parks, Youth Sports Fields, Highland Avenue)	-	
C3. Countryside Branch Library	62,500	62,500	Penny 3	-	
C3. East Branch Library	62,500	62,500	Penny 3	-	
TOTAL	4,532,018	1,743,118		2,788,900	

Do it Now // Project Opportunities

	Recommended Public Art Budget (FY2007 and FY2008)	Percent-for-art Funding	CIP Source	Deficit	Possible Sources
CIP PROJECTS					
A17. Joe DiMaggio Sports Complex Renovation <i>begin planning</i>	150,000	80,000	Pinellas County, State of Florida, Federal Grants, other	70,000	Discretionary Fund, Private Fundraising
B2. City Trails <i>allocate \$20,000 in both FY07 and FY08</i>	40,000	33,600	Penny 2 (Druid Road and Recreation Trails)	6,400	Discretionary Fund
B3. Morningside Recreation Center	46,000	46,000	Penny 2 and grants	-	
C1. Fire Station No. 48	18,000	18,000	Penny 2	-	
SPECIAL INITIATIVE PROJECTS					
A14. Cleveland Street Medians	150,000	-		150,000	Private Fundraising
A9. Walking Streets/Temporary Projects <i>\$50,000 in FY08 for temporary art festival</i>	50,000	-		50,000	Clearwater Arts Foundation, Downtown Organizations, Businesses and Developers
A4. Beach Interpretive Project	60,000	-		60,000	Discretionary Fund
TOTAL	514,000	177,600		336,400	

Do it Next // Project Opportunities

	Recommended Public Art Budget (FY 2009 and FY2010)	Percent-for-art Funding	CIP Source	Deficit	Possible Sources
CIP PROJECTS					
A7. Downtown Boat Slips	110,000	110,000	Bonds, Grants, CRA Downtown Development Board		
A5. Memorial Causeway Trail	90,000	-		90,000	Discretionary Fund
A10. New City Hall and Parking Garage	250,000	250,000	Penny 3		
B4. Reverse Osmosis Plant <i>potentially offsite/multiple projects</i>	200,000	200,000	Future Bond Issue	-	
SPECIAL INITIATIVE PROJECTS					
B2. City Trails <i>allocate \$20,000 in both FY09 and FY10</i>	40,000	-		40,000	Discretionary Fund
A9. Walking Streets/Temporary Projects <i>\$50,000 in FY08 and FY09 for annual temporary art festival</i>	100,000	-		100,000	Clearwater Arts Foundation, Downtown Organizations, Businesses and Developers
A8. Downtown Library	150,000	-		150,000	Discretionary Fund, Friends of Library
A2. Clearwater Beach <i>one project</i>	75,000	-		75,000	Discretionary Fund
TOTAL	1,015,000	560,000		455,000	

APPENDIX D – MEETING PARTICIPANTS

City of Clearwater Cultural Affairs Staff

Throughout the master planning process, Cultural Affairs staff have assisted the master plan consultants in a number of ways, ranging from gathering information, conducting interviews and conferences, scheduling meetings and providing input and guidance on master plan drafts.

Marsha Beall, Cultural Affairs Assistant
Christopher Hubbard, Public Art Specialist
Elizabeth Minor, Cultural Affairs Programmer
Margo Walbolt, Cultural Affairs Manager

Public Art and Design Board (PADB)

The consulting team of Brown and Keener Bressi (BKB) and Via Partnership has met with the members of the Clearwater Public Art and Design Board numerous times throughout the master planning process. Members of the PADP have provided input into the direction and language of the master plan and have supplied feedback and insight into the role of public art within the City of Clearwater. The board has recommended the approval of this plan.

Joshua Bomstein, Chair
Howard Warshauer, Vice-Chair
George Ann Bissett
Mark Flickinger
Davida Milne
Alex Plisko, Jr.
John Timberlake

Clearwater Arts Foundation, Inc. (CAF)

The members of the Clearwater Arts Foundation, with their commission of the 2002 Clearwater Cultural Plan, began the process that would lead to the creation of the Clearwater Public Art and Design Program. Numerous CAF members have participated in the development of the PADP through assistance in drafting the Public Art Ordinance to participating in the Imagine Art Here! workshop series in December, 2006.

Nancy Loehr, Chairman

Elizabeth Daniels, Vice-Chair

Marly McMillan, Treasurer

Joshua Magidson, Secretary

Joshua Bomstein

Laurel Braswell

Maria P. Cantonis

Beth Coleman

Gary Gray

Jai Hinson

Peter Kageyama

Robin Popp

Sallie Parks

Jennifer Sloane

Advisory non-voting members

Kay Campbell

Robert A. Freedman

Margo Walbolt

Elizabeth Minor

Marsha Beall

City of Clearwater Staff Participants

In order to gather information and educate city staff on the public art master planning process, the master planning consultants met with staff from over 10 city departments over the course of two days, September 27-28, 2006. In these conferences, representatives from each city department indicated how their staff would be involved with the public art process, from planning and funding to installation and maintenance. Participating departments included: Development & Neighborhood Services, Economic Development, Engineering, Finance/Budget, Parks & Recreation, Planning & Zoning, Public Works, Office of the City Attorney/Legal, Offices of the Assistant City Managers, Risk Management.

Mashid Aristeh, Public Works Administrator

Garry Brumback, Assistant City Manager

Keith Bush, Controller

Geri Campos, Director of Economic Development

Howie Carroll, Assistant Director of Economic Development

Gina Clayton, Assistant Director of Planning

Leroy Chin, Parks Planning and Projects Manager

Michael Delk, Director of Planning

Kevin Dunbar, Director of Parks and Recreation

Diane FitzGerald, Public Information Coordinator

Anne Fogarty, Economic Development Program Coordinator
Renee Frith, Landscape Maintenance Coordinator
Kevin Garriott, Building Official
Earl Gloster, Recreation Programming Superintendent
Rod Irwin, Assistant City Manager for Economic Development
Gary Johnson, Director of Public Services
Art Kader, Assistant Director for Projects, Planning and Administration
Jeff Kronschnabl, Director of Development and Neighborhood Services
Tim Kurtz, Landscape Architect
Laura Lipowski, Assistant City Attorney
Perry Lopez, Construction Manager
Jon Marcin, Risk Management Specialist
Mike Quillen, Director of Engineering
Cky Ready, Planner II
Margie Simmons, Director of Finance
Neil Thompson, Development Review Manager
Mary Jo Weaver, Sign Inspector
Tina Wilson, Director of Budget

Imagine Art Here! Participants (December 12-13, 2006)

During the Master Planning process the consulting team of Brown and Keener Bressi (BKB) and Via Partnership, in conjunction with Clearwater Cultural Affairs, conducted a series of public art workshops entitled “*Imagine Art Here!*” Over the course of two days, December 12th and 13th 2006, over 35 participants met at the Clearwater Main Library to discuss the direction and future for Clearwater’s public art program. Among the participants were city staff, members of local arts organizations, local artists, and citizens from throughout Clearwater and its neighboring municipalities.

Joshua Bomstein
Maria P. Cantonis
Leroy Chin
Thomas Coates
Beth Daniels
Bob Fernandez
Pat Fernandez
Diane FitzGerald
Mark Flickinger
Anne Fogarty
Elizabeth France
Danny France
Robert A. Freedman
Renee Frith

Denis Gaston
Susan Gehring
Earl Gloster
Barbara Kampe Hanson
Sandy Herman
Jai Hinson
Peter Kageyama
Ulli Kampelmann
Tim Kurtz
Nancy Loehr
Joshua Magidson
Marly McMillan
Elyse Nanfil
Jan Nickols
Chris Nodine
Robin Popp
Cky Ready
David Ring
Josh Riley
Bill Scott
Jennifer Sloane
Christopher Still
Steve Van Stone
Beth Warmath
Mary Jo Weaver

APPENDIX E - IMAGINE ART HERE

During the Master Planning process the consulting team of Brown and Keener Bressi (BKB) and Via Partnership, in conjunction with Clearwater Cultural Affairs, conducted a series of public art workshops entitled “*Imagine Art Here!*” Over the course of two days, December 12 and 13, 2006, more than 35 participants met at the Clearwater Main Library to discuss the direction and future for Clearwater’s public art program. Among the participants were city staff, members of local arts organizations, local artists, and citizens from throughout Clearwater and its neighboring municipalities.

During “*Imagine Art Here!*” the master plan consulting team presented a program that introduced participants to the field of public art, and expanded upon ideas of what forms, shapes and styles that public art projects can take. The presentation also included an explanation of Clearwater’s Public Art and Design Program and how it operates.

As an early segment of the workshop process, members of the master plan consulting team produced maps of Clearwater and instructed participants to use stickers to indicate areas in the city that fell within three criteria; these indicated areas: would benefit from public art; were the best places to take a visitor; represented the best of Clearwater. Areas indicated by participants included:

Public art locations:

- Clearwater Beach
- Downtown
- City parks
- Biking and pedestrian trails
- Courtney Campbell Causeway
- Natural areas

Best places to take a visitor:

- Clearwater Beach
- Downtown
- City parks
- Courtney Campbell Causeway
- Pinellas Trail
- Natural areas

Locations that represent the best of Clearwater:

- Clearwater Beach
- Downtown
- City Parks

Natural areas
Intracoastal waterway
Biking and pedestrian trails

In the December 12 workshop, the consultant team led the group in a discussion of the areas indicated as focal points for public art projects. In addition to many areas that are within the City's Capital Improvement Project plan, participants called out a number of existing locations that would benefit from the addition of public art, known as "retrofit" locations. "Retrofit" locations of note include: the Clearwater Main Library, City Hall, Coachman Park, the Harborview Center and others.

Breakout Sessions

Participants of the December 13 workshop divided into breakout groups, designed to focus on a particular area of Clearwater that were targeted as key points of focus for future public art projects: Downtown and Clearwater Beach. Once divided into one of the two groups, participants received a set of directions and discussion prompts. Among these conversation starters were:

Review the maps that we have provided and allow participants to share what they know about the sites and future plans for the site. Discuss how the area and sites within are currently used. Some questions to consider:

Which places are most used? The most visible? What are the gathering places?
What are the dominant physical features now?
Who is using these places? What are they doing? How are people using the space?

Discuss possible public art opportunities:

Where could public art be located?
What "types" of public art might be possible?
What "outcomes" would that public art have?
What is the priority for this idea?
Who should be involved in the project? What is their role?

Participants in the breakout sessions indicated that both the Beach and Downtown locations represent a mixed use of traffic flow between pedestrians and other vehicular-based transit. Public art in the Beach and Downtown locations should respond to both types of traffic with artworks that can be enjoyed one-to-one on the pedestrian level and from afar by vehicular traffic.

Potential locations for public artwork in the Beach and Downtown locations range from Coachman Park and new City infrastructure buildings, to beach access areas and the phased-Beach Walk project, currently under construction. A main focus of public art within these

areas is that artwork should foster a sense of identity creating a citizens' dialogue of "Who are we, as Clearwater?" and providing landmark and wayfinding symbols to assist with residents and visitors in answering questions such as "Where are we?" and "Where should we go?"

Participants in both sessions indicated that public art should provide a message with its presence, allowing viewers to learn that through its artwork, Clearwater is presenting itself as a progressive city, that "we're going someplace." Public artwork should create a positive experience of awe and enjoyment through "color, stimulation and motion" producing a feeling of "moving through a space." Additionally, public art should form connections to community, encouraging residents to take pride in their home and to entice visitors to return.

Feedback Sheets

Participants of both workshop sessions received a series of feedback worksheets ranging in topic from program priorities to program outcomes and directions. Based on input gathered from the worksheet completed by participants the following findings for each feedback type are:

Program Outcomes

Participants were polled on a number of desired outcomes for the Public Art and Design Program. Given the prompt "Public art in Clearwater will..." participants were directed to choose any number of 18 pre-set responses to the prompt; write-ins and personal additions were also accepted. During both feedback sessions, all participants were asked to provide verbal feedback to the program outcomes prompt. Answers to the prompts were recorded in the December 12 session and presented to participants of the December 13 session, following their own response to the prompts.

The verbal program outcome responses are, in ranking order, as follows:

Public Art in Clearwater will...

...communicate that Clearwater is a community which values the arts.	11
...build an appreciation for art and the work of artists.	10
...contribute to a legacy for generations to come.	9
...promote tourism and the economic vitality of Clearwater.	8
...enhance the quality of City built, public places.	8

Of the written feedback sheet responses, the most popular were, in ranking order, as follows:

Public Art in Clearwater will...

...communicate that Clearwater is a community which values the arts.	8
...promote tourism and the economic vitality of Clearwater.	5
...tell the story of the history of the City and its people.	5
...build an appreciation for art and the work of artists.	5

Program Outcomes Feedback Sheet

Public Art in Clearwater will...

A.	communicate that Clearwater is a community which values the arts	8
B.	foster a positive community identity	3
C.	enhance the quality of life for Clearwater residents	4
D.	promote tourism and the economic vitality of Clearwater	5
E.	emphasize the flavor and character of distinct parts of the City	3
F.	engage private enterprise in building quality places	1
G.	enhance the quality of City built, public places	3
H.	create contemplative places that inspire thought	4
I.	create new destinations	3
J.	highlight the unique and accessible natural environment	2
K.	bring people together socially and geographically	3
L.	tell the story of the history of the City and its people	5
M.	celebrate and reflect cultural diversity	3
N.	build an appreciation for art and the work of artists	5
O.	enhance the climate for cultural creativity	4
P.	contribute to a legacy for generations to come	4
Q.	increase opportunities for citizens and artists to participate in the design of the city	3
R.	create a visual, artistic transition from “old Clearwater” to “new Clearwater”	0

Program Directions

A second level of feedback gathered from workshop participants was the indication of program directions and potential locations for future public art projects. Participants were guided to respond to statement prompts with possible artwork locations as well as desired outcomes for projects associated with indicated artwork sites. Workshop participants favored using public art to create iconic destinations and public gathering places throughout Clearwater, and both Downtown and the Beach were primary targets for future artwork sites.

Participant comments in the Program Directions section stated that public artwork throughout public gathering places should be used as a beacon to “draw people in” and “encourage them to return” and also that the artwork should be “fun” and “interactive” as “it attracts people.”

Participants also indicated that public art installations should serve further purposes, such as disguise or mask construction areas, or provide public education.

Program Directions Feedback Sheet

DOWNTOWN

1. Commission public art that serves as landmarks.

City limit	2
Coachman Park	2
City Hall	2
Library	2
Wayfinding signage	2
Parking garages	
Historic buildings	
Beach	
Entries to downtown	
Highly visible, identifies Clearwater	
Takes a lot of thought	

2. Commission public art that serves as gateways.

DOWNTOWN	2
FL-60 & Court	
Court & Chestnut	
Cleveland Street	
Highland & FL-60	
Memorial Causeway	
Cleveland & Myrtle	
Beach	
Top of the Bluff	
Library atrium	
Jones & Fort Harrison	
Turner & Fort Harrison	
Sense of prestige and intrigue	
Wayfinding	
Clearwater East Library	
Include portable works to exhibit in a variety of places (from Library to Tampa Airport)	

3. Integrate artwork into the design of new buildings.

Also existing buildings
Mediterranean Village Units
Station Square Condos
City Hall
Downtown
New City Hall
City buildings
North Beach / South Beach
Schools

4. Commission interactive artwork that adds to the vitality of public places.

Make it fun, it draws people	2
Coachman Park	2
Station Square Park	
Interactive fountain at Coachman Park	

Fountains to cool in the heat of summer
Vital! It brings folks downtown
Educational
Water play, like the Lowry Park Zoo in Tampa (interactive water fountain)
Focus on revenue for local businesses and not a play space

5. Involve artists in the design of pedestrian-scale streetscape elements

Station Square Park
Coachman Park
Main Library
City Hall
Need new downtown destination
Outdoor
Parks
Brings sense of community

6. Involve artists in the design of pedestrian-scale streetscape elements.

Cleveland Street 3
Streetscape
Wayfinding
Isn't this already done for downtown?

7. Commission temporary or event-based artwork

Construction artwork (fences) 2
Art created during Jazz Fest
Special events
Holidays
Outdoor gallery
Fire on the water / lights on the water
Highlight Jazz Fest or other existing events

BEACH AREAS

8. Commission public art that serves as landmarks.

Roundabout 2
The beach needs no landmark
Pier 60
Beach Walk
Photo opportunities for residents & visitors
Symbolic
Mile markers
Parking garages
Bridges
Spoil islands

9. Commission public art that serves as gateways and connectors

Roundabout 3
Bridges 3
Entrance to beach, access 2
North – South
Downtown to beach routes

10. Commission interactive artwork that adds to the vitality of public places

Pier 60 **2**
Sand Key Park
Adds fun
Beach, for tourists and kids
Weigh this carefully
Focal point for memories

11. Involve artist in the design of public gathering places.

Involve local & famous artists
To join diversity – music
Beach already gets a lot of attention, maybe downtown
Liked the “signing chairs” on beach
Beach Walk

12. Involve artists in the design of streetscape elements.

Beach Walk **3**
Beach Walk is designed – this is good for future projects
Current street work
Manhole covers
Fire hydrants
Beautiful! This allows City to highlight history, diversity, etc.
Tree grates; incorporate coral reefs from objects, i.e. sunken plane

13. Commission temporary or event-based artwork.

Cover up empty lots, construction **3**
IronMan event
Pier 60 Park
Beach Walk art fest on promenade

14. Commission artwork that showcases the natural environment and highlights beach area ecological issues.

Educational **2**
Along beachfront
Beach Walk
Teacher, student input

TRAILS, GREENWAYS AND BLUEWAYS

15. Involve artists in the overall design of new segments of the trail, greenway and blueway infrastructure

Art stops along the trail, add like historic stops on highway
Parallel of trail on right of way
Involvement at the beginning of a new project is ideal, artists in the design phase
Pre-construction
Beach Walk
Pinellas Trail

16. Involve artists in the design of functional elements along the trails, greenways and blueways.

As funds permit
Water faucets, rest areas, markers

17. Commission permanent, site-specific artwork along new trails.
And in old!
Not highly visible
18. Commission permanent, site-specific artwork along existing trails.
East/West Trail
19. Commission temporary artwork to draw attention to the trail, greenways and blueways.
Identifying trails throughout points of intersection with public places, creating interest
Event related
Avant-garde, performance pieces
20. Commission artwork that enhances connections to adjacent areas.
Funds permitting
Good for downtown, parks and beach
Already done

PARKS & RECREATION FACILITIES

21. Include artists on the design team for new facilities.
Worked for skateboard park (Ross Norton Recreation Center)
Most of Clearwater has just been renovated
Always good at the beginning of the project
Lithocrete on pool
I believe we do this now
22. Integrate works of art into new facilities.
Hanging sculpture in lobby of Municipal Services Building
Specific only to facility, i.e. type of sport
This will show we value the arts
25. Commission artwork that serves as gathering places.
Every park, beach, trail
Could help folks get together, share rides
Long Center
There is a lot of interest by artists to work with community and youth to co-create works
for facilities and parks.

NEIGHBORHOOD FACILITIES

29. Initiate community based projects.
Community artists
30. Commission temporary public art projects
Special events

ADDITIONAL COMMENTS

"Next" would be too late in most cases as planning must be done early in order to incorporate the art.
We have a wonderful new bridge that could utilize flag poles or wind socks or temporary art and really be showcased.

An artist group should be involved at the outset of any project design, not after its completion.

Hang flags, long banners from the bridge...

Get a Jazz Holiday Hall of Fame!

Do It Now, Do It Next, Or Do It Never Feedback Sheet

The third portion of feedback information gathered from “Imagine Art Here!” participants was the prioritization of future public art projects. Projects were assigned to geographic focus areas within the City that correspond to the type of projects that would be undertaken in those areas. The geographic focus areas listed in the feedback list are: Downtown; Beach area; Trails, Greenways and Blueways; Parks & Recreation Facilities; Neighborhood Facilities. Participants were directed to rank potential projects and program directions through a rubric of three categories: Do it Now, Do it Next, and Do Not Do it/Do it Never.

	Now	Next	Never
<i>Downtown</i>			
Commission public art that serves as landmarks	26	7	
Commission public art that serves as gateways	22	9	2
Integrate artwork into the design of new buildings	28	4	
Commission interactive artwork that adds to the vitality of public places	23	10	
Involve artists in the design of public gathering places	28	4	
Involve artists in the design of pedestrian scale streetscape elements	18	10	1
Commission temporary or event-based artwork	12	18	3
<i>Beach areas</i>			
Commission public art that serves as landmarks	21	9	2
Commission public art that serves as gateways and connectors	22	7	4
Commission interactive artwork that adds to the vitality of public places	23	10	
Involve artists in the design of public gathering places	28	5	
Involve artists in the design of streetscape elements	24	6	2
Commission temporary or event-based artwork	12	16	3
Commission artwork which showcases the natural environment and highlights beach area ecological issues	17	10	4

	Now	Next	Never
<i>Trails, Greenways and Blueways</i>			
Involve artists in the overall design of <i>new</i> segments of the trail, greenway and blueway infrastructure	21	8	3
Involve artists in the design of functional elements along the trails, greenways and blueways	25	5	1
Commission permanent, site-specific artwork along <i>new</i> trails	14	17	1
Commission permanent, site-specific artwork along <i>existing</i> trails	15	13	2
Commission temporary artwork to draw attention to the trail, greenways and blueways	9	12	11
Commission artwork that enhances connections to adjacent areas	9	19	3
<i>Parks & Recreation Facilities</i>			
Include artists on the design team for new facilities	25	5	1
Integrate works of art into new facilities	27	4	
Commission artwork that helps identify places within the facility	10	18	2
Commission a series of artworks that creates connectivity between different parts of the campus/city	12	18	2
Commission artwork that serves as gathering places	24	9	
	Now	Next	Never
<i>Neighborhood Facilities</i>			
Include artists on the design team for new facilities	23	5	1
Integrate works of art into new facilities	23	7	
Commission artwork which communicates the mission of the facility	11	16	2
Initiate community based projects	19	11	
Develop artist residency programs	15	12	3
Commission temporary public art projects	13	15	3

APPENDIX F - GIFT POLICY

Gifts and loans to the Clearwater Public Art & Design Program (PADP) are an important part of the City's growing art collection. Proposed gifts or loans of public art shall undergo a review process to ensure that acceptance of such gifts or loans takes place in a fair and uniform manner and supports the purpose and goals of the PADP. Potential gifts to the PADP and City are evaluated as carefully as works that are purchased or commissioned and undergo a careful review process that evaluates the gift on acceptance criteria according to the purposes, guidelines, goals and selection process that guides the Public Art & Design Program as a whole. There can be no commitment to permanent display of gifts or loans, nor can the City of Clearwater be committed to retain ownership of such artworks in perpetuity.

Procedures for Gifts or Loans Valued Under \$5,000:

For gifts or loans that are valued less than \$5,000 the decision to accept the donation or loan will be made by the appropriate department director.

Procedures for Gifts Valued at or in Excess of \$5,000:

For each proposed gift of public art valued at or in excess of \$5,000 a written proposal or letter of intent must be submitted to the City's Cultural Affairs Manager. The proposal must include specifications of the proposed gift, including: artist, title, dimensions, materials, date, and proposed location (if appropriate). The Cultural Affairs Manager will refer the proposal to the Public Art and Design Board for review.

For existing objects the definite work of art will be presented for review, when feasible, in place of the first three items below.

Proposals for commissioned works shall include:

- Maquette(s) of a three-dimensional work or complete drawing of a two-dimensional work
- Drawings or photographs that demonstrate the relationship of the artwork to the site
- Material samples for the artwork and any relevant construction materials
- Professional appraisal of the artwork's value showing the minimum value to be not less than \$5,000
- Artist's resume
- Letter of authentication from the artist
- Artwork's exhibition history, if it is an existing work
- Approval for the installation and use of site by the appropriate city department(s)
- All associated building and construction permits, if necessary
- Description of routine maintenance and estimate of maintenance costs
- Durability and anticipated life span for the work

- Safety hazards and potential for vandalism
- Any terms or conditions imposed by the donor

Procedures for Loans Valued at or in Excess of \$5,000:

For each proposed loan of public art valued at or in excess of \$5,000 a written proposal or letter of intent must be submitted to the City's Cultural Affairs Manager. The proposal must include specifications of the proposed loan, including: artist, title, dimensions, materials, date, proposed location of display, the proposed duration of time that the artwork will be on City property, and the arrangements for its installation and removal.

Conflicts of Interest:

Gifts will be accepted by the City of Clearwater as a municipality rather than by individuals within the City. Consideration is given to the context in which the gift is offered in order to ensure that the gift is not being given to influence or reward the City of Clearwater or members, employees or elected officials of the City.

Gifts of Memorial Artwork Valued at or in Excess of \$5,000:

Memorials can be achieved through gifts of artwork and monetary donations. Monetary donations for a public art memorial may be contributed and combined towards a larger project, if necessary. All donors of monetary gifts of memorial will be acknowledged by means of a dedication plaque.

Memorial donations and gifts valued at or in excess of \$5,000 will be judged on the following criteria to determine appropriateness:

- If a person or event is being memorialized, they/it must be deemed significant enough to merit such an honor. The decision of the significance of a person or event is determined by City Council.
- The memorial represents broad community values and has timeless qualities that are meaningful to future generations.
- The location under consideration is an appropriate setting for such a memorial; in general, there should be some specific geographic justification for the memorial being located in a specific site.

Donors of memorials are asked to consider the primary uses of the public space or facility in their request for a suitable location for the memorial. While the City of Clearwater acknowledges that appropriate memorials enrich visitor experiences, public open space is a very precious commodity, and monuments, memorials and plaques will be carefully reviewed to balance these two public benefits to protect the greater good. It is recognized that a particular location may reach a saturation point for memorials, and therefore the Public Art and Design board may consider limitations or a moratorium of future memorial installations at that particular location or area.

Public Art and Design Board Review of Potential Gifts and Loans:

The Public Art and Design Board will review potential gifts and loans and recommend acceptance or rejection to the City Council. A recommendation to accept a gift or loan of public

art will be delineated in an acceptance agreement between the City and the donor/lender. This agreement will describe the terms and conditions under which the art is to be accepted, including responsibilities for fabrication, installation, site preparation, insurance, ongoing maintenance, conservation, etc. In cases where a donor has specified a site for the proposed artwork, the artwork must have the endorsement and approval for installation from the City department that oversees the site. Specific plans for site design, installation and maintenance will be submitted for all necessary approvals. Costs for engineering, inspections and approvals shall be borne by the donor. The artwork may not deviate from the proposal approved by the Public Art and Design Board unless the Board approves such change in writing. Works of art accepted on the basis of maquettes or drawings will be subject to a review process, including inspection by appropriate city officials during fabrication and installation.

Public Art and Design Board Composition:

As provided in Ordinance NO. 7489-05 the Public Art and Design Board consists of seven (7) members who shall be appointed by the City Council. Each member of the Board shall be appointed for a term of four (4) years, and no members shall serve more than two (2) consecutive terms. In 2006, four (4) members will be appointed to serve for a four (4) year term, and three (3) members for a three (3) year term. Whenever a vacancy shall occur, a successor shall be appointed in like manner to serve for the remainder of such term.

The Board is composed of the following members:

- One (1) Clearwater Arts Foundation member;
- One (1) Pinellas County Cultural Affairs Department staff, or designee;
- One (1) architect, landscape architect, urban planner, or related design professional who is a City resident;
- One (1) active professional artist who is a City resident;
- Three (3) private citizens who are City residents and are knowledgeable in the field of public art, education, or community affairs.

Further information regarding the Public Art and Design Board administration and responsibilities is provided in Ordinance NO. 7489-05 and the Public Art & Design Program Guidelines, *Section 5.4*.

Review Criteria for Acceptance of Proposed Gifts or Loans:

The review process will ensure that:

- Gifts and loans maintain high artistic standards for artworks in the City's public art collection and are appropriate in relationship or historical relevance to the City;
- The site available is appropriate to the artwork's content, scale, and material. Factors to be considered in selecting on an appropriate site include, relationship to architectural and natural features, visibility and public access, traffic patterns, future development plans for area, if known, and public use patterns of the site;
- Artworks must be one-of-a-kind or part of an original series. Reproductions of originals are not considered eligible for acceptance. Under certain circumstances the Public Art and Design Board may waive this requirement.
- Restrictions from the donor, if any, are clearly identified and acceptable to the City;
- Community groups who generate artwork proposals must show that the surrounding community has been involved and consulted in the process;
- Costs of installation and maintenance and repair over the expected life of the artwork are defined and dedicated;
- Electricity, plumbing, or other utility requirements over the expected life of the artwork are defined and dedicated;

- Artists will provide updated contact information in case of conservation, restoration or deaccession needs. More information on deaccession can be found within the City of Clearwater Deaccession Policy.

Exceptions to the Review Process:

- Proposed gifts or loans of artworks which have a current appraised value of less than \$5,000.
- Gifts of state presented to the City of Clearwater by foreign governments or by other political jurisdictions of the United States – municipal, state or national – which may be accepted by the City Councilmembers or the City administration on behalf of the City shall be reviewed as follows: Permanent placement of artworks shall be determined jointly by the appropriate City department and the Cultural Affairs Division, subject to the approval of the Public Art & Design Board. Appropriate recognition and publicity shall be the responsibility of the City department with jurisdiction over the site of permanent placement of the artwork(s). If not provided by the donor, maintenance of the artwork(s) shall be the responsibility of the City department with jurisdiction over the site, in consultation with the Cultural Affairs Division.
- Artwork(s) or exhibitions loaned for display on City-owned property for ten months or less shall not be subject to the standard review process. Review and approval shall be the responsibility of the City department with jurisdiction over the site of the display or exhibition. The Public Art and Design Board shall serve as an oversight resource to City department with jurisdiction over the site.

Appeal Policy:

All donors or artists who believe that the Public Art and Design Board's consideration of their proposal of a gift or loan was procedurally unfair, unreasonable or inadequate, may appeal the panel's recommendation of rejecting the proposed gift or loan. No appeals will be entertained on the grounds of the Board's aesthetic evaluation of an existing or proposed artwork.

Appeal Procedure:

Before pursuing a formal appeal, the donors and/or artist should seek an informal resolution by way of the following procedure:

- The donor and/or artist will first re-examine the Acceptance Guidelines, and the list of panels who have evaluated the proposal; and
- The donor and/or artist will then informally review the panel procedure with the Cultural Affairs Manager within three weeks of the date of written notification of the original Board decision on the proposed artwork.

Should no resolution be reached, the donor and/or artist may submit a formal appeal by way of a written request to the Public Art and Design Board, specifying the date on which an informal review of the original panel decision was completed, and the factual bases on which the donor claims that the procedures utilized by the panel in reaching its decision were unfair, unreasonable or inadequate.

The Public Art and Design Board will provide the donor, artist and each member of the Board notice, in writing, with at least fourteen days advance notice of the date, time and place of the appeal in order to enable each of the aforementioned individuals to file written submissions for consideration and to arrange to appear in order to give a verbal presentation, if desired. In

addition, the Public Art and Design Board has the right to invite any individual whom it believes may contribute to the adjudication of the appeal, to appear before it. The deliberations of the Public Art and Design Board will be open and available to the public. Following the review and appeal process, all Public Art and Design Board decisions shall be final.

Donor Responsibilities and Associated Costs:

For commissioned gifts of art to the City of Clearwater the donor must underwrite the costs of fabrication and installation. If necessary to the project, the donor will also be responsible for engineering specifications, design and cost of pedestal, identification plaque, special lighting, electrical and water hookups, structural support meeting all building codes, and landscaping of site. The donor is responsible for acquiring all City, County, State or Federal permits necessary for the installation of the work, and for paying all costs associated with such permits.

The donor shall contribute five (5) percent of the gift's total commission cost to be deposited into a special maintenance fund to support the care of and maintenance of the City's public art collection. If the gift is an existing work of art, five (5) percent of the appraisal value shall be deposited into the maintenance fund. Under certain circumstances the Public Art and Design Board may waive this requirement. The donor is encouraged to work with an art conservator to develop a routine maintenance plan for the gift of artwork.

Maintenance:

The donor shall create, with the assistance of a professional conservator, a maintenance plan for care of the proposed gift. Exorbitant maintenance costs may be grounds for rejection of a gift or loan. Once the donation is installed and accepted by the City, the City shall be responsible for the inventory, operational expenses and maintenance requirements. Funding for the care and maintenance of the City's public art collection is provided through the contributions of donors to City's public art special maintenance fund, as outlined above in Donor Responsibilities and Associated Costs.

Acceptance of Gifts of Public Art

Once approved by the Public Art and Design Board gifts of works of art will be deemed accepted once the donor has supplied the City with the following:

- Written certification of the installation of the artwork;
- A written bill of sale conveying title of the work to the owner;
- A contribution of five (5) percent of the gift's total commission or appraisal value to the maintenance fund;
- Written instructions for the care, maintenance, preservation and handling of the artwork prepared with the assistance of a professional art conservator;
- A sworn statement of no liens, claims or other encumbrances associated with the artwork;
- A written assignment of any and all warranties for materials used or labor performed by subcontractors or other persons;
- A written assignment conveying all rights, including copyrights and waiver of all rights under the Visual Artist's Rights Act of 1990 and its amendments (Section 106A of the United States Copyright Act; Pub. L. No. 101-650).

Acceptance of Loans of Public Art

Once approved by the Public Art and Design Board, loans of works of art will be deemed accepted once the donor has supplied the City with the following:

- A fully executed Agreement for Display of Artwork between the lender and the City;
- A written plan for the transportation, installation and removal of the artwork as per the Agreement for Display of Artwork;
- Written instructions for the care, maintenance, preservation and handling of the artwork during the period of display on City property.

Title and Ownership:

Gifts of artwork to the City will become the property of the City of Clearwater once an Agreement for Acceptance of a Donation of a Work of Art has been fully executed and the Donor has delivered the Bill of Sale. At such time, all rights of title and ownership will be conveyed to the City and all future decisions regarding the use and continued ownership of the artwork will be under the sole discretion of the City of Clearwater. As owner of the work, the City may exercise any and all legal rights of ownership including, but not limited to, sale, relocation or removal of the artwork. Further information regarding the sale, removal or relocation of artwork can be found within the City's Public Art & Design Program Deaccession Policy.

For loans of artwork to the City, the City recognizes that the title to the artwork remains with the Owner, its successors and assigns. At no times does title pass to the City as a result of the loan, unless otherwise specified.

Removal, Relocation or Deaccession of an Artwork:

Artworks gifted or loaned to the City of Clearwater may be relocated, removed or deaccessioned from the City's public art collection if the artwork becomes a hazard or liability, or if the approved terms of acceptance are not fulfilled or for any other reason as determined by the Public Art and Design Board in its sole discretion. Should one or any of these options become necessary, the Public Art and Design Board shall remove, relocate or deaccession the works of art in its collection in accordance with its policies and procedures as described within the City's Public Art & Design Program Deaccession Policy.

**PROPOSED GIFT OF PUBLIC ART
TO THE
CITY OF CLEARWATER, FLORIDA**

Donor Profile:

Name of individual or organization donating proposed artwork/object. For organizations please state the contact person's name:

Name: _____

Address: _____

Phone/Fax: _____

E-mail/Website: _____

Description of group/organization:

Reason for donating artwork/object:

Tax implications, if any:

Please describe the artwork and/or commemorative gift being proposed for donation. Attach photographic and other documentation relevant to its aesthetic value or merit. Please also attach any biographical information relating to the artist, or any published material relevant to the artwork.

Artist: _____

Title: _____

Medium: _____

Year: _____

Dimensions (height x width x depth): _____

Overall description of artwork/object:

Exhibition history of artwork or history of object (provenance):

How did you/your organization acquire the artwork/object?

Estimated value: \$ _____

Appraising agency: _____

Name of agent: _____

Address: _____

Phone / Fax: _____

Condition of artwork/object: ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Installation requirements (methods of attachment, installation, lighting, amenity requirements, etc.)

Maintenance requirements (initial maintenance and continued conservation programs)

If you are proposing to install the artwork/object in a specific location, please describe why you feel that your chosen site is appropriate for the proposed donation.

Is the artwork/object a commemorative or memorial gift meant to acknowledge a person(s), place, or event that represents broad community values and has timeless qualities that are meaningful to future generations?

What stipulations, considerations, or modifications are to be placed on the acceptance of this proposed gift?

APPENDIX G - DE-ACCESSION POLICY

The term deaccession applies to the disposition or exchange of public artworks no longer appropriate for display and to the process by which title to the artwork is transferred from one institution or individual to another institution or individual, or otherwise disposed of. The City of Clearwater reserves the right to deaccession works of art in its public art collection in the best interest of the public and as a means of improving the overall quality of the City's public art collection. All meetings of the Public Art and Design Board, including meetings in which artworks are recommended for deaccession from the City's public art collection are open to public attendance.

Removing artwork from the City's public art collection by deaccession should be cautiously applied only after careful and impartial evaluation of the artwork as to avoid the influence or fluctuations of taste and the premature removal of a work from the collection. The procedures within this Deaccession Policy have been assembled with the intent of providing a manual of best practices to be adhered to by the Public Art and Design Board before, throughout and during the deaccession process.

All proceeds from the sale or auction of an artwork will be deposited in the Public Art Fund.

Criteria for Deaccession of Artworks:

While the intent of the City's acquisition of artwork is for a permanent or other lifespan, circumstances and/or conditions may arise that make it prudent for the Public Art and Design Board, on behalf of the public interest, to remove an artwork from public display. While in general, it shall be the policy of the Public Art and Design Board not to remove an artwork from display or relocate it prior to the artwork having been in place for at least five (5) years, unless public safety or other technical circumstances are involved, The Public Art and Design Board may remove artwork at any time as deemed necessary. Notwithstanding any other provision in this policy, if, in the judgment of a majority of the full City Council an artwork is deemed to be detrimental to the public interest due to content or controversy, it may be removed immediately from public display and deaccessioned as per the procedures within this policy.

In order for an artwork to be considered for permanent removal or deaccession one or more of the following conditions must apply:

- The artwork presents a threat to public safety;
- The condition or security of the artwork cannot be guaranteed, or the City cannot properly care for or store the artwork;
- The artwork requires excessive or unreasonable maintenance;
- The artwork has serious or dangerous faults in design or workmanship;

- The condition of the artwork requires restoration in excess of its monetary value or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false;
- The Artist or Artist's agent has breached a term of an agreement entered into for purposes of acceptance and/or display of the artwork;
- The artwork is of poor quality or is judged to have little aesthetic and/or historical or cultural value;
- No suitable site for the artwork is available;
- A similar but superior example exists in the collection;
- The artwork is a forgery;
- The site for the artwork has become inappropriate or is no longer accessible to the public, it is unsafe, or it is due to be demolished;
- Significant changes in the use, character, or actual design of the site require re-evaluation of the relationship of the artwork to the site;
- Significant, adverse public reaction is documented over an extended period of time;
- The work can be sold to finance, or can be traded for, a work of greater importance by the same artist;
- A written request from the artist has been received to remove the work from public display; or
- The work is not, or is rarely displayed.

Public Art and Design Board:

The Public Art and Design Board shall preside over meetings regarding the deaccession of artworks from the City's public art collection and make proper recommendations to the City Council regarding the Board's decision to remove an artwork from the City's collection.

As provided in Ordinance NO. 7489-05 the Public Art and Design Board consists of seven (7) members who shall be appointed by the City Council. Each member of the Board shall be appointed for a term of four (4) years, and no members shall serve more than two (2) consecutive terms. In 2006, four (4) members will be appointed to serve for a four (4) year term, and three (3) members for a three (3) year term. Whenever a vacancy shall occur, a successor shall be appointed in like manner to serve for the remainder of such term.

The Board is composed of the following members:

One (1) Clearwater Arts Foundation member;

One (1) Pinellas County Cultural Affairs Department staff, or designee;

One (1) architect, landscape architect, urban planner, or related design professional who is a City resident;

One (1) active professional artist who is a City resident;

Three (3) private citizens who are City residents and are knowledgeable in the field of public art, education, or community affairs.

Further information regarding the Public Art and Design Board administration and responsibilities is provided in Ordinance NO. 7489-05 and the Public Art & Design Program Guidelines, Section 5.4.

Review Process:

For any artwork being recommended for deaccession the Clearwater Cultural Affairs staff must follow these procedures:

1. Prepare a report which indicates:
 - Title, artist, medium, dimensions and present location of the artwork;
 - Acquisition method and purchase price;
 - Any restrictions that may apply to the specific work based on review of contract;
 - Origin;
 - Digital images, photographs or slides of the artwork;
 - Detailed report on the condition of the artwork;
 - Appraised value of the work by two independent consultants, if obtainable;
 - Copy of title and other ownership documents for the artwork;
 - Justification for deaccession, conforming to the terms and criteria of the Deaccession Policy;
 - Documentation of correspondence, press or other evidence of public debate documenting extended adverse public reaction;
 - Suggested methods of deaccession (sale, transfer, auction, disposal);
 - Alternatives to deaccession and costs of doing so.
2. Notify in writing the artist, or donor, the circumstances prompting the review for deaccession.
3. Discuss the circumstances of deaccession with the department which retains possession of the artwork and document that department's input on the decision.
4. Seek additional information regarding the artwork from the artist, art galleries, curators, appraisers or other professionals, if necessary.

The report produced in Step 1 shall then be presented to the Public Art and Design Board for action at a regular public meeting. Any recommendation to deaccession an artwork shall be made by the Public Art and Design Board and shall require a majority vote of the full membership of the Board.

The Board shall then advertise the vote on the motion for deaccession at the next regular meeting. An artist or donor whose artwork is being considered for deaccession shall be notified in advance of the meeting and shall be invited to speak on behalf of themselves and the artwork.

Methods of Deaccession:

The Public Art and Design Board may recommend any of the following courses of action as a result of the report of the Staff/Board Report and the discussion of deaccession at the Public Art and Design Board meeting. Final approval for deaccession of any artworks from the City's public art collection valued below \$25,000 will be the decision of the Public Art and Design Board with City Manager approval. Deaccession of artwork valued at \$25,000 or more shall be granted by City Council.

The Public Art and Design Board shall not be limited to these methods of deaccession but may suggest alternatives appropriate to meet particular circumstances as they arise. If sold, all proceeds from the sale of public artworks shall be deposited into the Public Art and Design Fund to be used solely for the acquisition of new artworks for the City's public art collection.

The preferred methods of deaccession are as follows:

- Relocation of the artwork; (This method should be given the highest priority)
- Removal of the artwork from public display and subsequent storage;
- Sale or exchange of the artwork through the following means:
 - Offer the artist the right of first refusal to buy back the artwork at the current appraised value, or at a price to be negotiated;
 - Obtain a professional appraisal of the artwork's value and advertise for sale by auction;
 - Seek competitive bids for the purchase of the artwork.
- Donate the artwork to another government or non-profit organization who will display the artwork within the City of Clearwater.
- Dispose of the artwork using City surplus property procedures.

Deaccession Procedures for Private Development Projects:

In certain instances a private developer or property owner that has commissioned site-specific artwork through the Public Art and Design Program may face a need to deaccession the artwork from their property. The property owner may request that the artwork be removed from the site due to hardship with the approval of the Public Art and Design Board. Based on the conditions reported by the property owner, the Public Art and Design Board will progress through the standard deaccession process as followed for deaccessioning artworks from the City's public art collection. In addition, in the event there is a condition that occurs outside the reasonable control of the owner, such as an Act of God, then this provision may be implemented with the approval of the Board.

Visual Artists Rights Act of 1990 (VARA):

The City of Clearwater Deaccession Policy takes into account the Federal regulations set forth in the Visual Artists Rights Act of 1990 and its amendments in its decisions to deaccession

artworks from the City's public art collection. The Visual Artists Rights Act, or VARA, states that "the significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic, or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner." For further information regarding VARA, see United States Code Annotated, Title 17. Copyrights, Chapter 1 – Subject Matter and Scope of Copyright, Current through P.L. 105-153, approved 12-17-97.

APPENDIX H - IMAGES IN THIS REPORT

Complete list of images pending

Executive Summary

- Clearwater Beach
- Robin Brailsford
- *Santa Monica Art Tool: "Walk on L.A."*, Carl Cheng, 1988 commissioned by the Santa Monica Cultural Affairs Division
- *Singing Beach Chairs*, Doug Hollis, Santa Monica, CA, 1986, commissioned by the Santa Monica Cultural Affairs Division

Introduction

- Clearwater Beach
- Embarcadero, San Francisco, CA
- Stephen Farley, Tucson, AZ

Project Opportunities

- Coachman Park
- Mary Miss
- Martin Puryear
- Scott Murase

Public Art in Private Development

- Cleveland Street
- *Mall B Installation*, Brian Tolle, Cleveland, OH, August 2004 – September 2006, Commissioned by Cleveland Public Art
- *You*, Aristotle Georgiades and Gail Simpson, Navy Pier, Chicago,

Project Priorities

- Crest Lake Park
- Dark Star Park, Nancy Holt, Arlington, VA
- Red Horizontal, Vancouver, BC
- Petroglyph Medallions, Phoenix AZ

Action Plan

- Joe DiMaggio Field
- *Frisco Flier*, Larry Kirkland, Frisco, TX, 2006, Commissioned by the City of Frisco Public Art Program, \$350,000
- Ralph Helmick

Programmatic and Policy Recommendations

- Ream Wilson Trail
- Kate Petley
- *Dreamboats of Eastlake*, Stuart Keeler and Michael Machnic with Linda Beaumont

Appendices

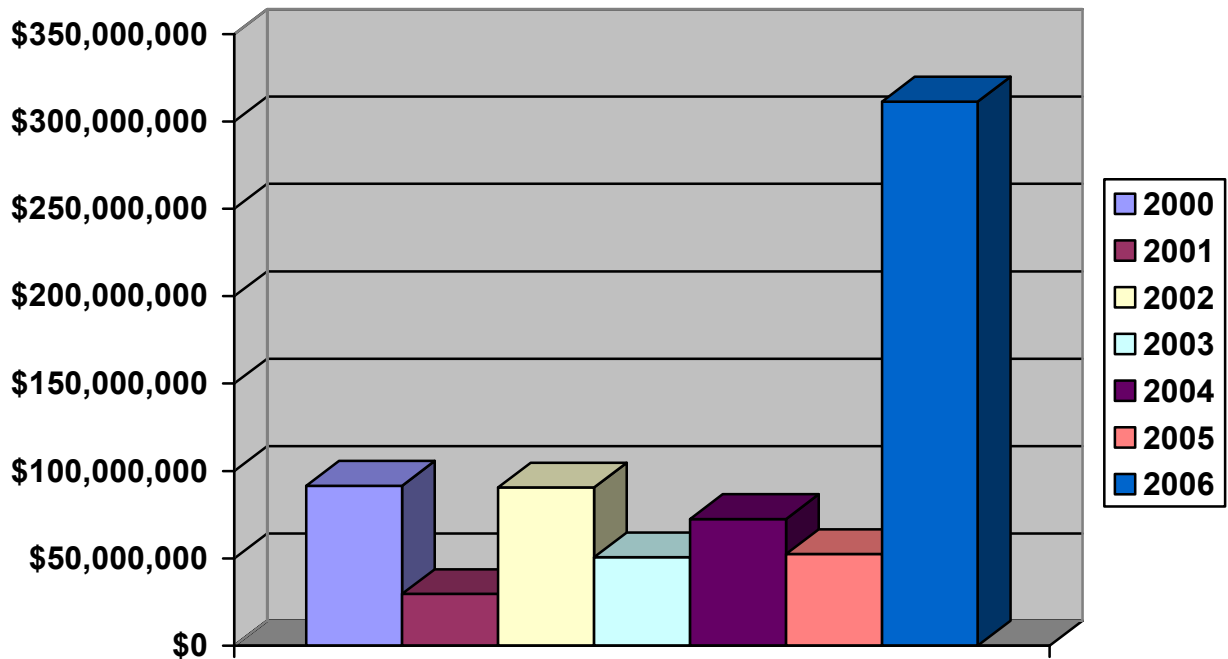
- *Library*
- *Fire Station 5*, Mario Miguel Echevarria and Chris McIntire, Frisco, TX, 2006,
Commissioned by the City of Frisco Public Art Program, \$25,000
- *Jardines Del Cielo*, Mauricio Robalino, West Hill Community Center, Seattle, WA, 1998,
Commissioned by King County Cultural Affairs
- *Spirit Gate*, Bill Gould and Glen Rogers, San Jose, CA, 2000

APPENDIX I – HISTORICAL DATA AND PRIVATE DEVELOPMENT FUND PROJECTIONS

The following charts were produced from records obtained from the Development and Neighborhood Services Department and represent historical data of private development projects valued at, and greater than, \$5 million during the years 2000-2006. Each year's chart features two data columns, a projection of both 1% for Art allocation and 0.75% In-lieu of Art, to provide a visual estimate of the impact of the Public Art and Design Program if it had existed in a historical context. Each column assumes 100-percent participation for each option and does not reflect a variance in the choices of private developers.

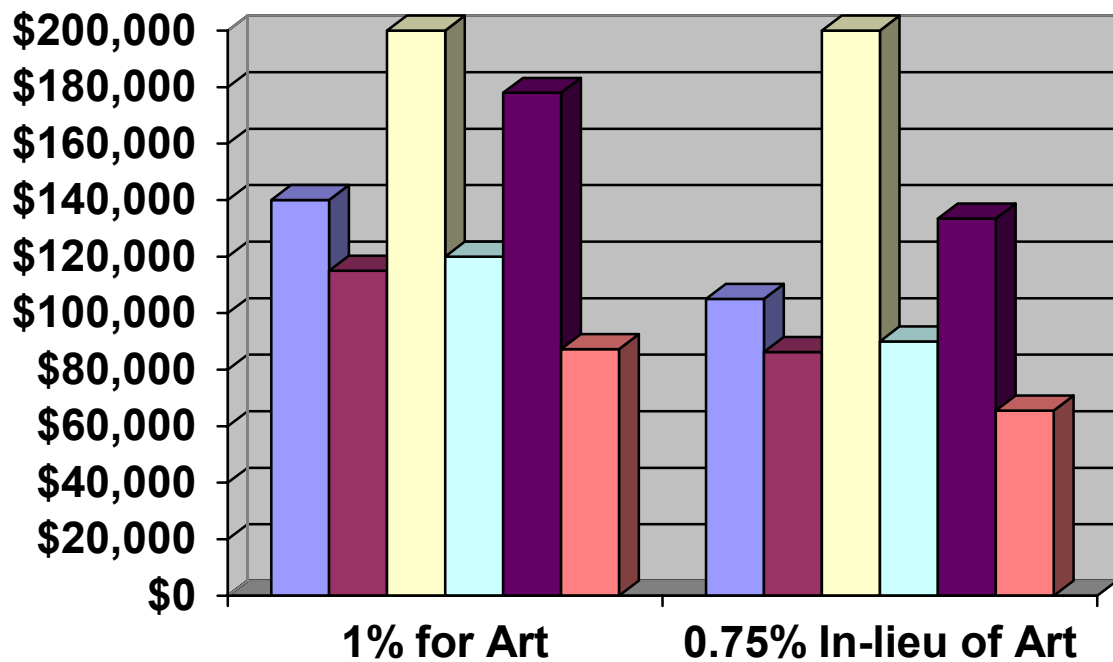
Historical Data for Private Development Projects with Values Greater than \$5 million (2000-2006)

Year	Number of Projects	Average Project Value	Total Value
2000	6	\$15,254,250	\$91,525,500
2001	3	\$9,860,000	\$29,580,000
2002	7	\$12,930,714	\$90,515,000
2003	6	\$8,441,962	\$50,651,775
2004	5	\$14,498,820	\$72,494,100
2005	5	\$10,493,690	\$52,468,450
2006	9	\$34,600,222	\$311,402,000



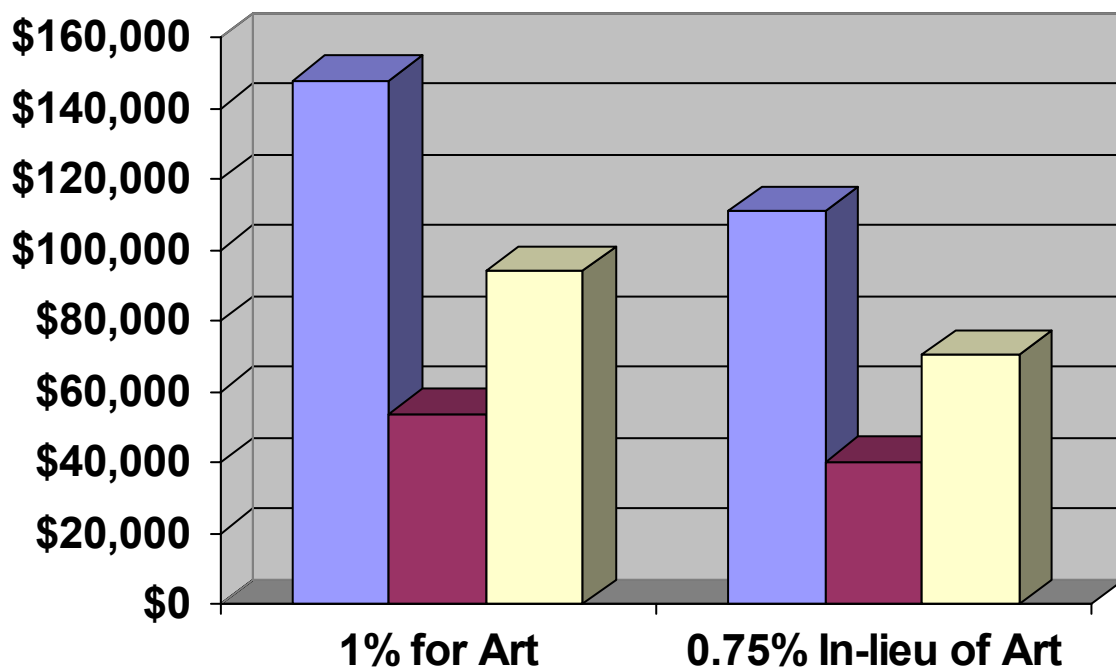
**Historical Data for Estimated Public Art Contributions from Private Development
Projects with Values Greater than \$5 million (Year 2000)**

Year	Project Value	1% for Art Allocation	0.75% In-lieu of Art
2000	\$14,000,000	\$140,000	\$105,000
	\$11,500,000	\$115,000	\$86,250
	\$27,494,000	\$200,000	\$200,000
	\$12,000,000	\$120,000	\$90,000
	\$17,800,000	\$178,000	\$133,500
	\$8,731,500	\$87,315	\$65,486
TOTAL			
	\$91,525,500	\$915,255	\$680,236



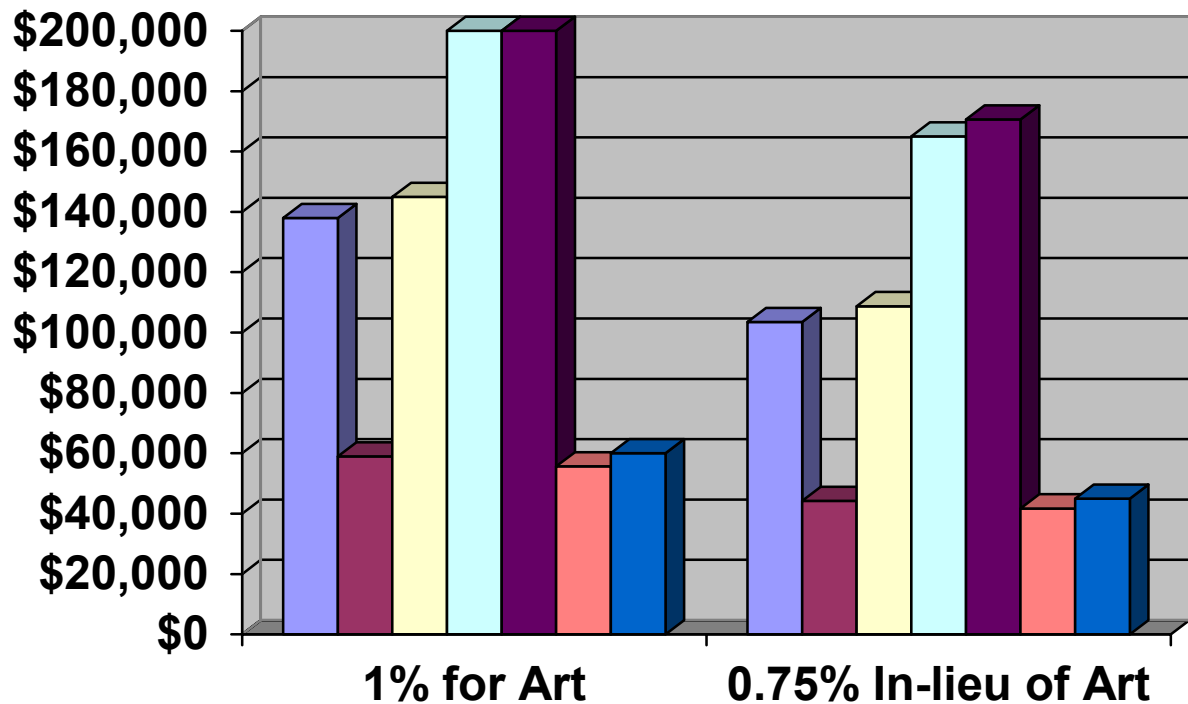
**Historical Data for Estimated Public Art Contributions from Private Development
Projects with Values Greater than \$5 million (Year 2001)**

Year	Project Value	1% for Art Allocation	0.75% In-lieu of Art
2001	\$14,800,000	\$148,000	\$111,000
	\$5,380,000	\$53,800	\$40,350
	\$9,400,000	\$94,000	\$70,500
TOTAL	\$29,580,000	\$295,800	\$221,850



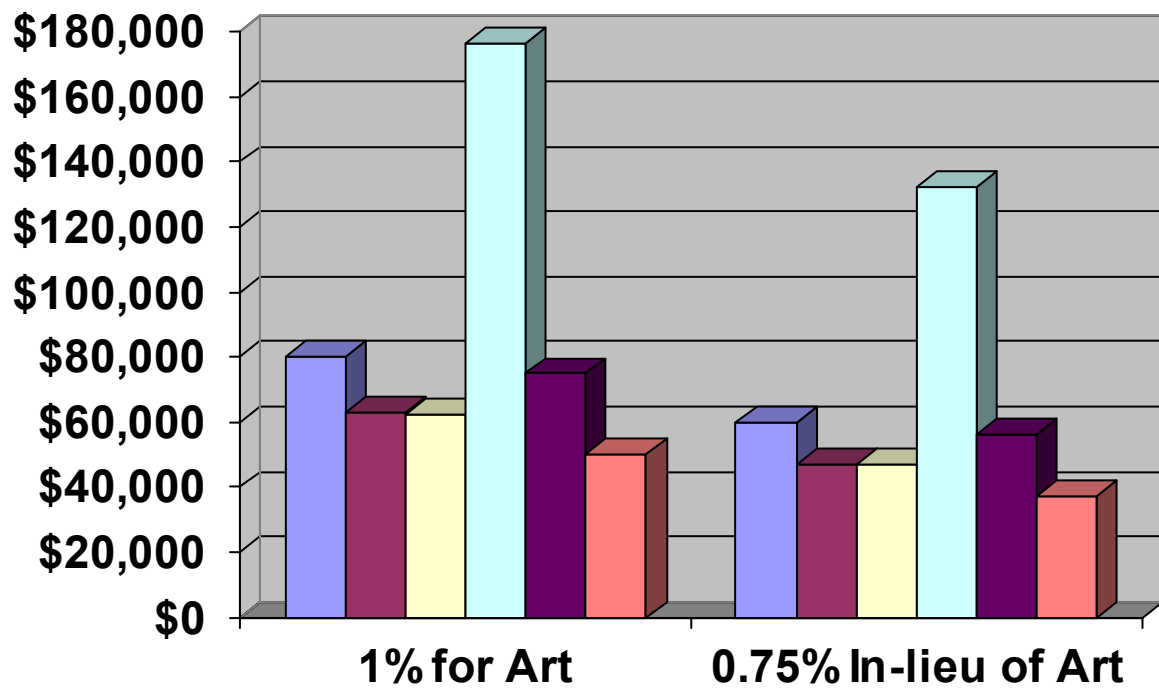
**Historical Data for Estimated Public Art Contributions from Private Development
Projects with Values Greater than \$5 million (Year 2002)**

Year	Project Value	1% for Art Allocation	0.75% In-lieu of Art
2002	\$13,800,000	\$138,000	\$103,500
	\$5,900,000	\$59,000	\$44,250
	\$14,500,000	\$145,000	\$108,750
	\$22,000,000	\$200,000	\$165,000
	\$22,750,000	\$200,000	\$170,625
	\$5,565,000	\$55,650	\$41,737
	\$6,000,000	\$60,000	\$45,000
TOTAL	\$90,515,000	\$905,150	\$678,862



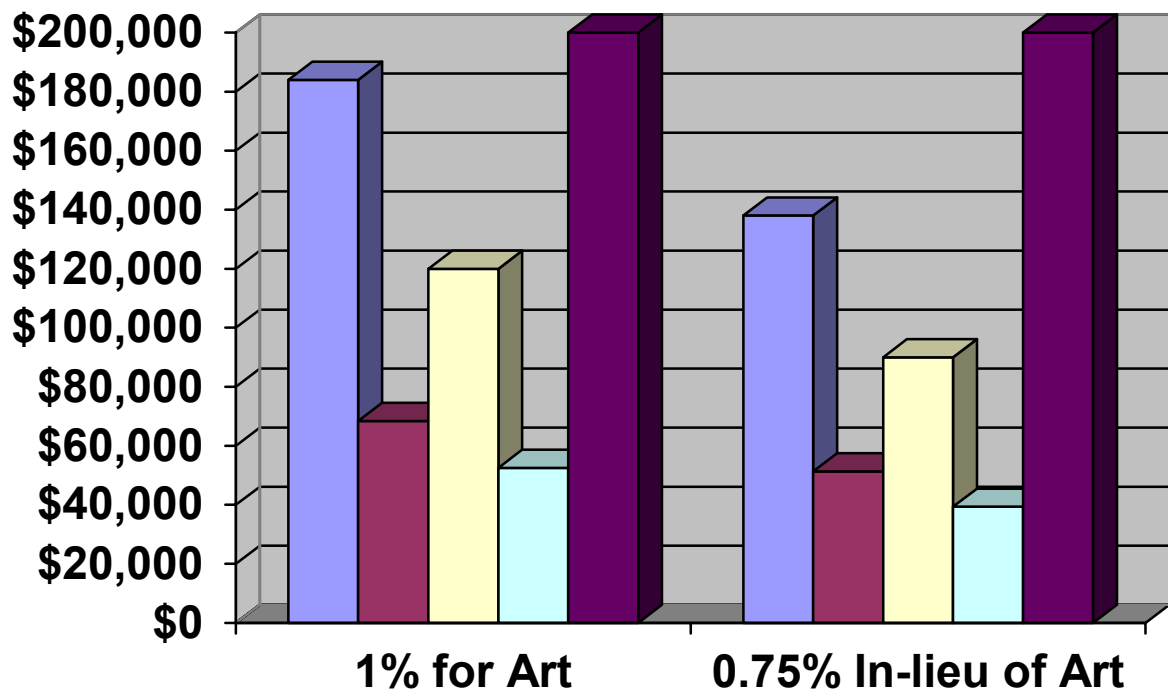
**Historical Data for Estimated Public Art Contributions from Private Development
Projects with Values Greater than \$5 million (Year 2003)**

Year	Project Value	1% for Art Allocation	0.75% In-lieu of Art
2003	\$8,000,000	\$80,000	\$60,000
	\$6,281,000	\$62,810	\$47,107
	\$6,247,000	\$62,470	\$46,852
	\$17,623,775	\$176,237	\$132,178
	\$7,500,000	\$75,000	\$56,250
	\$5,000,000	\$50,000	\$37,500
TOTAL	\$50,651,775	\$506,517	\$379,888



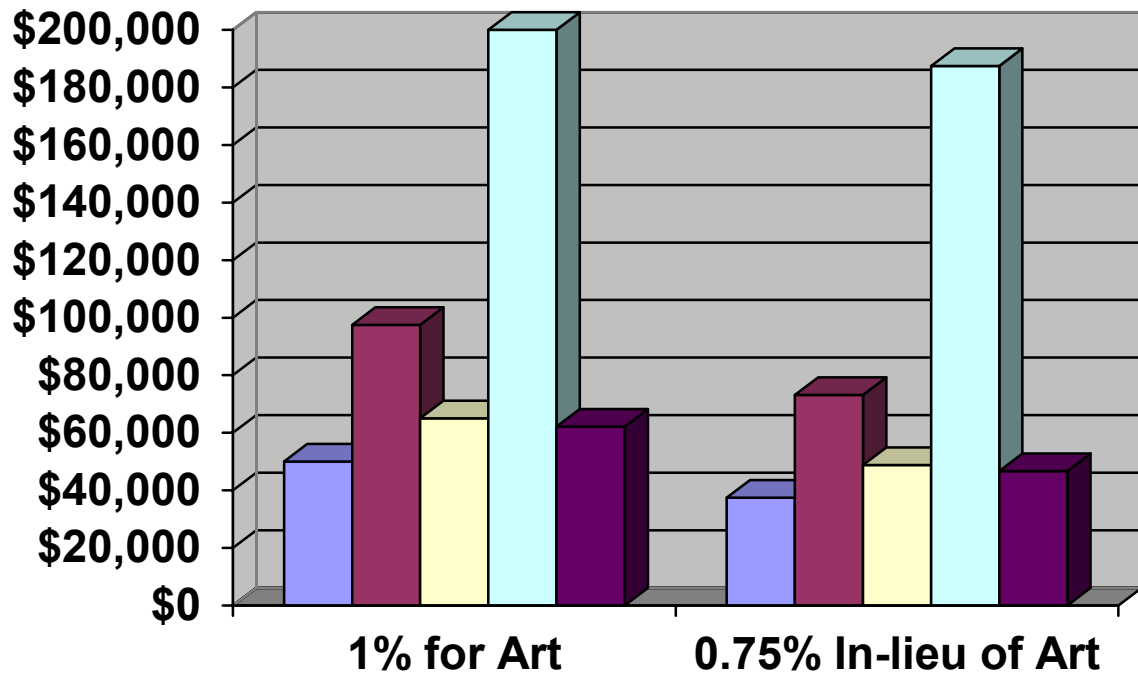
**Historical Data for Estimated Public Art Contributions from Private Development
Projects with Values Greater than \$5 million (Year 2004)**

Year	Project Value	1% for Art Allocation	0.75% In-lieu of Art
2004	\$18,402,100	\$184,000	\$138,015
	\$6,842,000	\$68,420	\$51,315
	\$12,000,000	\$120,000	\$90,000
	\$5,250,000	\$52,500	\$39,375
	\$30,000,000	\$200,000	\$200,000
TOTAL	\$72,494,100	\$624,941	\$518,705



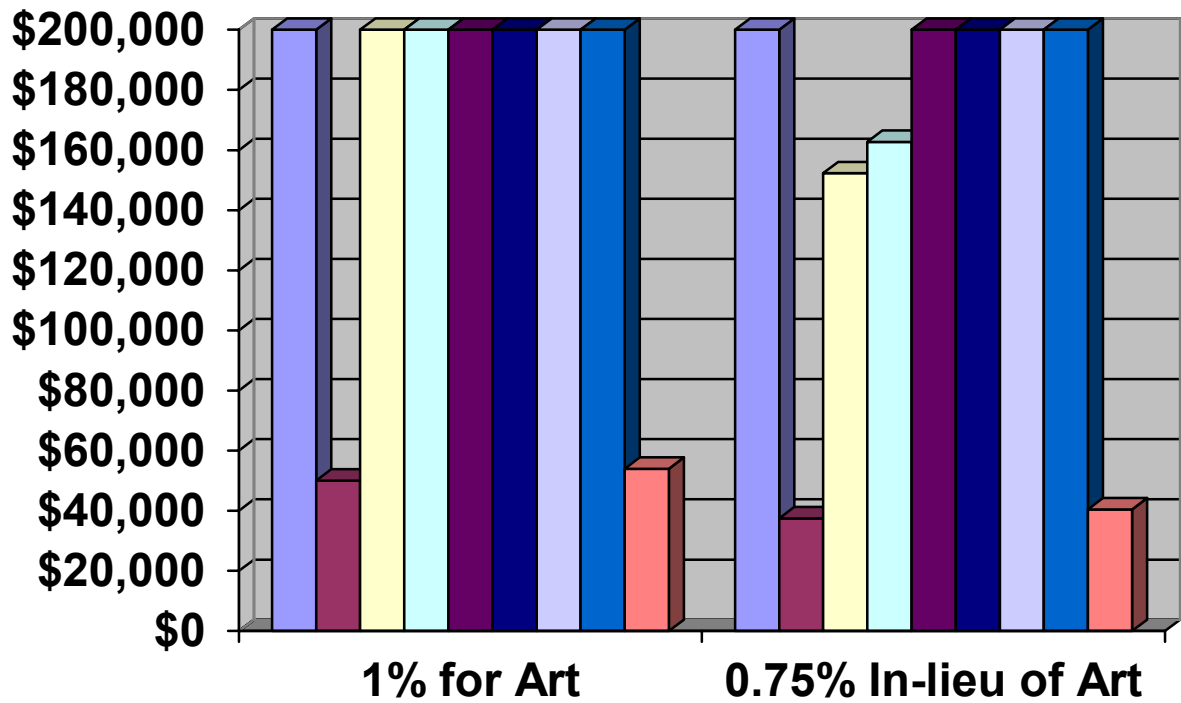
**Historical Data for Estimated Public Art Contributions from Private Development
Projects with Values Greater than \$5 million (Year 2005)**

Year	Project Value	1% for Art Allocation	0.75% In-lieu of Art
2005	\$5,000,000	\$50,000	\$37,500
	\$9,750,000	\$97,500	\$73,125
	\$6,500,000	\$65,000	\$48,750
	\$25,000,000	\$200,000	\$187,500
	\$6,218,450	\$62,184	\$46,638
TOTAL	\$52,468,450	\$474,684	\$393,513



**Historical Data for Estimated Public Art Contributions from Private Development
Projects with Values Greater than \$5 million (Year 2006)**

Year	Project Value	1% for Art Allocation	0.75% In-lieu of Art
2006	\$48,500,000	\$200,000	\$200,000
	\$5,000,000	\$50,000	\$37,500
	\$20,300,000	\$200,000	\$152,250
	\$21,700,000	\$200,000	\$162,750
	\$33,740,000	\$200,000	\$200,000
	\$29,764,000	\$200,000	\$200,000
	\$70,000,000	\$200,000	\$200,000
	\$77,000,000	\$200,000	\$200,000
	\$5,398,000	\$53,980	\$40,485
TOTAL	\$311,402,000	\$1,503,980	\$1,392,985



APPENDIX J – PUBLIC ART AND DESIGN ORDINANCE NO. 7489-05

ORDINANCE NO 7489-05

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA AMENDING THE COMMUNITY DEVELOPMENT CODE; CREATING ARTICLE 3, DIVISION 24, COMMUNITY DEVELOPMENT CODE, CONSISTING OF SECTIONS 3-2401 THROUGH 3-2407; ESTABLISHING A PUBLIC ART AND DESIGN PROGRAM; PROVIDING DEFINITIONS; ESTABLISHING THAT PUBLIC ART AND DESIGN FUNDS ARE TO BE USED FOR PUBLIC ART PURPOSES; AUTHORIZING THE ALLOCATION OF CERTAIN FUNDS IN THE CONSTRUCTION AND RENOVATION OF ELIGIBLE CITY BUILDING PROJECTS AND ELIGIBLE PRIVATE DEVELOPMENTS; PROVIDING FOR OWNERSHIP AND MAINTENANCE; CREATING ARTICLE 5, DIVISION 11, CONSISTING OF SECTIONS 5-1101 THROUGH 5-1105; ESTABLISHING A PUBLIC ART AND DESIGN BOARD TO ADMINISTER THE PROGRAM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, over three hundred communities throughout the United States have implemented public art programs committing to the placement of public art in urban environments; and

WHEREAS, the City of Clearwater (“City”) recognizes that a superior and diverse aesthetic character of the City’s built environment is vital to the quality of the life of its citizens, the economic success of its businesses, an attraction for visitors and a benefit to tourism; and that a public art and design program would contribute to the aesthetic enhancement of the community; and

WHEREAS, the City shall create a public art and design program that reflects and enhances the City’s diversity, character and heritage through the artworks and designs by artists integrated in the architecture, infrastructure and landscape throughout Clearwater on public and private property; and

WHEREAS, the City’s public art & design program shall promote and unite the community through art; bring public art and art education to the entire community; create public arts community partnerships linking across lines of race, ethnicity, age, gender, profession, and economic levels; and

WHEREAS, the Community Development Board of the City of Clearwater has reviewed, and made a recommendation regarding adoption of this Ordinance, and the City Council of the City of Clearwater has held public hearings and deems it to be in the public’s interest to promote the welfare and advancement of the community through the creation of the Public Art and Design Program; and

WHEREAS, it is the purpose of the City of Clearwater to promote the health, safety, general welfare and quality of life in the City; to guide the orderly growth and development of the City; to establish rules of procedure for land development approvals; to enhance the character of the City and the preservation of neighborhoods; to make the beautification of the City a matter of the highest priority; to require that existing and future uses and structures in the City are attractive and well-maintained to the maximum extent permitted by law; and to enhance the quality of life of all residents and property owners of the City through the City’s Development Code and Comprehensive Plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF CLEARWATER, FLORIDA:

Section 1. Division 24, Community Development Code, consisting of Sections 3-2401 through 3-2407, is hereby created to read as follows:

Section 3-2401. Public Art and Design Program.

The City of Clearwater recognizes that providing for public art and enhancing the appearance of buildings and spaces provides benefits to the community by expanding the historical, cultural, and creative knowledge of citizens. In keeping with its concern for the arts and quality of its environment, not less of 1% of the Total Construction Budget of each eligible City capital project shall be allocated as the City Public Art Contribution for the incorporation of public works of art. Further, eligible private development projects shall also allocate not less than 1% of the Aggregate Job Value for on-site public art to enhance the visual appeal of the project and City. An in-lieu-of contribution to the City's Public Art and Design Program, provided for herein, will also satisfy this requirement.

Section 3-2402. Definitions. The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Division, except where the context clearly indicates a different meaning:

AFFORDABLE HOUSING means housing development, which is supported in whole or part with funds from the Housing Division of the City's Economic Development and Housing Department.

AGGREGATE JOB VALUE means the total of all construction costs associated with a particular site plan project regardless of the number of permits associated with the project, or whether it is a phased project. Construction costs include all labor, structural materials, plumbing, electrical, mechanical, infrastructure, and site work.

ANNUAL PUBLIC ART AND DESIGN PLAN means an itemized and prioritized list of anticipated art projects including the objectives, design approach, budgets and scheduling for the upcoming year. The annual public art and design program shall be developed by the public art and design board in consultation with City staff and shall be presented to the City Council for approval during its annual budget review process.

ARTIST OR PROFESSIONAL ARTIST means a practicing fine artist, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

ARTWORK OR WORKS OF ART means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of visual art conceived in any medium, material, or combination thereof, including paintings, sculptures, statues, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetic, functional furnishings such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements.

ELIGIBLE CITY CAPITAL IMPROVEMENT PROJECTS means projects included in the approved Clearwater Capital Improvement Program, commencing with the City's Fiscal Year 2006/07 budget, for any new facility construction or renovation projects equal to or greater than \$500,000 including but not limited to buildings, greenways, roads, parking facilities, bridges or other above-ground projects. Specifically excluded from this definition are street resurfacing, major drainage, wastewater, below-grade utilities, annual repair and replacement projects and any other project where the funding source is restricted from being used for the purchase of public art.

PUBLICLY ACCESSIBLE means locations that are open to the general public during normal business hours and visible by the general public at all times.

PUBLIC ART AND DESIGN BOARD means the entity appointed by the City Council to establish policy and administer the Public Art and Design Program.

PUBLIC ART AND DESIGN MASTER PLAN means a master plan established by the Public Art and Design Board in cooperation with City staff. This plan will establish criteria, policies, and priorities for the Public Art and Design Program. The Public Art and Design Master Plan will be subject to City Council approval.

RENOVATION PROJECTS means those projects requiring a City building permit where 50% or more of the building footprint is being modified, rebuilt or improved by construction.

TOTAL CONSTRUCTION BUDGET means the final approved budget amount for all Eligible City Capital Improvement Projects as submitted and approved by the City Council in the City's annual Capital Improvement Program Budget.

Section 3-2403. Public Art and Design Funds.

1. The City shall maintain a separate accounting of monies received for the Public Art and Design Program which shall consist of the following:

- a. Allocations received from Eligible City Capital Improvement Projects;
- b. Allocations received from private development;
- c. All funds donated to the City for public art;
- d. Other funds allocated by the City through the budgetary process.

2. Public art and design monies shall be used solely for expenses associated with the selection, commissioning, acquisition, installation, maintenance, administration, removal and insurance of the works of art or public education in relation thereto. Such funds shall be administered by the City. Custody of the public art and design funds shall at all times remain with the City and all City policies and procedures shall be strictly adhered to regarding the oversight of such funds.

3. Programming of public art and design expenditures shall be included in the annual capital budget of the City as recommended by the Public Art and Design Board or as may otherwise be approved by the City Council.

4. Interest earned on funds for the Public Art and Design Program that was allocated from private development or donated from outside donors shall be deposited into the Public Art and Design Program accounts. Unless otherwise required by law, interest earned on funds received from or allocated by the City from Capital Improvement Projects or other funds shall be returned to the original funding source (Penny for Pinellas, general fund, etc.). All funds shall be used only as permitted by law.

5. Ten Percent (10%) of all non-restricted Public Art and Design Program funds which are applied to City-owned public art projects shall be deposited into a Public Art and Design Program maintenance account. The maintenance account shall be administered as a Public Art and Design Program fund as set forth herein.

Section 3-2404. Appropriation of City Capital Improvement Project (CIP) Funds.

1. Commencing with City of Clearwater Fiscal Year 2006/07, all appropriations for Eligible City Capital Improvement Projects shall include a City Public Art Contribution of not less than one percent (1%) of the Total Construction Budget before the addition of the public art cost but not to exceed the sum of two hundred thousand dollars (\$200,000.00) per project, subject to the City budgeting and appropriating such funds. If the funding source for the project is not legally permitted to be used for artwork or specifically prohibits the use of the monies for designed elements exposed to public view, then for the purpose of calculating the amount of the City Public Art Contribution for the project only, the Total Construction Budget shall be reduced by that portion of the funding so restricted.

2. All appropriations for public art will be used solely for Public Art and Design.

3. Funds appropriated from the budget for one capital improvement project, but not deemed necessary or appropriate for that project, may be used for other areas in the City prioritized by the Public Art and Design Master Plan and as permitted by law and in accordance with restrictions on the original funding source.

4. The City Council shall review and approve a Public Art and Design Master Plan, and amendments thereto, to be prepared by City staff and the Public Art and Design Board, for the expenditure of funds appropriated and fees collected for Public Art. The annual Public Art and Design Program shall be developed by the Public Art and Design Board in consultation with City staff and shall be presented to the City Council for approval during its annual budget review process.

Section 3-2405. Public Art and Design Allocations for Private Construction Projects and Developments.

1. All projects and developments, as listed below, which are submitted for building permits must allocate not less than one percent (1%) of the Aggregate Job Value up to the sum of two hundred thousand dollars (\$200,000.00) per project for the provision of public art.

a. New construction of, or Renovation Projects related to commercial, industrial, mixed-use projects and developments, and residential projects and developments, any of which equal or exceed an Aggregate Job Value of \$5 million dollars (\$5,000,000). If renovations affect multiple structures on a project site, which may be permitted separately, the Aggregate Job Value is based on the construction valuation of all permits for the site.

2. When a project is subject to the requirement of a public art allocation, the developer shall have two options:

a. The developer may contract with a professional artist to create a permanent public artwork as part of the development project. Artworks must be located in

publicly accessible locations. If desired, support will be available from both City staff and the Public Art and Design Board to assist in the selection of an artist. Before contracting with the artist, the property owner will submit for approval by the Public Art and Design Board the artist qualifications, the artist's proposal, a statement of how the project satisfies the parameters of the Public Art and Design Program, and a budget reflecting that the allocation of funds required by the Program has been met. Such artwork may include amenities such as streetscapes, paving treatments, architecturally integrated water features as well as mosaics, murals, or sculpture, etc. The artwork must be completed or commissioned before a certificate of occupancy will be issued.

b. In lieu of an on-site project, a developer may contribute .75% of the Aggregate Job Value to the City's Public Art and Design Program. This in lieu fee must be paid prior to the issuance of building permit.

3. Excluded from this requirement shall be:
 - a. Projects with an Aggregate Job Value under \$5,000,000.
 - b. Residential developments of new construction for affordable housing.
 - c. Eligible Projects pending approval for a building permit that have submitted a complete application prior to October 1, 2006 provided that:
 1. The application is approved within six (6) months of the date of application.
 2. Construction begins within six (6) months of the issuance of such approval and is diligently pursued to completion.

Section 3-2406. Ownership and Maintenance.

1. Ownership of all works of art acquired on behalf of the City shall be vested in the City, which shall retain title to each work of art.
2. All contracts for artwork that will be acquired or accepted for ownership by the City must be reviewed and approved by the City's legal department.
3. Ownership of all works of art incorporated into private construction projects shall be vested in the property owner who shall retain title to each work of art. If the property is sold, the seller may either include restrictions in the deed that require maintenance of the artwork and prevent its removal from the property, transfer ownership of the artwork to the City of Clearwater to be maintained as a public artwork, or remove the artwork and make a contribution to the Public Art and Design Fund in an amount equal to .75% of the initial Aggregate Job Value. If the title is passed to a subsequent owner and, as a result, a deed restriction exists as to the artwork, the subsequent owner shall maintain the artwork in accordance with applicable law or other established guidelines. The artwork cannot be altered, modified, relocated or removed other than as provided herein without the prior approval of the Public Art and Design Board.
4. Property owners will be required to maintain the work of art in good condition in the approved location, required by law or other applicable

guidelines including but not limited to normal code enforcement rules, to ensure that proper maintenance is provided.

5. The owner may request that the artwork be removed from the site due to hardship with the approval of the Public Art and Design Board. In addition, in the event there is a condition that occurs outside the reasonable control of the owner such as an Act of God, then this provision may be implemented with the approval of the Board.

Section 2. Division 11, Community Development Code, consisting of Sections 5-1101 through 5-1105, is hereby created to read as follows:

DIVISION 11. Public Art and Design Board.

Section 5-1101. Creation. There is hereby created the Public Art and Design Board of the City of Clearwater.

Section 5-1102. Composition. The Public Art and Design Board shall consist of seven members; one member of the Clearwater Arts Foundation, one Pinellas County Arts Council member, or designee, one landscape architect, architect, urban planner, or related design professional, one active professional artist, and three private citizens who are knowledgeable in the field of public art, education, or community affairs. Representatives of the Clearwater Arts Foundation and the Pinellas County Arts Council shall be nominated by their respective organizations. Section 2.063, Code of Ordinances notwithstanding, the Clearwater Arts Foundation and the Pinellas County Arts Council representative shall not be required to reside within the City of Clearwater.

Section 5-1103. Powers and Duties. The Public Art and Design Board shall administer the Public Art and Design Program. The purpose, functions and responsibilities shall be as follows:

- a. Develops guidelines, selection procedures and organizational policies to facilitate this chapter.
- b. Prepares Public Art and Design Master Plan in concert with City staff to establish criteria, policies, and priorities for the Public Art and Design Program.
- c. Prepares an annual Public Art and Design Plan for the expenditure of the public and private monies in the Public Art Program for approval by the City Council during the annual budget review process.
- d. Related to City construction projects, in concert with City staff, is responsible for working with appropriate department in program planning; designating sites; determining project scope and budget; managing the artist selection process; commission artworks; approve design, execution and placement of artworks; and overseeing maintenance of the artworks and the process for removal of artworks from the City's public art collection. The Public Art and Design Board selects the artwork. Approvals for purchase are then guided by City purchasing requirements.
- e. Related to Private Development projects, assists the private developer, in concert with City staff, with the artist selection process if requested. The Board will approve the project to ensure that it meets the Public Art and Design Program guidelines.

- f. Recruits professionals in the visual arts and design fields to serve in the artist selection process in order to ensure works of highest quality.
- g. Ensures appropriate community participation in this process and public education activities as part of the public art projects.
- h. Coordinates, investigates, reviews and recommends to the City Council other means by which artworks may be obtained, including donations to the Public Art and Design Program, and grant applications for public art projects.
- i. Administers the City's donation policy for artwork.
- j. Encourages public art throughout the City and shall educate and stimulate the participation of all citizens in a joint public and private effort to promote art in public places.

Section 5-1104. Terms of Office of Members; Officers; Rules:

- a. Members of the Public Art and Design Committee shall be appointed by the City Council to serve for a term of four years, staggered such that not more than three terms shall expire in any calendar year. A member shall serve not more than two consecutive complete terms. Once a person has served two full and consecutive terms on the Board, that person shall not be eligible for reappointment to the Board for a length of time equal to one full term on the Board.
- b. The Board shall annually select a chair and such other officers as the Board may find necessary, from its membership
- c. The Board may adopt such rules of procedure as the Board finds necessary, which shall not be in conflict with state law or ordinances of the City.
- d. The Board shall meet at such times as the Board may find necessary but not less often than quarterly.
- e. Board members shall not be compensated.

Section 5-1105. Removal of members. The City Council shall have the power to remove any members of the Board for misconduct or neglect of duty. In addition, the City Manager shall have the power to remove any member because of the excessive absence of the member from the meetings of the Board as defined in Section 2.066.

Section 3. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

September 15, 2005

PASSED ON SECOND AND FINAL
READING AND ADOPTED
AS AMENDED

October 6, 2005

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Laura Lipowski
Assistant City Attorney

Cynthia E. Goudeau
City Clerk

APPENDIX K - PUBLIC ART AND DESIGN PROGRAM GUIDELINES CITY OF CLEARWATER

These guidelines have been developed by the Public Art and Design Board in cooperation with the Cultural Affairs staff with the purpose of establishing procedures for the implementation of the Public Art and Design Program.

1.0 BACKGROUND

On October 6, 2005, the City of Clearwater passed [Ordinance NO. 7489-05](#) establishing a public art requirement on eligible City capital improvement projects of \$500,000 or more and private development projects with an aggregate job value of at least \$5 million. Developers may either allocate 1 percent of their construction costs for an on-site public art project or they may contribute 0.75 percent to a City Public Art and Design Fund. There is a maximum required art expenditure of \$200,000. The ordinance becomes effective October 1, 2006.

2.0 PURPOSE

Public art contributes significantly to economic vitality by improving the quality of the environment and fostering a positive community identity. Artists can be valuable members of planning or design teams and resources in the revitalization of neighborhoods and redevelopment areas. The purpose of the Public Art and Design Program is to enhance Clearwater for those who live and visit here and contribute to a legacy for generations to come.

3.0 GOALS AND OBJECTIVES

The City of Clearwater's Public Art and Design Program is committed to the highest artistic standards and to the broadest involvement of artists and citizens. Specifically, the Public Art and Design Program seeks:

- 3.1 To encourage the creation of quality public works of art throughout Clearwater by locally, regionally, nationally, and internationally recognized artists;
- 3.2 To promote tourism and the economic vitality of the City through the enhancement of public spaces;
- 3.3 To integrate the work of artists into the design of eligible City and private development projects;
- 3.4 To increase opportunities for citizens and artists to participate in the design and appearance of our city;
- 3.5 To enhance the climate for artistic creativity in Clearwater.

4.0 DEFINITIONS

- 4.1 **Accession:** The procedure used to accept and record [artwork](#) as part of the City's [public art collection](#).
- 4.2 **Acquisition:** The accession of an [artwork](#) into the City's [public art collection](#), whether by commission, purchase, gift or other means.

- 4.3 **Affordable Housing:** Housing development, which is supported in whole or part with funds from the Housing Division of the City's Economic Development and Housing Department.
- 4.4 **Aggregate Job Value:** The total of all construction costs associated with a particular site plan project, regardless of the number of permits associated with the project, or whether it is a phased project. Construction costs include all labor, structural materials, plumbing, electrical, mechanical, infrastructure, and site work.
- 4.5 **Annual Public Art and Design Plan:** A plan that outlines the expenditure of funds from the [Public Art and Design Fund](#) for the fiscal year. This Plan coincides with capital improvement project planning and budgeting and is submitted for City Council approval. The Plan identifies projects and recommends the public art process.
- 4.6 **Artist:** A practicing fine artist, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of [artwork](#), frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.
- 4.7 **Artwork:** Tangible creations by [artists](#) exhibiting the highest quality of skill and aesthetic principles and includes all forms of visual art conceived in any medium, material, or combination thereof, including paintings, sculptures, statues, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetic, functional furnishings such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements.
- 4.8 **Cultural Affairs Staff:** Employees assigned to the Cultural Affairs Division within Parks & Recreation Department.
- 4.9 **Deaccession:** The procedure followed to remove an [artwork](#) from the [public art collection](#).
- 4.10 **Design Team:** The collaborative team that includes, but is not limited to, an [artist](#) and at least one other [design professional](#), such as an architect, landscape architect, or engineer.
- 4.11 **Design Professional:** A practicing design professional, such as an architect, landscape architect, or engineer, generally recognized by critics and peers as a professional of serious intent and ability.
- 4.12 **Eligible City Capital Improvement Projects:** Projects included in the approved Clearwater Capital Improvement Program, commencing with the City's Fiscal Year budget, for any new facility construction or [renovation projects](#) equal to or greater than \$500,000, including but not limited to buildings, greenways, roads, parking facilities, bridges or other above-ground projects. Specifically excluded from this definition are street resurfacing, major drainage,

wastewater, below-grade utilities, annual repair and replacement projects and any other project where the funding source is restricted from being used for the purchase of [public art](#).

- 4.13 **Maintenance Account:** An account created for the maintenance and repair of artworks within the City's [public art collection](#). Ten percent of all non-restricted [Public Art and Design Program](#) funds that are applied to City owned public art projects are deposited into this account.
- 4.14 **Publicly Accessible:** Locations that are open to the general public during normal business hours (9-5 pm) and must be able to view the artwork 24 hours a day.
- 4.15 **Public Art:** [Artwork](#) that is accessible to the public and created through a public process that considers the social and physical context of the site and addresses the goals of the [Public Art and Design Program](#).
- 4.16 **Public Art Collection:** [Artwork](#) acquired by the City through commission, purchase, gift, or other means.
- 4.17 **Public Art and Design Fund:** A separate accounting of monies received for the [Public Art and Design Program](#) consisting of funds received from [eligible City capital improvement projects](#); private development; funds donated to the City for [public art](#); and other funds allocated by the City through the budgetary process.
- 4.18 **Public Art and Design Board:** The seven-member board appointed by the City Council to administer the [Public Art and Design Program](#).
- 4.19 **Public Art and Design Program:** The program created through [Ordinance NO. 7849-05](#) requiring that 1 percent of the construction budget of [eligible City capital improvement projects](#) be allocated for [public art](#). Private development projects with an [aggregate job value](#) of at least \$5 million must also participate. Developers may allocate 1 percent of their construction costs for an on-site public art project or they may contribute 0.75 percent to a [Public Art and Design Fund](#). There is a maximum required art expenditure of \$200,000.
- 4.20 **Public Art and Design Master Plan:** A master plan established by the [Public Art and Design Board](#) in cooperation with City staff. This plan will establish criteria, policies, and priorities for the [Public Art and Design Program](#). The Public Art and Design Master Plan is subject to City Council approval and shall be periodically reviewed.
- 4.21 **Public Art Selection Panel:** The individuals appointed by the [Public Art and Design Board](#) to recommend artists and propose artwork for a public art project. Generally includes artists, design professionals, arts administrators, and community or project stakeholders.
- 4.22 **Public Art Specialist:** A staff member of the Cultural Affairs Division within Parks & Recreation Department that administrates the [Public Art and Design Program](#).

- 4.23 **Renovation Projects:** Projects requiring a City building permit where 50% or more of the building footprint is being modified, rebuilt or improved by construction.

5.0 PROGRAM ADMINISTRATION AND RESPONSIBILITIES

5.1 The Clearwater City Council shall:

- 5.1.1 Appoint members to the Public Art and Design Board;
 - 5.1.2 Approve agreement and contract forms for use in acquisition of artwork and design services;
 - 5.1.3 Review and approve the Public Art and Design Master Plan;
- Approve Annual Public Art and Design Plan and expenditures through the annual budget review process.

5.2 The Cultural Affairs Staff shall:

- 5.2.1 Administer or hire a consultant to administer the provisions relating to artwork acquisition and display;
- 5.2.2 Facilitate meetings and communication of the Public Art and Design Board and Public Art Selection panels;
- 5.2.3 Develop and maintain a list of potential Public Art Selection Panelists;
- 5.2.4 Develop and maintain a registry of artists;
- 5.2.5 Create and submit project summary for call to artists;
- 5.2.6 Negotiate and administrate contracts with artists with review by City Attorney's office;
- 5.2.7 Maintain records and documentation of work accessioned into the public art collection;
- 5.2.8 Oversee maintenance and conservation of artworks, including the development of regular surveys of the condition of the public art collection;
- 5.2.9 Coordinate community participation and public education aspects of the public art process;
- 5.2.10 Facilitate and provide collateral materials, marketing, and promotional aspects of projects;

- 5.2.11 Review proposed gifts or long-term loans of artwork, and when appropriate, submit proposals to the Public Art and Design Board for approval;
 - 5.2.12 Oversee the process of deaccessioning artworks from the public art collection;
 - 5.2.13 Facilitate a program evaluation process.
- 5.3 The City Department with an eligible capital improvement project shall:
- 5.3.1 Provide the Cultural Affairs Staff with information on the capital improvement program, budgets and schedules;
 - 5.3.2 Designate a departmental representative to participate in the artist selection process, when appropriate;
 - 5.3.3 Provide contact information on the project architect of a capital improvement project to the Public Art Specialist. When appropriate, the project architect may be invited to help review the development of a public art project scope and the selection of the project artist.
- 5.4 The Public Art and Design Board, as provided in the Ordinance shall:
- 5.4.1 Develop guidelines, selection procedures and organizational policies to facilitate the Public Art and Design Program;
 - 5.4.2 Prepare the Public Art and Design Master Plan in concert with City staff to establish criteria, policies, and priorities for the Public Art and Design Program;
 - 5.4.3 Prepare an annual Public Art and Design Plan in concert with City staff for the expenditure of public and private monies in the Public Art and Design Fund for approval by the City Council during the annual budget review process;
 - 5.4.4 Related to City construction projects, in concert with City staff, is responsible for working with appropriate department in program planning to designate sites; determine project scope and budget; manage the artist selection process; commission artworks; approve design, execution and placement of artworks; and oversee maintenance of the artworks and the process of deaccessioning artworks from the City's collection;
 - 5.4.5 Related to private development projects, assist the private developer, in concert with City staff, with the artist selection process if requested;

- 5.4.6 Review the project and its Public Art Plan to ensure that it meets the Public Art and Design Program requirements prior to issuance of occupational certificate;
- 5.4.7 Recruit professionals in the visual arts and design fields to serve in the artist selection process;
- 5.4.8 Approve the members of all Public Art Selection Panels;
- 5.4.9 Review and approve recommendations by the Public Art Selection Panel;
- 5.4.10 Reserve the right to reject the work recommended by the Public Art Selection Panel;
- 5.4.11 Review artworks for acceptance, prior to final payment to insure all requirements of the artist contract have been met;
- 5.4.12 Encourage appropriate community participation in this process and public education activities;
- 5.4.13 Coordinate, investigate, review and recommend to the City Council other means by which artworks may be obtained;
- 5.4.14 Develop and administer the City's Gift Policy for public artwork and the Deaccession Policy for public art;
- 5.4.15 May adopt such rules of procedure as the Board finds necessary, which shall not be in conflict with State law or ordinances of the City;
- 5.4.16 Periodically review ordinance, guidelines, and policies and if needed recommend changes to the City Council.

PUBLIC ART AND DESIGN BOARD COMPOSITION

As provided in Ordinance No. 7489-05, the public art and design board shall consist of seven (7) members who shall be appointed by the city council. Each member of the Public Art and Design Board shall be appointed for a term of four (4) years, and no members shall serve more than two (2) consecutive terms. In 2006, four (4) members will be appointed to serve for a four (4) year term, and three (3) members for a three (3) year term. Whenever a vacancy shall occur, a successor shall be appointed in like manner to serve for the remainder of such term.

The Board shall be composed of the following members:

- One (1) Clearwater Arts Foundation member;
- One (1) Pinellas County Arts Council staff, or designee;
- One (1) architect, landscape architect, urban planner, or related design professional who is a City resident;
- One (1) active professional artist who is a City resident;

Three (3) private citizens who are city residents and are knowledgeable in the field of public art, education, or community affairs.

5.5 The Public Art Selection Panel shall:

- 5.5.1 Be chaired by a Public Art and Design Board member;
- 5.5.2 Review the credentials, prior work, proposals and other materials submitted by artists for the project;
- 5.5.3 Approve all selections by a majority vote or consensus;
- 5.5.4 Reserve the option of making no selection from submitted applications and may reopen the competition or propose other methods of selection if no proposal is accepted.
- 5.5.5 Recommend to the Public Art and Design Board an artist or artists to be commissioned for the project, or who will be engaged to join the design team for the project, or whose existing work is to be purchased for the project;
- 5.5.6 Report Public Art Selection Panel recommendations to the Public Art and Design Board, outlining how the selection of the artist(s) was conducted and how the proposed artwork meets the criteria for the project;
- 5.5.7 Be sensitive to the public nature of the project, the values of the community, and the necessity for cultural diversity in the public art program.

PUBLIC ART SELECTION PANEL COMPOSITION

Each Public Art Selection Panel shall be appointed by the Public Art and Design Board, and shall serve for the duration of the selected project. The composition of each Public Art Selection Panel will depend on the nature of each project and site. However, the Public Art Selection Panel shall be composed of not less than five (5) voting members, including at least:

- One (1) member of the Public Art and Design Board;
- Two (2) artists or arts professionals (designer, curator, collector, public art administrator, etc.);
- One (1) representative from the City Department at which the project will be located;
- One (1) representative from the community.

The Public Art Selection Panel may also include one or more non-voting advisors deemed appropriate by the Public Art and Design Board or the Cultural Affairs Staff.

5.6 The Artist(s) shall:

- 5.6.1 Submit credentials, visuals, proposals and/or project materials as directed for consideration by the Public Art Selection Panel;
- 5.6.2 Conduct necessary research, including attending project orientations and touring project sites, when possible;
- 5.6.3 If selected, execute and complete the artwork or design work, or transfer title of an existing artwork, in a timely and professional manner;
- 5.6.4 Work closely with the project manager and/or other design professionals associated with the project;
- 5.6.5 Submit to the Public Art and Design Board, or to the Public Art Specialist, as appropriate, any significant changes in the scope of the project, color, material, siting or design of the approved work;
- 5.6.6 When appropriate (as defined within each project contract), make public presentations, conduct community education workshops, or do a residency at an appropriate time and forum in the community where the artwork will be placed.

5.7 Conflicts of Interest

- 5.7.1 Artists (or members of their immediate families) serving as members of the Cultural Affairs Staff or Public Art and Design Public Art and Design Board may not be commissioned under, or receive any direct financial benefit from any City public art project during the term of their tenure on the Public Art and Design Board or Public Art Selection Panel. This restriction shall extend for a period of one year following Public Art and Design Board membership and shall extend indefinitely for any specific projects that were reviewed or otherwise acted upon during the artist(s)'s membership on the Public Art and Design Board. An artist(s) serving on a Public Art Selection Panel may not be considered for that project, but may be eligible for other projects. Any participation in Clearwater's public art processes requires that staff, members of the Public Art and Design Board and their advisors and representatives, and panel must declare any direct or indirect benefit to themselves, or their respective employers, partners, families or associates which may arise from the City's acquisition or deaccession of any public artwork or related activities, and will be required to remove themselves from such processes.
- 5.7.2 Artist Restrictions:
Members of the project management, project architect or consulting firms, and employees of the City of Clearwater are ineligible for selection as the project artist(s). An artist is precluded from having his/her work considered for public art commission or project while serving on a Public Art Selection Panel or Public Art and Design Board.

6.0 SELECTION OF ARTISTS

Selecting the appropriate artists, whether to create a discreet artwork or to participate in a design collaboration, is the single most important decision in the public art process. Special care must be taken in all aspects of artist selection in order to ensure the best possible public art project, taking into account the goals of the project, the community served, the nature of the site, and the other members of the design team.

6.1 The Public Art and Design Board will review eligibility requirements for each project.

6.1.1 Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the particular project and its probability of successful completion.

6.1.2 Specifically excluded are artworks done by students under the supervision of art instructors or done to satisfy course requirements; artworks by the design architect (or other relevant professionals or members of the project design firm); artworks by City employees, and works by artists who are members of, or related to, staff or members of the Cultural Affairs Division, Public Art and Design Board, or the Public Art Selection Panel for the project.

6.1.3 In general, selection of artists will be without regard to race, gender, religion, ethnicity, or disability.

6.1.4 Typically, selections will involve commissioned work by living artists. In general, the purchase of existing works will not be considered, unless there are extraordinary circumstances that make this approach advisable for a particular project.

6.2 Methods for Selecting Artists

6.2.1 **Open Competition (Request for Qualifications or Request for Proposals):** An open competition is a “Call to Artists” for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials and/or proposals, subject to limitations established by the Public Art and Design Board.

6.2.2 **Limited Competition:** A limited number of artists shall be invited by the Public Art and Design Board or Public Art Selection Panel to submit credentials and/or proposals for a specific project. Artists shall be invited based on their past work and exhibited abilities to meet situations posed by particular project goals.

6.2.3 **Direct Selection:** At times, the Public Art and Design Board or Public Art Selection Panel may elect to make a direct selection in which they contact a specific artist for a particular project.

6.2.4 **Mixed Process:** A mixed process includes any combination of the above approaches, including a Design Team approach.

6.3 Criteria for Selection of Artworks

6.3.1 Eligible Artwork

Includes all forms of visual art conceived in any medium, material, or combination thereof:

- a. Sculpture: Freestanding, wall supported or suspended, statues, kinetic, electronic or mechanical in material or combination of materials;
- b. Murals or portable paintings: In any materials or variety of materials, with or without collage or the addition of nontraditional materials and means, including engravings, carvings, tapestries, and frescos murals;
- c. Earthworks, neon, glass, mosaics, photographs, prints, calligraphy, or any combination of forms of media, including sound, film, holographic, and video systems or projections, digital images, mobiles, hybrids of any media and new genres;
- d. Fixtures such as grates, street lights, signage, functional furnishings (ex. designed seating and pavers), fountains, landscape elements, architectural elements and other design enhancements as rendered by an artist(s) for unique or limited editions;
- e. Temporary¹ or permanent artworks;
- f. Similar amenities as determined by the Public Art and Design Board.

6.3.2 Ineligible Artwork

The following costs may not be expended for fulfilling public art requirements:

- a. Directional elements, except where these elements are integral parts of the original work of art, designed and/or executed by an artist(s);
- b. "Art objects" which are mass-produced of standard design such as playground equipment, fountains, or statuary objects;

¹ Temporary artworks are not eligible fulfillments of the public art requirements for private developers, as per Ordinance 7498-05: "The developer may contract with a professional artist(s) to create a permanent public artwork as part of the development project."

- c. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts;
- d. Decorative, ornamental, or functional elements that are designed by the project architect, landscape architects or their consultants;
- e. Landscape architecture and landscape gardening, except where the artist(s) designs these elements and/or are an integral part of the work of art by the artist.

6.4 Site and Artwork Selection Criteria

Projects and acquisitions of artwork should further the purpose and goals of the Public Art and Design Program.

6.4.1 Site Selection Criteria

Artwork sites for public projects are selected for aesthetic possibilities, maximum visibility and accessibility to the public and safety. Particular attention will be given to:

- a. prominent facades, major intersections, corridors and entrances to the City of Clearwater;
- b. complements to existing public artworks or public amenities in the local area, or fulfillment of a need identified in the community.

6.4.2 Selection criteria for Artists and Artwork

The Public Art Selection Panel will apply the following criteria when selecting artists and artwork:

- a. Artistic Merit: Excellence of craftsmanship, originality and strength of concept and design, and integrity of materials used.
- b. Artist's Relevant Experience: Experience and professional record of artist(s) should provide convincing evidence of ability to successfully complete the project as proposed, including:
 - i. Ability to execute and complete a project in a timely and professional manner.
 - ii. Manage all aspects of the project including budgets, boards, sub-contractors, installers and other construction and administrative logistics.
 - iii. Engage community representatives in a project;
 - iv. Flexibility and problem-solving skills;
 - v. Ability to work effectively in collaborative situations;

- vi. Work with architectural drawings and construction documents;
 - vii. Communicate effectively and elicit the ideas of team members.
- c. Budget: Adequate to cover all costs for the design, fabrication, insurance, transportation, storage, and installation of the proposed artwork, plus reasonable unforeseen circumstances.
 - d. Context: Compatible in scale, material, form, and content with its surroundings including: the architectural, historical, environmental, geographical and socio-cultural context of the community, as well as the way people may interact with the artwork.
 - e. Diversity: Artwork should represent diversity in style, scale, media and geographic distribution throughout the City of Clearwater.
 - f. Durability of Materials: For permanent works of art, consideration should be given to the structural and surface soundness, inherent resistance to theft, vandalism, weathering, and excessive operational, maintenance or repair costs.
 - g. Feasibility: The proposal is appropriate to the particular project and its probability of successful completion.
 - h. Maintenance: Artist(s) should include recommended method and schedule for maintenance. It will be the policy of the Public Art and Design Program to encourage the design of public art that will require limited maintenance.
 - i. Public Safety: Work and worksite shall be evaluated to ensure that it does not present a hazard to public safety.
 - j. Timeline: A project timeline should incorporate design review, fabrication, delivery and installation in accordance with project schedule.

7.0 COLLECTION MANAGEMENT, MAINTENANCE, AND CONSERVATION

7.1 Project Identification, Documentation & Registration

- 7.1.1 A plaque stating the artist's name and artwork title shall identify each artwork and the date it was dedicated. The plaque will be placed in an appropriate location near the artwork that can be easily viewed by pedestrians.
- 7.1.2 All projects must be fully documented including artist, media, methods of construction and installation, along with project maintenance details, which will be registered in the City's Public Art Collection.

7.2 Maintenance and Conservation

7.2.1 Routine maintenance of public art located on City of Clearwater property will be the responsibility of the City Department that maintains the facility and/or site where the art is located. Suggested maintenance will be outlined in the artist's contractual agreement. The City Department must notify the Public Art Specialist or Cultural Affairs Staff immediately if an artwork is damaged or stolen, or if the City Department plans to move the artwork or in any way alter its site.

7.2.2 Annually, a Cultural Affairs Staff member will survey the condition of all public art located on City property. A condition report with prioritized recommendations for the restoration or repair of artwork and estimated costs for conservation projects will be included in the Annual Public Art and Design Plan. The City shall retain the right to deaccession any work of art acquired by the City, regardless of the source of funding for the particular artwork through its deaccession policies and procedures.

7.2.3 Cultural Affairs Staff will contact the artist when possible for recommendations prior to engaging in conservation efforts. A professional art conservator or person(s) trained by a conservator may be consulted or hired to provide maintenance and conservation work for the public art collection.

7.3 Relocation of Works of Art

While it is the intent that site-specific works will remain in the site for which they were created, the Public Art and Design Board reserves the right to relocate pieces if circumstances dictate. Works of art that are part of a rotating collection may be relocated throughout City facilities at the discretion of the Public Art and Design Board.

8.0 DEACCESSION

The Public Art and Design Board as provided in Ordinance NO. 7489-05 Section 5-1103(d) shall oversee the process for removal of artwork from the City's public art collection. The Board will follow the process outlined in the City's Deaccession Policies and Procedures.

9.0 OWNERSHIP AND ACCEPTANCE

All contracts for artwork that will be acquired or accepted for ownership by the City must be reviewed by the City Attorney's Office. Ownership of all works of art acquired on behalf of the City shall be vested in the City, which shall retain title to each work of art.

10.0 PRIVATE DEVELOPMENT PROJECTS

10.1 It is the desire of the City of Clearwater that public art be incorporated into new development projects in accordance with the guidelines set forth in this section.

- 10.1.1 The following development projects are required to implement a publicly accessible art project:
 - 10.1.2 New construction of, or Renovation Projects related to commercial, industrial, mixed-use projects and developments, and residential projects and developments, any of which equal or exceed an Aggregate Job Value of at least \$5 million (\$5,000,000).
 - 10.1.3 If renovations affect multiple structures on a project site, which may be permitted separately, the Aggregate Job Value is based on the construction valuation of all permits for that site.
- 10.2 The following projects are exempt from the publicly accessible art expenditure requirement:
- 10.2.2 Projects with an Aggregate Job Value under \$5 million;
 - 10.2.3 Residential developments of new construction for affordable housing.
 - 10.2.4 Eligible projects pending approval for a building permit that have submitted a complete application prior to October 1, 2006, provided that:
 - a. The application is approved within six (6) months of the date of application.
 - b. Construction begins within six (6) months of the issuance of such approval and is diligently pursued to completion.
- 10.3 When a project is subject to the requirement of a public art allocation, the developer shall have two options:
- 10.3.1 The developer may contract with a professional artist to create a permanent public artwork as part of the development project. Artworks must be located in publicly accessible locations.
 - a. If desired, support will be available from both City staff and the Public Art and Design Board to assist in the selection of an artist. A professional arts consultant may also be retained to assist in the selection of artists or to manage the project.
 - b. Before contracting with the artist, the property developer will submit for approval by the Public Art and Design Board a Public Art Plan that includes: the artist qualifications, the artist's proposal, a

statement of how the project satisfies the parameters of the Public Art and Design Program, and a budget reflecting that the allocation of funds required by the Public Art and Design Program has been met.

- c. Eligible media and forms of public art may include amenities such as streetscapes, paving treatments, architecturally integrated water features as well as mosaics, murals, stained glass, sculpture, as well as traditional artwork.
- d. Eligible costs that may be charged against the required public art expenditure include:
 - i. Artist costs for design and/or fabrication including materials, insurance, permits, taxes, site preparation, etc;
 - ii. Pedestals, foundations or other structures to support the artwork;
 - iii. Delivery, and installation;
 - iv. Art consultant fees;
 - v. Acknowledgement/ identification plaque;
 - vi. Other appropriate costs as approved by the Public Art & Design Board
- e. Prior to the issuance of the building permit, the developer must remit 1% of the Aggregate Job Value of the project to the City to be held in escrow until the completion and acceptance of the public art project by the Public Art and Design Board.
- f. The artwork must be completed or commissioned before a certificate of occupancy will be issued.
- g. Unless extended by the Public Art and Design Board, the developer has six months following the issuance of certificate to install the artwork. If this deadline is missed, escrow account will be deposited in the City's Public Art and Design Fund for fulfillment of the public art requirement.

- 10.3.2 In lieu of an on-site project, a developer may contribute 0.75% of the Aggregate Job Value to the City's Public Art and Design Fund. This in lieu fee must be paid prior to the issuance of a building permit. The developer will have no responsibility to install artwork.

- 10.4 Guidelines for the Selection and Installation of Art in Private Development Projects
- 10.4.1 The developer may use any of the art selection methods listed in **6.2 Methods for Selecting Artists**.
 - 10.4.2 The selected artist should be outside the normal project team (i.e. project architect, landscape architect, or engineer.)
 - 10.4.3 Site-specific artwork is encouraged. Ideally, the artist should be involved in the development project at the conceptual stage.
 - 10.4.4 The selection of a site is as important as the selection of the artist. Often, high quality artworks fail in public situations because they are of an improper scale for their assigned location, hidden by an architectural feature, situated in an unused site, or improperly lit. Developers are encouraged to consult artists in the selection of sites for their artwork and in arranging for proper lighting at the site.
 - 10.4.5 Exterior sites are encouraged for maximum public access.
 - 10.4.6 All installations of artwork should have a plaque of durable metal adjacent to the artwork listing: the title of the artwork, the artist's name, and the date completed.
 - 10.4.7 All financial arrangements are negotiated between the developer and the artists.
 - 10.4.8 It is recommended the applicants consider hiring a public art consultant to facilitate the process. The cost of the consultant is considered an eligible expense in the calculation of the required value (cost) for the public art project. An experienced public art consultant is the best assurance of implementing a successful public art project. The consultant should be available to: work with City staff, advise on artist resources, art and site compatibility, and on all technical aspects of the project such as contracts, copyright requirements, installation and maintenance.

11.0 ARTWORK OWNERSHIP AND MAINTENANCE

- 11.1 Upon installation, the property owner of the site or building maintains ownership and retains title to each work of art and is responsible for maintenance and conservation.
- 11.2 If the property is sold, the seller may:

- 11.2.1 Either include restrictions in the deed that require maintenance of the artwork and prevent its removal from the property;
- 11.2.2 Remove the artwork and make a contribution to the Public Art and Design Fund in an amount equal to 0.75% of the initial Aggregate Job Value.
- 11.3 If the title is passed to a subsequent owner, and, as a result, a deed restriction exists as to the artwork, the subsequent owner shall maintain the artwork in accordance with applicable law or other established guidelines.
- 11.4 The artwork cannot be altered, modified, relocated or removed other than as provided herein without the prior approval of the Public Art and Design Board.
- 11.5 Property owners should be aware of the Visual Rights Act (VARA), a section of the Federal Copyright Legislation. Among other provisions, this law forbids the willful destruction of a work of visual art. See United States Code Annotated, Title 17. Copyrights, Chapter 1 – Subject Matter and Scope of Copyright, Current through P.L. 105-153, approved 12-17-97.
- 11.6 Property owners will be required to maintain the work of art in good condition in the approved location, as required by law or other applicable guidelines, including, but not limited to normal code enforcement rules to ensure that proper maintenance is provided.
- 11.7 The owner may request that the artwork be removed from the site due to hardship with the approval of the Public Art and Design Board. In addition, in the event there is a condition that occurs outside the reasonable control of the owner such as an Act of God, then this provision may be implemented with the approval of the Public Art and Design Board.
- 11.8 The developer will receive formal recognition as a participant in the City's Public Art and Design Program, which can be used in promotions or marketing for the development project.

12. GIFTS, LOANS, MEMORIALS

As provided in Ordinance NO. 7489-05 Section 5-1103(h), the Public Art and Design Board will coordinates, investigates, reviews and recommends to the City Council other means by which artworks may be obtained, including donations to the Public Art and Design Program, and grant applications for public art projects. The Board will follow the process outlined in the City's Gift Policy.

Public Art and Design Master Plan



Clearwater Public Art and Design Board

**Brown & Keener Bressi
Philadelphia, PA**

**Via Partnership
St. Louis, MO**

Purpose:

- **Generate a shared vision**
- **Establish criteria, policies and priorities**
- **Identify important places for public art**



Project Opportunities: 2007-2020

- **CIP**
- **Special Initiative**

Shaping the City

- **City Image**
- **Civic Connectivity**
- **Neighborhood Identity**



City Image

Item # 34



Item # 34





Item # 34



Item # 34



Item # 34



Item # 34

Neighborhood Identity



Item # 34

Points of Pride



Item # 34

Libraries



Item # 34

Private Development

- **Percent for art –
Ordinance No. 7489-05**
- **Zoning bonus**
- **RFP requirement**

Project Priorities

- **Workplan**
- **Evaluate available resources**
- **Allocate to highest priority**

2007 - 2008



Item # 34

2009

EXT)



Item # 34

2011 – 2020 (WHEN RIGHT)



Item # 34

Public Art Policies

- **Gifts or Loans**
- **De-accession**

Summary

- **Guidelines for PADB**
- **Identify opportunities**
- **Set priorities**
- **Guidance for Private Development**
- **...no budgetary impact**
- **Engage public in process**

Questions?



Item # 34

Public Art and Design Master Plan





City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve a one-year extension for Liquid Sodium Hypochlorite (Bid 24-05) to an existing contract with Allied Universal Corporation, of Miami, FL increasing the contract value by \$277,266.75 for a new contract value of \$440,066.75 and authorize the appropriate officials to execute same. (consent)

SUMMARY:

- The original contract to Allied Universal Corporation was approved by City Council on June 2, 2005 in the amount of \$162,800.
- Liquid sodium hypochlorite (liquid bleach) is used in the City's three Advanced Wastewater Treatment Facilities. At this time liquid bleach is used for 2 purposes, disinfection of the effluent flow at the NE Facility and odor control at all three of the AWTFs. During this one-year extension, the Marshall Street and East Facilities will be converted from chlorine gas to liquid bleach.
- The contract value increases \$277,266.75, for 468,356 gallons of liquid bleach, at \$0.592 per gallon, is for 12 months of odor control at all 3 facilities, 12 months of disinfection at the NE Facility and 6 months of disinfection at the Marshall Street and East Facilities.
- WPC solicited bids (Bid 24-05) for an initial contract term of 2 years, with the option to accept up to two (2) one-year renewal periods. This contract extension will be the 3rd year of the contract, the 2nd optional renewal, at the same price as was originally bid, \$0.592 per gallon, freight included.
- The 06/07 WPC Operating budget includes sufficient funding for this contract; appropriate funding has also been allocated for subsequent fiscal year budgets. Funds for this chemical are included in Budget Code 0421-01351-551000-535-000-0000.

Type: Purchase

Current Year Budget?: None

Budget Adjustment: None

Budget Adjustment Comments:

Current Year Cost:

Annual Operating Cost:

Cover Memo

Not to Exceed:

Total Cost:

\$277,266.75

Item # 35

For Fiscal Year:

to

Appropriation Code	Amount	Appropriation Comment
0421-01351-551000-535-000-0000	277,266.75	see summary section

Bid Required?:	Yes	Bid Number:	24-05
Other Bid / Contract:		Bid Exceptions:	None

Review Approval: 1) Clerk

SUBJECT: Invitation to Bid 24-05

LIQUID SODIUM HYPOCHLORITE

ISSUE DATE: April 7, 2005

PREBID CONFERENCE: NONE

MAIL PROPOSALS TO: City of Clearwater
P.O. Box 4748
Clearwater, Florida 33758-4748

DELIVER PROPOSAL TO: City of Clearwater
Purchasing Division
100 South Myrtle Avenue
Clearwater, FL 33756-5520

MUST BE RECEIVED
NO LATER THAN: May 4, 2005 – 11:00 A.M.

Proposals may not be withdrawn
Within 90 days after such time and date

Michael W. Murray
Purchasing Buyer

STATEMENT OF NO BID 24-05

NOTE: If you do not intend to respond, please return this only.

City of Clearwater/Purchasing
P.O. Box 4748
Clearwater, FL 33758-4748

We, the undersigned, have declined to bid on the above noted invitation for Bid for the following reason(s):

_____ Insufficient time to respond to the Invitation for Bid.

_____ Do not offer this product/services.

_____ Our schedule will not permit us to perform.

_____ Unable to meet specifications.

_____ Unable to meet insurance requirements.

_____ Specifications unclear (please explain below).

_____ Remove us from your "Bidder Mailing List."

_____ Other (please specify below).

REMARKS _____

We understand that if a "no bid" statement is not returned, our name may be removed from the Bidder's List of the City of Clearwater.

COMPANY NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

SIGNATURE: _____

DATE: _____ TELEPHONE: _____

FAX: _____

BID RESPONSE FORM (24-05)

Item	Est. Quantity	Description	Unit Price	Total Price
1	275,000 gallons per year	LIQUID SODIUM HYPOCHLORITE	\$ _____	\$ _____

(per the attached Specifications)

Contact John Milligan at 727/562-4960 Ext. 7248, for any technical questions regarding this bid.

Please return two (2) copies of Bid Response

F.O.B. CLEARWATER

Delivery Time: _____

Payment Terms: _____

BIDDER REPRESENTATION

I represent that this bid is submitted in compliance with all terms, conditions and specifications of the Invitation for Bid and that I am authorized by the owners/principals to execute and submit this bid on behalf of the business identified below.

BUSINESS NAME: _____

STREET ADDRESS: _____

CITY, STATE, ZIP CODE: _____

PRINT/TYPE NAME OF AUTHORIZED REP: _____

TITLE/POSITION OF AUTHORIZED REP: _____

SIGNATURE OF AUTHORIZED REP: _____

DATE SUBMITTED: _____

PHONE NO: _____ **FAX NO:** _____

Liquid Sodium Hypochlorite Specification

1. GENERAL REQUIREMENT

1.1 General: The intent and purpose of this specification document (the “Specification”) is for the Contractor to furnish and deliver liquid sodium hypochlorite (12.5 Trade Percent Available Chlorine) FOB destination in accordance with the American Water Works Association’s (AWWA’s) Standard B-300-99 for hypochlorite, except as modified or supplemented herein, to the City of Clearwater Water and Wastewater Utilities.

1.2 Award: Award will be made to the lowest responsible and responsive bidder meeting the Specification; price, product quality, safety record, previous performance, reliability and other factors to be considered. The City of Clearwater will not be responsible for any transactions between the successful bidder(s) and any public entity that may elect to utilize this bid.

2. BIDDER QUALIFICATION / SUBMITTALS

2.1 Definition: For purposes of this Bid, the term “Bidder” shall be defined as the company submitting a bid to the City of Clearwater and shall include all subsidiaries, affiliates, and subcontractors. As such, any requested documentation shall apply to all subsidiaries and affiliated companies as well as any subcontractors. In the event that a company is using a subcontractor to either manufacture or deliver the product, the requested items (e.g., references, terminations, and safety incidents) shall apply to the subcontractor as well.

2.2 Bid Sample: Each prospective Bidder shall submit a 1500 ml “chilled” sample of their product representative of their manufacturing process from Bidder’s manufacturing facility which would serve the customer to one of the approved testing laboratories listed in this Specification for analysis within the past ninety (90) days. The laboratory shall ascertain whether the Bidder’s product is in compliance with this Specification for available chlorine, % sodium hypochlorite, excess caustic, iron, copper, nickel, chlorate, bromate and suspended solids (based on Filter Test time). The cost of the analysis shall be borne by Bidder. The results of the analysis shall be submitted with the Bidder’s proposal. Failure to submit a sample or meet the requirements of the Specification shall result in Bidder being disqualified.

2.3 Other Samples: Further, City of Clearwater reserves the right to take samples from Bidder’s other customers to ensure that the Bidder’s sample and delivery equipment is in compliance with all the requirements of this Specification and such a sample shall be judged representative of the Bidder’s quality. The Bidder shall provide a customer contact and phone number in either Pasco, Pinellas or Hillsborough County whereby the City of Clearwater may obtain sample of Bidder’s product to check it for compliance with the Specification. Notwithstanding the foregoing, the City of Clearwater may choose to obtain a sample this customer or from any of Bidder’s customers to ensure compliance with the Specification. In such event, the City of Clearwater shall bear the cost of any analysis. Based on this compliance check, failure to meet the requirements of this Specification shall result in Bidder being disqualified.

2.4 References: Each prospective Bidder shall submit a list of at least ten(10) references to include phone numbers that use or have used its sodium hypochlorite at both water and wastewater treatment plants in the past three years. The Reference List shall list actual users at the water and wastewater plants and not purchasing agents. Additionally, each Bidder shall provide the names of any customers where its contract was terminated early (e.g., debarred) for safety, quality, or service issues for any product it supplies over the past five years. The Bidder shall also provide a detailed listing of all accidents, incidents, releases, spills, vehicle accidents involving death or injury and National Response Center Notifications (“safety incidents”) for all chemicals it delivers or manufacturers for the past five (5) years. Failure to disclose references, terminations, or safety incidents will result in Bidder being disqualified from bidding on this product.

2.5 Emergency Plans: As part of its Emergency Preparedness Planning and Spill Response Plan, each prospective Bidder shall submit a list with 24-hour access phone numbers of at least two degreed engineers (preferably Chemical Engineers) listing their degree, college or university and year of graduation, experienced in sodium hypochlorite operations to provide emergency support services on a 24/7 basis in the event of a spill, equipment failure or other emergency. Failure to submit this list including its specific requirement will result in Bidder being disqualified.

2.6 Safety and Reliability: As part of assessing the Bidder’s reliability and safety record, the prospective Bidder shall include all regulatory actions including but not limited to, copies of any fines, correspondence and consent orders relating to the operation of ALL of its manufacturing and distribution facilities. Additionally, the Bidder shall submit a copy of its OSHA Form 300A/300 logs for the past three years (if the Bidder utilizes a third party driving company or affiliated company, then they shall submit the OSHA 300 logs for that company as well). The City of Clearwater may require a site visit to the Bidder’s manufacturing and distribution facilities to assess their safety and reliability as part of the bid evaluation process.

3. COMMERCIAL CONDITIONS

3.1 Term: The initial term of the contract for the sodium hypochlorite shall be for two (2) years (“Initial Term”) with up to two (2) one year renewal periods. Each of the renewal periods is subject to mutual agreement and approval by both City of Clearwater and the Contractor. The effective date of service under this supply agreement shall be June 1, 2005.

3.2 Pricing: All pricing shall be in terms of a price per gallon (freight prepaid FOB to each City of Clearwater facility). The price of the sodium hypochlorite shall be fixed for the Initial Term of this agreement and shall not be subject to any price escalation or fuel surcharges (the “Base Price”). If the parties agree to renew the agreement for the first time, the new price for the first year renewal period shall be the Base Price multiplied by the cumulative change in the Bureau of Labor Statistics Consumer Price Index (CPI) for the period of April 1, 2005 though March 31, 2007. If the parties agree to renew the agreement for a second period, the new price for the second year renewal period shall be the price in the first renewal period multiplied by the cumulative change in the Bureau of Labor Statistics Consumer Price Index (CPI) for the period of April 1, 2007 through March 31, 2008.

3.3 Payment Terms: NET 30 days.

4. DELIVERY REQUIREMENTS

- 4.1 Contractor shall make “normal” deliveries within two (2) calendar (i.e., not “working” days) days after receipt of order and must make “emergency” deliveries within 24 hours. An emergency delivery is defined as a delivery which is necessary in order to prevent the City of Clearwater from running out of sodium hypochlorite in less than 24 hours. The City of Clearwater shall endeavor to minimize the number of “emergency” deliveries.
- 4.2 All deliveries of liquid sodium hypochlorite shall be freight prepaid, F.O.B. to each City of Clearwater facility.
- 4.3 Delivery time of day shall be arranged upon placement of order. Deliveries made to unmanned facilities must be coordinated with the City of Clearwater so the driver can gain access to the facility.
- 4.4 All deliveries of liquid sodium hypochlorite shall be made by properly cleaned carrier tank truck to the locations specified in paragraph 5 below.
- 4.5 Packaging and shipment of liquid sodium hypochlorite shall conform to all current regulations of the State of Florida, the United States Department of Transportation and all other applicable regulatory agencies.
- 4.6 All delivery personnel must have company cell phones to facilitate deliveries to unmanned and manned facilities. Experience has shown this to be critical to effective coordination of deliveries to the various City of Clearwater facilities.
- 4.7 City of Clearwater reserves the right to change quantities and delivery dates at its discretion with a 24-hour notice.
- 4.8 The Contractor shall be responsible for pumping liquid sodium hypochlorite into the storage tanks at the delivery sites and shall provide all necessary hoses, fittings, air-padding, pumps, etc. required to safely and efficiently “offload” the liquid sodium hypochlorite into designated storage tanks. Contractor shall be responsible for ascertaining the correct storage tanks and fill point locations to prevent accidental discharge of the product into the wrong storage tank(s).
- 4.9 The Contractor shall be responsible for any spills resulting from the failure of its or its subcontractor’s delivery equipment or from failure of attendant delivery personnel in the proper performance of their duties. Proper performance shall require attendant delivery personnel’s constant inspection and observation of unloading operations and knowledgeable response to problems or emergencies, which would most commonly be expected to occur. The City of Clearwater reserves the right to refuse any and all deliveries made with equipment that is poorly maintained and/or leaking sodium hypochlorite.
- 4.10 The tanks or trailers shall be clean and free of residue that may contaminate the Contractor’s product or impede the unloading process. It is the Contractor’s responsibility to verify the cleanliness of the transporting equipment before loading.

All appurtenant valves, pumps, and discharge hoses used for the delivery of sodium hypochlorite shall be supplied by the Contractor and shall be clean and free from contaminating material. The City of Clearwater may reject a load if the equipment is not properly cleaned. Contractor shall furnish the City of Clearwater an approved, leak-free connection device between the trailer and its intake receptacle. The Contractor shall observe the entire filling operation at each delivery site and shall immediately report any spills caused during the filling operations. The Contractor shall take immediate and appropriate actions to clean up any spilled liquid sodium hypochlorite. If the spill is not cleaned up, the City of Clearwater will hire a certified hazardous material handling company to clean up the spill, and the cost of such service will be charge to the Contractor and deducted from the amount due to the Contractor. If the City of Clearwater's unloading equipment such as pipe, valves or level indication and alarms should fail and the spillage is not the fault of the Contractor or its subcontractor, the Contractor shall be relieved of cleanup of the spill.

- 4.11 Because of security and safety concerns, all delivery vehicle drivers shall be U.S. citizens and have a proper commercial driver's license with a Hazardous Material endorsement. Contractor's drivers shall display its driver's license and whenever challenged by the City of Clearwater during the delivery. In addition, Contractor shall supply the City of Clearwater a "CD" with digital photographs of all of its delivery drivers with names imposed and shall send out an updated CD within 24 hours of any changes to its drivers. The City of Clearwater shall use the CD to verify whether driver is actually an employee of the Contractor. Failure to show proper license or failure of driver to be listed on the CD provided to the City of Clearwater shall result in rejection of delivery and subsequent possible termination of the Contractor's supply agreement.
- 4.12 Delivery Shipments shall be rejected which fail to meet any of the requirements of the Specification. In the event a delivery shipment is rejected, upon notification to the Contractor that the shipment is rejected, Contractor shall be required to ship a replacement delivery to the affected location within four (4) hours from time of notification. Failure to provide replacement product that meets the Specification within the specified time period will constitute failure to comply with the delivery requirements set forth in this document.

5. DELIVERY LOCATIONS

- 5.1 Delivery sites and quantities are subject to deletions or additions as necessary to meet the water production demands of the City of Clearwater and its Member Governments.
- 5.2 Split deliveries to multiple locations will be coordinated and accepted by the City of Clearwater to encourage economical delivery of product via bulk tankers dependent on storage capacities at time of delivery.
- 5.3 Liquid Sodium Hypochlorite consumption at each location is an estimate only and the City of Clearwater shall not be bound by these amounts in its contract with Contractor.
- 5.4 Delivery Locations:

<u>LOCATION</u>	<u>STORAGE CAPACITY</u>	<u>ESTIMATED ANNUAL QUANTITY</u>
East WWT Plant 3141 Gulf to Bay Blvd. Clearwater, FL 33756	850 GALLONS	6,000 GALLONS
NE WWT Plant 3290 S.R. 580 Clearwater, FL 34695	20,000 GALLONS	180,000 GALLONS

6. PRODUCT MATERIAL REQUIREMENTS

- 6.1 Hypochlorite supplied under this contract shall be tested and certified as meeting the Specification, the AWWA Standard B300-99 and those of the American National Standards Institute/National Sanitation Foundation Standard 60 (ANSI/NSF Standard 60), Drinking Water Treatment Chemicals Health Effects.
- 6.2 It is the responsibility of the Contractor to inform the City of Clearwater that its NSF or UL certification has been revoked or lapsed within 24 hours of the time the supplier receives verbal or written notification. Loss of certification shall constitute sufficient grounds for immediate termination of the contract between City of Clearwater and Contractor.
- 6.3 Liquid sodium hypochlorite delivered under this Specification shall have a minimum of 120 Grams per Liter (GPL) available chlorine equivalent (a.k.a., 12.0 Trade Percent Available Chlorine) and shall be consistent as determined by chemical analysis.
- 6.4 Product shall be a clear straw colored liquid with no visible cloudiness, impurities, or sediment. It shall contain no soluble materials or organic substances in quantities capable of producing deleterious or injurious effects on the health of those consuming water treated with the liquid sodium hypochlorite.
- 6.5 Liquid sodium hypochlorite delivered under this Specification shall have a minimum of 0.15 percent by weight sodium hydroxide and a maximum of 0.40 weight percent sodium hydroxide.
- 6.6 Liquid sodium hypochlorite delivered under this contract shall meet the following containment concentration limits:

Iron	< 0.3 mg/L
Copper	< 0.03 mg/L
Nickel	< 0.03 mg/L
Chlorate	< 2,000 mg/L
Bromate	≤ 20 mg/L
- 6.7 The delivery time of the shipment shall not exceed 72 hours from the time of manufacture of the liquid sodium hypochlorite.

- 6.8 The suspended solids in the sodium hypochlorite delivered under this contract shall be minimized and the shipments delivered shall achieve a filtration time of less than 3 minutes for 1000 ml when applying the *“Suspended Solids Quality Test for Bleach Using the Vacuum Filtration”* Method co-developed by Dr. Bernard Bubnis of NovaChem and previously referenced in this Specification.

7. QUALITY ASSURANCE, SAFETY AND TRAINING

7.1 Sampling and Testing

- 7.1.1 All Sampling and Testing shall be in accordance with EPA and AWWA B300-99 standards and in accordance with the documents titled: *“The Weight Percent Determination of Sodium Hypochlorite, Sodium Hydroxide, And Sodium Chlorate in Liquid Bleach”* and *“Suspended Solids Quality Test for Bleach Using Vacuum Filtration”*, distributed by Powell Fabrication and Manufacturing, Inc. and available at <http://www.powellfab.com>.
- 7.1.2 The approved laboratories are listed below for all sampling and testing whether during the bidding period or after award. No other Laboratory shall be used unless expressly authorized as an Addendum to the bid issued by City of Clearwater amending the Specification or an amendment to the contract between the City of Clearwater and Contractor.

NovaChem Laboratories (formerly Novatek)
5172 College Corner Pike
PO Box 608
Oxford, Ohio 45056
Ph: 513-523-3605
Fax: 513-523-4025

Southern Analytical Lab
110 Bayview Blvd
Oldsmar, Florida 33677
Ph: 813-855-1844
Fax: 813-855-2218
Attn: Patty

- 7.1.3 Sampling and Testing Prior to Unloading: The Contractor’s delivery trailer shall have a sample port to provide a sample for analysis. At the sole discretion of the City of Clearwater, the Contractor’s delivery personnel (driver) may be asked to provide a sample of liquid sodium hypochlorite before the shipment is unloaded. The City of Clearwater will supply the sample container and the driver shall collect the sample from the tank truck and turn it over to the City of Clearwater. The sample shall be considered representative of the lot. The City of Clearwater reserves the right to subject samples of the liquid sodium hypochlorite to quick analyses to ensure that it meets basic conditions of the specification with respect to specific gravity, weight percent of sodium hypochlorite, sodium hydroxide, and suspended solids. Any lot tested by City of Clearwater that fails to comply with the Specification shall constitute grounds for rejection of that lot. No payment shall be made for hypochlorite that is rejected. The Contractor or its subcontractors shall allow 60 minutes for this testing to be completed. If testing can not be completed within the 60-minute period, the City of Clearwater shall allow the Contractor to unload the shipment. In the event that the load is rejected, the Contractor shall have four (4) hours to supply another

shipment. In the event that the Contractor is unable or unwilling to supply another shipment within this time period, the City of Clearwater has the right to procure a shipment from another source and this will failure to deliver shall constitute a second rejection. Three rejections of a lot or shipment during any period of this contract shall constitute automatic termination of the Contractor's supply contract with the City of Clearwater.

7.1.4 Sampling and Test of Shipment After Unloading. The City of Clearwater reserves the right to subject samples of the liquid sodium hypochlorite to complete analyses to ensure that it meets EPA specifications, AWWA B300-99 specifications, and the Specification. Three failures during any period of this contract shall constitute automatic termination of the Contractor's supply contract with the City of Clearwater.

7.1.5 Certified Analysis. Contractor shall supply an affidavit, signed by a corporate designated official, certifying that the liquid sodium hypochlorite furnished by the Contractor, complies with all applicable requirements of this Specification and AWWA Standard B300-99, latest revision. The affidavit shall also indicate compliance with Water Chemicals Codex directives, latest revision, for impurity limits.

7.2 Manufacturer's Laboratory Delivery Reports

7.2.1 A certified report from the manufacturer shall be submitted for each liquid sodium hypochlorite delivery to the City of Clearwater.

7.2.2 The report shall contain the following data:

- Date and Time of Manufacture
- Percent by Weight Sodium Hypochlorite
- Percent by Weight Excess Sodium Hydroxide
- Specific Gravity (Referenced to a temperature)
- Suspended Solids Test Time

7.2.3 No deliveries will be accepted by the City of Clearwater unless accompanied by said certified laboratory report for the specific batch of liquid sodium hypochlorite delivered showing the above data and that it conforms to the Specification. Regardless of whether at different delivery sites, failure to comply with this provision three (3) times during the contract period shall constitute sufficient grounds for termination of the contract between the City of Clearwater and Contractor.

7.3 Quarterly Reports

7.3.1 At the start of the contract and every 90 days, the Contractor shall utilize one of the approved testing agencies listed in this Specification to analyze a sample of the liquid sodium hypochlorite delivered to the City of Clearwater. The Contractor shall supply the sample container and the driver shall collect the sample from the tank truck. This sample will be given to the City of Clearwater at the time of the sample and City of

Clearwater shall forward the sample to the approved authorized testing agency. Any failure to comply with the Specification shall constitute grounds for cancellation of the contract between the City of Clearwater and Contractor.

- 7.3.2 Charges for the manufacturer's certified report and all quarterly reports by outside testing agencies should be included in the bid price.

8. OCCUPATIONAL HEALTH AND SAFETY

8.1 Contractor Safety Requirements

- 8.1.1 Contractor must ensure delivery personnel's compliance with all OSHA requirements, including personal protective equipment for Contractor delivery personnel, including without limitation chemical goggles, transparent face shield and hard hat, rubber gloves, rubber boots, and rubber or plastic-coated fabric apron or slicker suit. Contractor delivery personnel must wear at minimum, chemical goggles and rubber gloves when handling hoses and valves.
- 8.1.2 Contractor delivery personnel must remain within a safe proximity while the transfer is in progress and continuously monitor for leaking hoses, connections, or other problems. It is the responsibility of Contractor delivery personnel to contain leaks and to report any and all spills.

8.2 Material Safety Data Sheets. In compliance with Chapter 442 Florida Statutes, any chemical delivered from a Contractor, must be accompanied by a Material Safety Data Sheet (MSDS). The MSDS must be maintained by the user agency and must include the following information:

- The Chemical Name and the common name of the toxic substance
- The hazards and other risks in the use of the toxic substance, including:
 - The potential for fire, explosion, corrosivity and reactivity;
 - The known acute and chronic health effects of risks from exposure, including the medical conditions which are generally recognized as being aggravated by exposure to the toxic substance; and
 - The primary routes of entry and symptoms of overexposure.
- The proper precautions, handling practices, necessary personal protective equipment, and other safety precautions in the use of, or exposure to, the toxic substances, including appropriate emergency treatment in the case of overexposure.
- The emergency procedure for spills, fire, disposal and first aid.
- A description, in lay terms, of the known specific potential health risks posed by the toxic substance intended to alert any person reading this information.
- The year and month, if available, that the information was compiled and the name, address, and emergency telephone number of the manufacturer responsible for preparing the information.
- Any questions regarding this requirement shall be directed to:
Department of Labor and Employment Security

Bureau of Industrial Safety and Health
Toxic Waste Information Center
2551 Executive Center, Circle West
Tallahassee, Florida 32301-5014
Phone: 800/367-4378

8.3 Emergency Plan of Action and Safety Training

- 8.3.1 Within 30 days of award and acceptance of the contract for the supply of liquid sodium hypochlorite, the Contractor shall provide in writing, an emergency contingency plan, with appropriate telephone contacts, for the City of Clearwater to follow in case an emergency supply of liquid sodium hypochlorite is needed. The Contractor shall supply in writing, an emergency spill response plan with appropriate emergency response personnel names (to include at least two degreed engineers who live within ninety miles of Clearwater) and telephone contact numbers (24-hour contact numbers) within 30 days of award and acceptance of the contract to supply liquid sodium hypochlorite. In addition, the proper spill response notification procedure, along with any forms required by all local, state or federal regulatory agencies, shall be supplied by the Contractor. This section in no way relieves the Contractor of his responsibility to notify the proper regulatory agencies in the event of a spill incident. In the event of a spill or leak, the Contractor shall supply the necessary personnel (including one degreed engineer) to immediately respond to such an event, to work with the local Hazardous Materials Response Team and to manage and oversee "After Event" cleanup efforts. Should a spill or leak occur, caused by Contractor's personnel, equipment or method of delivery, Contractor shall immediately comply with all applicable terms and conditions of the current version of Title III, Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C.S. 11001, et seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, Chapter 252, Part II, Florida Statutes. The responsibility for compliance with Federal and State rules and regulations regarding Contractor caused spills or releases shall be the sole responsibility of Contractor. The Contractor shall indemnify and hold the City of Clearwater harmless for any failure to properly report and /or comply with this provision. In addition, Contractor shall bear all expenses of spills, unless caused by the sole negligence of the City of Clearwater.
- 8.3.2 Safe Handling Training. The Contractor shall provide an appropriate safe handling training course for liquid sodium hypochlorite within the first month of the contract, to all current City of Clearwater operations personnel and shall be available to conduct "refresher" courses or new employee training at six (6) month intervals during the contract period. The Contractor shall provide this assistance at no charge to the City of Clearwater.
- 8.3.3 Technical Assistance. The Contractor shall provide engineering and technical assistance, as needed, regarding the application of its product and disposal and handling of residues and sludge's produced by the application of liquid sodium hypochlorite in the water and wastewater treatment process. This expertise

shall extend to the application of all other chemicals used by the City of Clearwater in its water treatment and wastewater treatment plants. The Contractor shall provide this assistance at no charge to the City of Clearwater.

9. TERMINATION

In addition to the various statements in this Specification stating the grounds for automatic termination of the Contractor's contract to supply liquid sodium hypochlorite to the City of Clearwater, and in addition to any other remedies, including the right to obtain cover and charge Contractor for the costs of cover, Contractor's failure to comply with this Specification three (3) times over the duration of this contract shall constitute sufficient grounds for termination of the contract by the City of Clearwater. These failures any three of which can result in termination of the contract, include, but are not limited to, failure to deliver in a timely manner, failure to deliver with proper equipment, failure of the liquid sodium hypochlorite to meet the Specification at anytime, failure to provide a certificate of analysis, failure to comply with the safety and OSHA requirements of the Specification, failure to provide drivers with company cell phones, failure to provide licensed drivers listed on the Contractor's CD, failure to provide updated CD's with a driver's list, failure to provide requested technical assistance and/or training and failure to respond in a timely manner to any City of Clearwater emergency.

10. BIDDER'S CHECKLIST

The Bidder shall ensure the following information is included in their proposals:

- Pricing for the Sodium Hypochlorite
- Third Party Laboratory Analysis of Sodium Hypochlorite Sample
- List of References (Ten)
- List of Degreed Engineers (Two)
- List of Subcontractors or Affiliates
- List of Safety Incidents (Last Five Years)
- List of Terminations/Debarments (Last Five Years)
- Copy of OSHA Form 300A/300 logs (Last Three Years)
- Other Information on Company
- Contact Information to Obtain Product Sample
- Copies of any fines, correspondence and consent orders relating to the operation of ALL of its manufacturing and distribution facilities.
- Any Exceptions Taken to the Specification (Any of which may result in Bidder's disqualification)



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve the Cooperative funding agreement in the amount of \$1,000,000 with the Southwest Florida Water Management District (SWFWMD) to share the cost of implementation of the Spring Branch Improvements Project and authorize the appropriate officials to execute same. (consent)

SUMMARY:

The City and the Southwest Florida Water Management District cooperatively funded the Stevenson Creek Watershed Plan (WMP) that was completed in 2001.

When the WMP was completed the City and the District began cooperatively implementing the recommended projects. The Spring Branch Improvements Project was ranked very high in the WMP, the City has already purchased the required property and the next step is to design and permit the project.

The project is on the northwest corner of Kings Highway and Sunset Point Road on 3.5 acres west of the existing church. It will consist of constructing a retention pond, widening the existing channel and eliminating the vertical sides of the creek by laying the banks back at a 4:1 slope. This project will reduce flooding, improve natural habitat and provide water quality treatment.

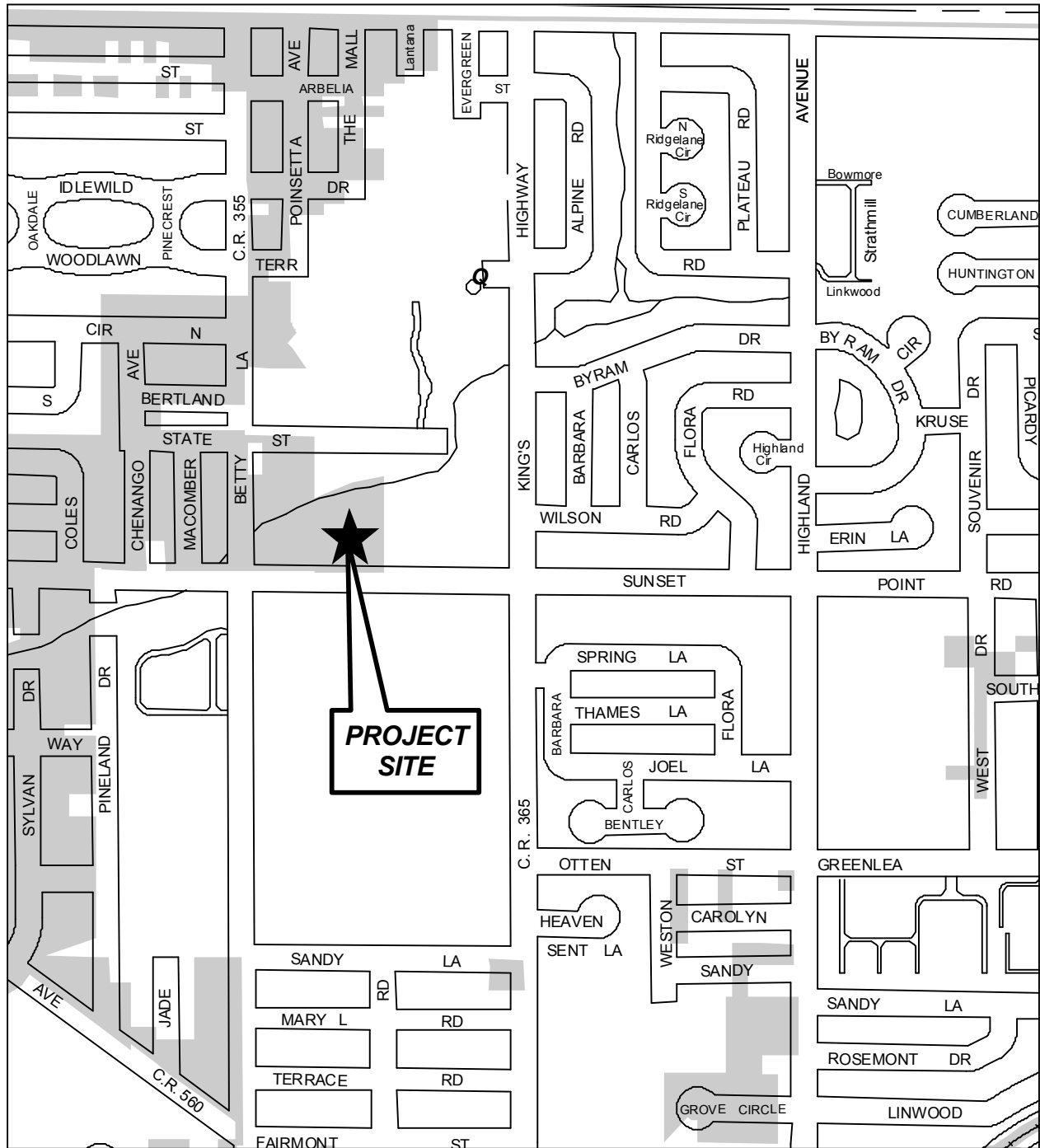
The District notified the City that our 2006 request for the Spring Branch Improvements had been approved. This request will require the City to match the District's \$1,000,000 with \$1,000,000 City dollars to provide a total design, permitting and construction budget of \$2,000,000.

Council action at this time is necessary to secure District funds for design, permitting and construction. Separate agreements will be presented to Council for the design and permitting phase and then awarding the construction contract.

A first quarter amendment will increase the budget, only, for SWFWMD grant funding (337900) by \$1,000,000, in the Capital Improvement Program Project 0315-96144, Stevenson Creek Implementation Projects at which time matching City funds will be available. Matching funds are available in stormwater C.I.P. 96144. They were planned for and included in the last rate study, there will be no new impact to the rates.

Review Approval: 1) Clerk

Location Map : Spring Branch Improvements



City of Clearwater Engineering Department

Spring Branch Stormwater Improvements

Drawn By:	S.K.	Reviewed By:	E.S.	Scale:	N.T.S.
Grid #	251B	S - T - R	3-29s-15e	Date:	04/17/07

AGREEMENT NO. _____

COOPERATIVE FUNDING AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
CITY OF CLEARWATER
FOR
IMPLEMENTATION OF BMPS IN THE STEVENSONS CREEK WATERSHED –
SPRING BRANCH (L701)

THIS COOPERATIVE FUNDING AGREEMENT is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, for itself and on behalf of the Pinellas-Anclote River Basin Board, hereinafter collectively referred to as the "DISTRICT," and CITY OF CLEARWATER, a municipal corporation of the State of Florida, whose address is 112 South Osceola Avenue, Post Office Box 4748, Clearwater Florida, 33758-4748, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the CITY proposed a project to the DISTRICT for funding consideration under the DISTRICT'S cooperative funding program; and

WHEREAS, the project consists of implementation of BMPs in the Stevensons Creek Watershed – Spring Branch Improvement Area, hereinafter referred to as the "PROJECT"; and

WHEREAS, the DISTRICT considers the PROJECT worthwhile and desires to assist the CITY in funding the PROJECT.

NOW THEREFORE, the DISTRICT and the CITY, in consideration of the mutual terms, covenants and conditions set forth herein, agree as follows:

1. PROJECT MANAGER AND NOTICES. Each party hereby designates the employee set forth below as its respective Project Manager. Project Managers will assist with PROJECT coordination and will be each party's prime contact person. Notices and reports will be sent to the attention of each party's Project Manager by U.S. mail, postage paid, to the parties' addresses as set forth in the introductory paragraph of this Agreement.

Project Manager for the DISTRICT:	Richard Mayer, P.E.
Project Manager for the CITY:	Elliot Shoberg, P.E.

Any changes to the above representatives or addresses must be provided to the other party in writing.

- 1.1 The DISTRICT'S Project Manager is hereby authorized to approve requests to extend a PROJECT task deadline set forth in this Agreement. Such approval must be in writing, explain the reason for the extension and be signed by the Project Manager and his or her Department Director, or Deputy Executive Director if the Department Director is the Project Manager. The DISTRICT'S Project Manager is not authorized to approve any time extension which will result in an increased cost to the DISTRICT or which will exceed the expiration date set forth in Paragraph 4, Contract Period.
- 1.2 The DISTRICT'S Project Manager is authorized to adjust a line item amount of the Project Budget contained in the Proposed Project Plan set forth in Exhibit "B" or, if applicable, the refined budget as set forth in Paragraph 3.1 below. The adjustment must be in writing, explain the reason for the adjustment, and be signed by the Project Manager, his or her Department Director and Deputy Executive Director. The DISTRICT'S Project Manager is not authorized to make changes to the Scope of Work and is not authorized to approve any increase in the not-to-exceed amount set forth in the funding section of this Agreement.
2. **SCOPE OF WORK.** Upon receipt of written notice to proceed from the DISTRICT, the CITY agrees to perform the services necessary to complete the PROJECT in accordance with the Special Project Terms and Conditions set forth in Exhibit "A" and the Proposed Project Plan set forth in Exhibit "B." Any changes to this Scope of Work and associated costs, except as provided herein, must be mutually agreed to in a formal written amendment approved by the DISTRICT and the CITY prior to being performed by the CITY, subject to the provisions of Paragraph 3, Funding. The CITY will be solely responsible for managing the PROJECT, including the hiring and supervising of any consultants or contractors it engages in order to complete the PROJECT.
3. **FUNDING.** The parties anticipate that the total cost of the PROJECT will be Two Million Dollars (\$2,000,000). The DISTRICT agrees to fund PROJECT costs up to One Million Dollars (\$1,000,000) and will have no obligation to pay any costs beyond this maximum amount. The CITY agrees to fund PROJECT costs up to One Million Dollars (\$1,000,000) and will be responsible for all costs in excess of the anticipated total PROJECT cost. The CITY will be the lead party to this Agreement and pay PROJECT costs prior to requesting reimbursement from the DISTRICT.
- 3.1 The DISTRICT will reimburse the CITY for the DISTRICT'S share of the PROJECT costs in accordance with the Project Budget contained in the Proposed Project Plan set forth in Exhibit "B." The CITY may contract with consultant(s) or contractor(s) or both in accordance with the Special Project Terms and Conditions

set forth in Exhibit "A." Upon written DISTRICT approval, the budget amounts for the work set forth in such contract(s) will refine the amounts set forth in the Project Budget and be incorporated herein by reference. The DISTRICT will reimburse the CITY for 50 percent of all allowable costs in each DISTRICT approved invoice received from the CITY but at no point in time will the DISTRICT'S expenditure amount under this Agreement exceed expenditures made by the CITY. Payment will be made to the CITY in accordance with the Local Government Prompt Payment Act, Part VII of Chapter 218, Florida Statutes (F.S.), upon receipt of an invoice, with the appropriate support documentation, which will be submitted to the DISTRICT monthly at the following address:

Accounts Payable Section
Southwest Florida Water Management District
Post Office Box 1166
Brooksville, Florida 34605-1166

- 3.2 The Project Budget includes any travel expenses which may be authorized under this Agreement and reimbursement will be paid in accordance with Section 112.061, F.S., and District Procedure 13-5, attached hereto as Exhibit "C," as both may be amended from time to time.
- 3.3 The CITY will not use any DISTRICT funds for any purposes not specifically identified in the above Scope of Work.
- 3.4 Each CITY invoice must include the following certification, and the CITY hereby delegates authority by virtue of this Agreement to its Project Manager to affirm said certification:
- "I hereby certify that the costs requested for reimbursement and the CITY'S matching funds, as represented in this invoice, are directly related to the performance under the Implementation of BMPs in the Stevensons Creek Watershed – Spring Branch (L701) agreement between the Southwest Florida Water Management District and the City of Clearwater (Agreement No. _____), are allowable, allocable, properly documented, and are in accordance with the approved project budget."
- 3.5 The DISTRICT will have no obligation to reimburse the CITY for any costs under this Agreement until construction of the PROJECT has commenced.
- 3.6 The DISTRICT'S performance and payment pursuant to this Agreement are contingent upon the DISTRICT'S Governing Board appropriating funds for the PROJECT.

4. CONTRACT PERIOD. This Agreement will be effective upon execution by all parties and will remain in effect through December 31, 2011, unless terminated, pursuant to Paragraph 9 below, or amended in writing by the parties.
5. PROJECT RECORDS AND DOCUMENTS. Each party, upon request, will permit the other party to examine or audit all PROJECT related records and documents during or following completion of the PROJECT. Each party will maintain all such records and documents for at least three (3) years following completion of the PROJECT. All records and documents generated or received by either party in relation to the PROJECT are subject to the Public Records Act, Chapter 119, F.S.
6. OWNERSHIP OF DOCUMENTS AND OTHER MATERIALS. All documents, including reports, drawings, estimates, programs, manuals, specifications, and all goods or products, including intellectual property and rights thereto, purchased under this Agreement with DISTRICT funds or developed in connection with this Agreement will be and will remain the property of the DISTRICT and the CITY, jointly.
7. REPORTS. The CITY will provide the DISTRICT with copies of any and all reports, models, studies, maps or other documents resulting from the PROJECT.
8. LIABILITY. Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense, including attorney fees and costs and attorney fees and costs on appeal, arising from the negligent acts or omissions of the indemnifying party's officers, employees, contractors and agents related to its performance under this Agreement. This provision does not constitute a waiver of either party's sovereign immunity under Section 768.28, F.S. or extend either party's liability beyond the limits established in Section 768.28, F.S.
9. DEFAULT. Either party may terminate this Agreement upon the other party's failure to comply with any term or condition of this Agreement, as long as the terminating party is not in default of any term or condition of this Agreement. To initiate termination, the terminating party must provide the defaulting party with a written "Notice of Termination" stating its intent to terminate and describing all terms and conditions with which the defaulting party has failed to comply. If the defaulting party has not remedied its default within thirty (30) days after receiving the Notice of Termination, this Agreement will automatically terminate.
10. RELEASE OF INFORMATION. The parties agree not to initiate any oral or written media interviews or issue press releases on or about the PROJECT without providing advance notices or copies to the other party. This provision will not be construed as preventing the parties from complying with the public records disclosure laws set forth in Chapter 119, F.S.

11. DISTRICT RECOGNITION. The CITY will recognize DISTRICT funding and, if applicable, Basin Board funding in any reports, models, studies, maps or other documents resulting from this Agreement, and the form of said recognition will be subject to DISTRICT approval. If construction is involved, the CITY will provide signage at the PROJECT site that recognizes funding for this PROJECT provided by the DISTRICT and, if applicable, the Basin Board(s). All signage must meet with DISTRICT written approval as to form, content and location, and must be in accordance with local sign ordinances.
12. PERMITS AND REAL PROPERTY RIGHTS. The CITY must obtain all permits, local government approvals and all real property rights necessary to complete the PROJECT prior to commencing any construction involved in the PROJECT. The DISTRICT will have no obligation to reimburse the CITY for any costs under this Agreement until the CITY has obtained such permits and rights and construction has commenced.
13. LAW COMPLIANCE. Each party will comply with all applicable federal, state and local laws, rules, regulations and guidelines, related to performance under this Agreement.
14. COMPLIANCE WITH DISTRICT RULES & REGULATIONS. If the PROJECT involves design services, the CITY'S professional designers and the DISTRICT'S regulation and projects staff will meet regularly during the PROJECT design to discuss ways of ensuring that the final design for the proposed PROJECT technically complies with all applicable DISTRICT rules and regulations.
15. DIVERSITY IN CONTRACTING AND SUB-CONTRACTING. The DISTRICT is committed to supplier diversity in the performance of all contracts associated with DISTRICT cooperative funding projects. The DISTRICT requires the CITY to make good faith efforts to encourage the participation of minority- and woman-owned business enterprises, both as prime contractors and sub-contractors, in the performance of this Agreement, in accordance with applicable laws.
 - 15.1 If requested, the DISTRICT will assist the CITY by sharing information to help the cooperator in ensuring that minority- and woman-owned businesses are afforded an opportunity to participate in the performance of this Agreement.
 - 15.2 The CITY agrees to provide to the DISTRICT, upon final completion of the PROJECT, a report indicating all contractors and sub-contractors who performed work in association with the PROJECT, the amount spent with each contractor or sub-contractor, and whether each contractor or sub-contractor was a minority- or woman-owned business enterprise. If no minority- or woman-owned business enterprises were used in the performance of this Agreement, then the report shall so indicate.

16. **ASSIGNMENT.** No party may assign any of its rights under this Agreement, including any operation or maintenance duties related to the PROJECT, voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law, or any other manner without the prior written consent of the other party. In the event of any purported assignment of rights in violation of this section, the parties agree that this Agreement shall terminate and is void.
17. **SUBCONTRACTORS.** Nothing in this Agreement will be construed to create, or be implied to create, any relationship between the DISTRICT and any subcontractor of the CITY.
18. **THIRD PARTY BENEFICIARIES.** Nothing in this Agreement will be construed to benefit any person or entity not a party to this Agreement.
19. **LOBBYING PROHIBITION.** Pursuant to Section 216.347, F.S., the CITY is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.
20. **PUBLIC ENTITY CRIMES.** Pursuant to Subsections 287.133(2) and (3), F.S., a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months following the date of being placed on the convicted vendor list. CITY agrees to include this provision in all subcontracts issued as a result of this Agreement.
21. **DISCRIMINATION.** Pursuant to Subsection 287.134(2)(a), F.S., an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity. CITY agrees to include this provision in all subcontracts issued as a result of this Agreement.

22. ENTIRE AGREEMENT. This Agreement and the attached exhibits listed below constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Agreement.
23. DOCUMENTS. The following documents are attached and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement, then to Exhibit "A," then to Exhibit "C, and then to Exhibit "B."

Exhibit "A" Special Project Terms and Conditions
Exhibit "B" Proposed Project Plan
Exhibit "C" District Travel Procedure 13-5

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AGREEMENT NO. _____

EXHIBIT "A"
SPECIAL PROJECT TERMS AND CONDITIONS

1. CONTRACTING WITH CONSULTANT AND CONTRACTOR. The CITY may engage the services of a consultant(s), hereinafter referred to as the "CONSULTANT," to design and a contractor(s), hereinafter referred to as the "CONTRACTOR," to construct the PROJECT in accordance with the Proposed Project Plan attached as Exhibit "B." The CITY will be responsible for administering the contracts with the CONSULTANT and CONTRACTOR and will give notice to proceed to the CONSULTANT no later than May 31, 2007.
2. APPROVAL OF CONSTRUCTION BID DOCUMENTS. The CITY must obtain the DISTRICT'S written approval of all construction bid documents prior to being advertised or otherwise solicited. The DISTRICT will not unreasonably withhold its approval. The DISTRICT'S approval of the construction bid documents does not constitute a representation or warranty that the DISTRICT has verified the architectural, engineering, mechanical, electrical, or other components of the construction documents, or that such documents are in compliance with DISTRICT rules and regulations or any other applicable rules, regulations, or laws. The DISTRICT'S approval will not constitute a waiver of the CITY'S obligation to assure that the design professional performs according to the standards of his or her profession. The CITY will require the design professional to warrant that the construction documents are adequate for bidding and construction of the PROJECT.
3. DISTRICT PARTICIPATION IN SELECTING CONSULTANT AND REVIEW OF CITY'S SELECTION OF CONTRACTOR. Upon notifying the CITY'S Project Manager, the DISTRICT will have the option of participating as an evaluator in the CITY'S process for selecting the CONSULTANT in accordance with Section 287.055, F.S. The CITY will provide the DISTRICT with a tabulation of CONTRACTOR bids and a recommendation to award. The CITY must obtain the DISTRICT'S approval of the selected CONTRACTOR prior to proceeding with construction of the PROJECT and the DISTRICT will not unreasonably withhold its approval.
4. APPROVAL OF CONTRACT. The CITY must obtain the DISTRICT'S prior written approval of all contracts entered into with its CONSULTANTS and its CONTRACTORS as referenced above in item number one of this exhibit. The DISTRICT will not unreasonably withhold its approval.
5. COMPLETION DATES. The CITY will commence construction on the PROJECT by September 30, 2008, and will complete the PROJECT by October 31, 2011. However, in the event of any national, state or local emergency which significantly affects the

CITY'S ability to perform, such as hurricanes, tornados, floods, acts of God, acts of war, or other such catastrophes, or other man-made emergencies beyond the control of the CITY such as labor strikes or riots, then the CITY'S obligation to complete said work within aforementioned time frames will be suspended for the period of time the condition continues to exist. This will be the CITY'S sole remedy for the delays set forth in this paragraph.

AGREEMENT NO. _____

EXHIBIT "B"
PROPOSED PROJECT PLAN

Project Description

This PROJECT consists of design, development of construction documents, construction permitting, land acquisition, bidding and contractor selection, construction of the BMPs, and construction engineering and inspection. Refer to Attachment 1 for the PROJECT location.

Scope of Work

Key tasks to be performed by the CITY:

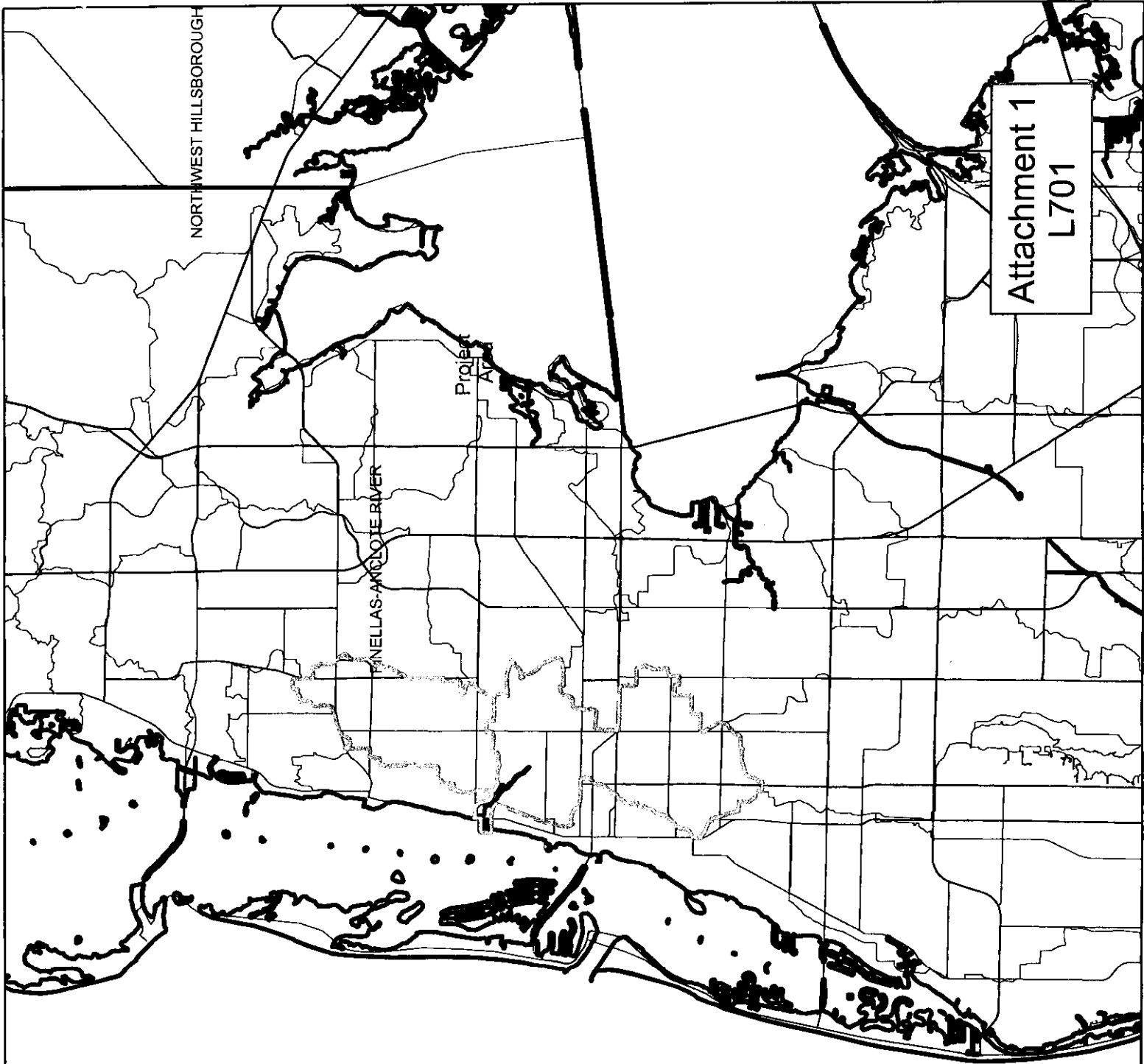
1. Attend one meeting with the DISTRICT prior to beginning the PROJECT to discuss the approach, schedule and budget;
2. Prepare a design, Design Report, and Environmental Resource Permit (ERP) application;
3. Prepare construction documents;
4. Provide the DISTRICT with the Design Report, ERP application, and construction documents for review, and approval;
5. Bid, select and hire a CONTRACTOR to complete the construction in accordance with the DISTRICT approved construction documents;
6. Provide construction engineering and inspection services during construction;
7. Monitor all phases of construction by means of survey, observations and materials testing to give reasonable assurance that the construction work will be performed in accordance with the approved construction documents set forth in the DISTRICT approved contract between the CITY and its CONTRACTOR;
8. Provide the DISTRICT with one copy of a summary of the construction quality assurance data, construction record drawings and permit related submittals; and
9. Be responsible for any post-PROJECT reporting that may be required by the permitting agencies.

Project Budget

Description	CITY	DISTRICT	TOTAL
Design, Permitting, and Construction Documents	\$ 75,000	\$ 75,000	\$ 150,000
Construction Eng. & Insp.	\$ 50,000	\$ 50,000	\$ 100,000
Construction	\$ 875,000	\$ 875,000	\$1,750,000
Total:	\$1,000,000	\$1,000,000	\$2,000,000

Project Schedule

Description	Completion Dates
Design and Permitting & Construction Documents	September 30, 2008
Complete Construction	October 31, 2011
DISTRICT Review of as-built drawings and quality assurance test results	December 1, 2011



AGREEMENT NO. _____

EXHIBIT "C"

PROCEDURE	
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT	
TITLE: TRAVEL	NUMBER: 13-5 PAGE: 1 of 16
SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE	
APPROVED: 	EFFECTIVE DATE: 08/30/96 SUPERSEDES: 13-5 Dated 06/01/96
The travel procedures for the District shall follow generally accepted travel procedures for state agencies, to the extent practicable, and comply with the legislative intent of Chapters 112 and 373, Florida Statutes. AUTHORITY TO INCUR TRAVEL EXPENSES: Any traveler of the District must be authorized in advance to incur travel expenses for the public purpose through a properly executed Travel Authorization form, Board Consent Agenda or Board Policy. PUBLIC PURPOSE: The public purpose test for travel is that it must be necessary to conduct official District business. AUTHORIZED TRAVELERS: Any person who has received advance authorization in compliance with Board Policy 130-5 to incur travel necessary to perform official District business under one of the following categories: • Governing and Basin Board members • Executive Director, Assistant Executive Director, Deputy Executive Directors and General Counsel • Employees in a Board authorized regular, part-time or temporary position declared to be in travel status by their Director or the Director's authorized representative. • Candidates for a management or professional position. Must be authorized by the Department Director upon coordination with Human Resources. • Individuals requested to contribute time and services as a consultant or advisor or as an advisory committee member. Must be authorized by the Executive Director or Assistant Executive Director or designee. TRAVEL DAY: A period of twenty-four (24) hours consisting of four equal quarters of six (6) hours each, which shall be a calendar day (midnight to midnight). TRAVEL PERIOD: The period between the time of departure and the time of return. A continuous travel period consists of all "to" and "from" points traveled in succession without a break in public purpose.	

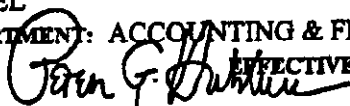
PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 2 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:  EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

OFFICIAL HEADQUARTERS: This is the office, field office or location where the traveler is normally assigned and from which that person performs the majority of his/her duties. Each employee's official headquarters shall be the same as that indicated in the area marked "LOCATION:" on his/her position description, except that:

- a) The official headquarters of an employee located in the field shall be the city or town nearest to the area where the majority of his/her work is performed, or such other city, town, or area as may be designated by the District provided that in all cases such designation must be in the best interest of the District and not for the convenience of the employee.
- b) When any employee is stationed in any city, town, or locality for a period of over 30 continuous workdays, such location shall be deemed to be their official headquarters, and they shall not be allowed per diem or subsistence after the said period of 30 continuous workdays has elapsed unless this period of time is extended by the express approval of the Executive Director or designee.
- c) When in the best interest of the District, employees may identify their home address as "point of origin" for a specific travel period if approved by their supervisor on the travel authorization form. It is in the best interest of the District when the employee's home is nearer the point of destination than his/her official headquarters. If departure from home is for the convenience of the employee and further from the point of destination than the official headquarters, the reimbursement will be authorized for the constructive distance from the official headquarters to the point of destination (the lesser of the two).

The official headquarters of Governing and Basin Board members is their home address. Board members will be reimbursed for actual round trip mileage from their home address to the destination when traveling on District business. To establish the mileage, Board members may provide the odometer reading for a round trip to their regular meeting location(s) following their first trip to that destination. If Board members change their home address during their term in office, the mileage shall be corrected by providing a replacement odometer reading indicating the date change occurred.

TRAVEL AUTHORIZATION: This form must be used by all District employees for the following purposes:

- To obtain authorization to travel and incur travel related expenses (includes training sessions conducted at other District offices)
- To request registration fee payments
- To request travel advances.

PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 3 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:



EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

TRAVEL AUTHORIZATION (continued):

Governing Board members must use the travel authorization form for prior approval of non-scheduled travel outside the District including attendance at conferences or conventions. All scheduled travel for Governing Board members outside the District including attendance at conferences or conventions requires prior approval through the consent agenda of a regular monthly Governing Board meeting.

Basin Board members must use the travel authorization form for prior approval of all travel (including to Governing Board meetings) other than travel to Basin meetings.

Consultants and advisors shall be authorized as travelers of the District under the terms of a contract or agreement executed by the Executive Director or Assistant Executive Director.

Advisory committee members shall be authorized as travelers of the District by blanket travel authorization with attached list of all individuals selected by the Executive Director to serve on that committee. This listing shall be updated by the Executive Department when members are removed or added to the list.

Employment candidates for management or professional positions shall be authorized as travelers of the District under a travel authorization form prepared by the Human Resources Department representative at the time travel arrangements are made. The Travel Voucher form will also be prepared by the Human Resources Department representative in conjunction with the type of reimbursement agreed to by the candidate. Candidate will be asked to sign the authorization and travel voucher forms upon arrival for the interview.

The form must define the public purpose and include destination, dates of travel, mode of transportation, estimated cost and required approval authority signatures prior to scheduling the travel. The pre-printed form must be typed or completed in ink. A copy of the fully executed Travel Authorization must be on file in the traveler's department prior to departure for all travel purposes and remain on file for the current fiscal year plus one year.

BLANKET TRAVEL AUTHORIZATION: If an employee travels regularly for work assignments to a particular location or similar locations, a "blanket" travel authorization form should be completed to cover the current fiscal year (or required travel period for the assignment) and placed on file in the Finance Department. The form must be signed by the traveler and all required approval authorities.

PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 4 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:

Perin F. Duhme

EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

BLANKET TRAVEL AUTHORIZATION (continued):

- The completed travel authorization form shall indicate an "as needed" status.
- The white and pink copies of the travel authorization form must be submitted to the Accounts Payable section of the Finance Department for the Finance file of record. The yellow copy must be retained in the traveler's department file for the current fiscal year plus one year in compliance with the State Retention Schedule.
- Each time a Travel Voucher is submitted utilizing a blanket travel authorization, the traveler must reference the TA-#### on the Travel Voucher form.
- A master blanket travel authorization may be submitted to cover all locations within the District boundaries, although, for regular work assignments outside District boundaries a separate "blanket" travel authorization will be required for each specific location.
- Blanket travel authorizations do not indicate the point of origin. The travel voucher submitted for this type of travel will document the point of origin approved by the supervisor.

SIGNATURES REQUIRED FOR TRAVEL AUTHORIZATION: The traveler must sign the form in ink and secure the appropriate approval authority signatures as indicated. No one may exercise signature authority for himself or herself; rather, approval of a higher level of authority must be obtained.

- **TRAVELER:** Governing Board members (required for non-scheduled travel outside District including conferences or conventions only)
APPROVAL SIGNATURE REQUIRED: Governing Board Chairman or Vice Chairman
- **TRAVELER:** Basin Board members (required for all travel including Governing Board meetings; not required for Basin Board meetings)
APPROVAL SIGNATURE REQUIRED: Basin Board Chairman Ex-officio or Governing Board Chairman or Vice Chairman
- **TRAVELER:** Executive Director (required for travel outside the District boundaries and to attend conferences or conventions)
APPROVAL SIGNATURE REQUIRED: Governing Board Chairman or Vice Chairman
- **TRAVELER:** Assistant Executive Director
APPROVAL SIGNATURE REQUIRED: Executive Director

PROCEDURE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 5 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:

John G. Duthie

EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

SIGNATURES REQUIRED FOR TRAVEL AUTHORIZATION (continued):

- **TRAVELER:** Deputy Executive Directors, General Counsel and Inspector General
APPROVAL SIGNATURE REQUIRED: Executive Director or Assistant Executive Director
- **TRAVELER:** Attorneys
APPROVAL SIGNATURE REQUIRED: General Counsel
- **TRAVELER:** Directors
APPROVAL SIGNATURE REQUIRED: Deputy Executive Directors
- **TRAVELER:** Employees (outside the state)
APPROVAL SIGNATURE REQUIRED: Supervisors and Department Directors, and Deputy Executive Directors or General Counsel, and Assistant Executive Director or his designee.
- **TRAVELER:** Employees (within state outside District or to conferences or conventions)
APPROVAL SIGNATURE REQUIRED: Supervisors and Department Directors and Deputy Executive Directors or General Counsel
- **TRAVELER:** Employees (inside District not to conferences or conventions)
APPROVAL SIGNATURE REQUIRED: Supervisors and Department Directors or designee
- **TRAVELER:** Advisors and Consultants
APPROVAL SIGNATURE REQUIRED: Deputy Executive Directors
- **TRAVELER:** Advisory Committee Members
APPROVAL SIGNATURE REQUIRED: Executive Director or designee
- **TRAVELER:** Employment Candidates
APPROVAL SIGNATURE REQUIRED: Department Director after coordination with Human Resources

TRAVEL VOUCHER: A Travel Voucher form should be completed immediately upon return from a scheduled travel period to verify all related expenses.

A travel voucher form must be submitted to Accounts Payable within three working days of return from a travel period when "Advance Travel Payment" has been received.

If no "Advance Travel Payment" has been received, a travel voucher form must be submitted to Accounts Payable within thirty days of returning from a travel period.

PROCEDURE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 6 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:



EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

TRAVEL VOUCHER (continued):

The pre-printed travel voucher form must be typed or completed in ink and authorization documents (i.e., copies of travel authorization form, agenda, registration form, etc.) must be attached. Blanket travel authorization forms on file in Finance must be referenced on the Travel Voucher by providing the TA-####.

- Each one-way trip must be entered on a separate line of the Travel Voucher. The point of origin (from) and destination (to) must be indicated.
- The first "leg" (one-way trip) of travel period must include the actual time departed from the point of origin and the last "leg" of that travel period must show the time returned and location of final destination. Hour of departure and hour of return are required for all travel periods. Continuous travel periods would require recording the time at the beginning of the first "leg" and the time at completion of the final "leg."
- Continuous travel between various destinations must be detailed on the Travel Voucher. Each "leg" of continuous travel will include a point of origin, destination and associated explanation of public purpose.
- The public purpose requirements must be defined on the Travel Voucher by indicating topic of a meeting (i.e., Meeting on SWIM Issues, Meeting with Deputy Director), type of conference or convention (i.e., GFOA Conference, AWWA Conference), purpose of an event (i.e., ribbon cutting for service office), etc.

Governing and Basin Board members may elect to submit Travel Vouchers quarterly.

VICINITY MILEAGE: Vicinity mileage represents miles driven after arrival at and departure from a point of destination to another point within the same city only when necessary to conduct official business during the period considered "vicinity" travel. Vicinity mileage must be reported separately on the Travel Voucher form and an explanation must be included to justify public purpose. Report date, destination, public purpose, and beginning and ending odometer readings (Auto Miles Code "2") on Travel Voucher to provide the required documentation.

"Odometer Mileage To/From Destination" (Auto Miles Code "3") is not considered vicinity mileage (see AUTO EXPENSES for reporting requirements).

SIGNATURES REQUIRED FOR TRAVEL VOUCHER: The traveler must sign the form in ink and secure the appropriate approval authority signatures as indicated. No one may exercise signature authority for himself or herself; rather, approval of a higher level of authority must be obtained.

PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 7 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:



EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

SIGNATURES REQUIRED FOR TRAVEL VOUCHER (continued):

- **TRAVELER:** Governing Board and Basin Board members and Executive Director
APPROVAL SIGNATURE REQUIRED: Traveler is only signature required except as stated in the Board Policy when prior approval is required
- **TRAVELER:** Assistant Executive Director
APPROVAL SIGNATURE REQUIRED: Executive Director
- **TRAVELER:** Deputy Executive Directors, General Counsel and Inspector General
APPROVAL SIGNATURE REQUIRED: Assistant Executive Director
- **TRAVELER:** Attorneys
APPROVAL SIGNATURE REQUIRED: General Counsel or Senior Supervising Attorneys
- **TRAVELER:** Directors
APPROVAL SIGNATURE REQUIRED: Deputy Executive Directors
- **TRAVELER:** Employees
APPROVAL SIGNATURE REQUIRED: Supervisors and/or Managers and Department Directors or designee
- **TRAVELER:** Advisors and Consultants
APPROVAL SIGNATURE REQUIRED: Deputy Executive Director
- **TRAVELER:** Advisory Committee Members
APPROVAL SIGNATURE REQUIRED: Executive Director or designee
- **TRAVELER:** Employment Candidates
APPROVAL SIGNATURE REQUIRED: Department Directors upon coordination with Human Resources

ACCOUNT CODING: All travel forms relating to a specific travel period must bear the same accounting data to properly identify the traveler's department, section, public purpose and location as well as the fund and account to be charged.

PROCEDURE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 8 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:



EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

CLASSES OF TRAVEL:

Class A and B travel shall include any assignment on official District business away from official headquarters when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

Class A Continuous travel of 24 hours or more away from official headquarters and away from home overnight. This is calculated based on four equal quarters of six hours each which shall be a calendar day (midnight to midnight).

Class B Continuous travel of less than 24 hours which involves overnight absence from official headquarters and away from home overnight. This is calculated based on 6-hour cycles beginning at the hour of departure.

Class C Short or day-time trips where the traveler is not away from official headquarters overnight or when travel occurs during evening hours due to special assignment to conduct District business.

PER DIEM: (Relates to Class A or B Travel Only)

- (1) A flat rate up to \$50 per day (\$12.50 per quarter day) requiring no receipts for rooms or meals,
or
- (2) Reimbursement for the actual lodging cost for single occupancy to be substantiated by paid bills, as well as the authorized meal allowance rates described below. When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expense of lodging or meals not to exceed the maximum allowances.
or
- (3) Two or more District employees electing to share a room while traveling under Class A or B travel status must elect the same per diem method of reimbursement (1) or (2) as described above. If reimbursement option (2) is elected, only the actual cost of the room as well as the authorized meal allowances shall be reimbursed.
or
- (4) In the case of foreign travel, the traveler may choose the State per diem rate as stated above or the foreign travel per diem rate as authorized by Section 112.061(3)(e), Florida Statutes.

To be eligible for per diem or any travel expense allowances, the travel must be authorized by the appropriate approval authority and must meet the public purpose requirement.

PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 9 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:

EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

MEAL ALLOWANCE RATES: (Relates to Class C Travel)

To Receive Payment For:	Must Depart Prior To:	Must Return After	Allowance
Breakfast	6 a.m.	8 a.m.	\$3
Lunch	12 noon	2 p.m.	\$6
Dinner	6 p.m.	8 p.m.	\$12

Meal allowances will be paid to persons in Class C Travel status when participating in scheduled public meetings, seminars, workshops, special assignments or other official business which occurs outside the normal work assignment of a traveler.

Field staff shall only receive meal allowance(s) when an assignment requires overtime status since their normal work assignment is "in the field."

In compliance with Internal Revenue Service, Publication 15, Circular E, Employer's Tax Guide, Class C meal allowance reimbursements are subject to consideration as income for tax purposes.

When a conference or convention registration fee includes meals, the traveler will not be reimbursed for the meals being provided. If the program for a conference or convention states that breakfast, lunch or dinner is included in the fee, the traveler is expected to receive that meal without reimbursement. (Continental breakfast is considered a breakfast and is not reimbursable when provided. Brunch will be considered at the lunch allowance rate.) Reimbursement for meal expense will be the appropriate meal allowance rate regardless of the actual cost of the meal. The traveler must absorb any cost above the meal allowance amount. **Tips will not be reimbursed.**

AUTO EXPENSES: Mileage will be reimbursed at the rate approved by the State legislature for the round trip from the traveler's point of origin to point of destination when the traveler is authorized to use his or her own personal vehicle for official District business. The following guidelines apply:

- It is recommended that a District pool vehicle be used for all District travel unless one is not available or use of a personal vehicle would be more efficient or cost effective. Use of a personal vehicle shall be authorized by the traveler's Director as deemed appropriate.
- All mileage claimed must be by a usually traveled route from the point of origin to the point of destination. Chapter 112.061(7)(a), Florida Statutes, states, "All travel must be by a usually traveled route. In case a person travels by an indirect route for his own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as have been incurred by a usually traveled route."

PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 10 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:



EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

AUTO EXPENSES (continued):

- Whenever the point of origin and point of destination are within two different city limits indicated on the Florida Department of Transportation official transportation map, mileage shall be determined by using the Official Highway Mileage chart (Exhibit A), which provides the computed distance from the "town" of origin to the "town" of destination, not actual odometer readings. If either town/city does not appear on the chart, or when involved in vicinity travel, mileage should be shown by actual odometer readings. Whenever employees travel between District service office.. mileage shall be determined by using the District Mileage Chart (Exhibit B).
- For all continuous travel trips reporting the employee's home as the point of origin (departure point), the allowable mileage from the point of origin (employee's home) to the first work stop shall be the lesser of the actual odometer mileage or the distance from the employee's official headquarters to his/her first work stop.
- For all continuous travel trips reporting the employee's home as a final destination, the allowable mileage from the last work stop to the final destination (employee's home) shall be the lesser of the actual odometer mileage or the distance from the employee's last work stop to his/her official headquarters.
- Reimbursement for expenditures relating to the operation, maintenance and ownership of a personal vehicle, other than mileage is not permitted.
- Two round trips to an airport may be approved if it is determined to be more economical than one round trip plus the airport parking fee for the personal vehicle during the scheduled travel.

AUTOMOBILE RENTALS: Each Governing Board member, the Executive Director, Assistant Executive Director, Deputy Executive Director, General Counsel, attorneys and other individuals authorized by the Governing Board or Executive Director may be supplied a Rental Agency Central Billing Credit Card for their use while on District business. Purchasing will order and distribute the cards after receiving an approved Credit Cards/Keys Request form from the authorized individuals.

An employee who is required to use a rental auto, but has not been assigned an auto credit card, may request a Rental Agency One Trip Travel Order (O.T.T.O.). The O.T.T.O. is a substitute for an auto credit card to be used only once. Travelers may request the O.T.T.O. by submitting a memo to Purchasing with a copy their fully executed Travel Authorization form attached.

PROCEDURE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 11 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:

EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

AUTOMOBILE RENTALS (continued):

The credit card and O.T.T.O. are provided by the rental agency as part of its agreement with the State of Florida. Individuals using a credit card or O.T.T.O. are to ensure that the proper discount is applied, that no sales tax is charged, and that the most economical type of vehicle to appropriately accommodate the travel needs is requested.

<u>Class</u>	<u>Vehicle Size</u>	<u>Code</u>
1(A)	Sub-Compact	ECAR
2(B)	Compact	CDAR
3(C)	Intermediate	IDAR
4(E)	Full Size 4/dr	FDAR
5(V)	Mini-Van	MVAN

AIR TRAVEL: It is the responsibility of the scheduling department to determine the most economical method of travel prior to making reservations. Reservations may not be made until appropriate travel authorization requirements have been met. The District's contract Travel Arrangement Services provider should be utilized exclusively for requesting estimates and booking flights unless substantial savings can be realized by utilizing another source. The respective department is responsible for making, changing and/or cancelling reservations. All commercial flights will be coach class unless not available.

Air Travel Cards are credit cards accepted by most major airlines for flights limited to North America. These cards are ordered, assigned and distributed by Purchasing. Use Credit Cards/Keys Request form to request an air travel card. Normally, these cards are only issued to Governing Board members, the Executive Director, Assistant Executive Director, Deputy Executive Directors, General Counsel, Directors and Attorneys. Other staff may request air travel cards only after obtaining authorization from the Executive Director.

Travelers must retain the passenger receipt from the used airline ticket (last page of ticket). Upon return to the District, this receipt must be forwarded to Accounts Payable within three business days with the traveler's signature and appropriate account coding on the copy.

CHARTER FLIGHT SERVICE: This service is to provide specific transportation to attend meetings, etc. in order to conduct District business (overflights are excluded from this procedure). Requests for Governing and/or Basin Board members, Executive Director, Assistant Executive Director, Deputy Executive Directors and General Counsel charter flights will be arranged through the Executive Department after receiving approval as stated in the Policy. The use of charter flights by staff members should be an exception and must be authorized by the Executive Director. A requisition (RX) must be entered into the financial system with the flight schedule information in order for a purchase order to be processed.

PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 12 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:

EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

CHARTER FLIGHT SERVICE (continued):

Purchasing will process the request in accordance with Board Policy 150-1 and District Procedure 15-1 governing procurement practices, which includes contracting for services with an appropriate charter flight service, obtaining the required services at the best responsible price (consistent with trip requirements and safety), and cancelling/changing the services requested upon receipt of notification from the requesting department. Emergency arrangements may be made directly with Purchasing who will then notify the Executive Department and request preparation of the required documents.

Under normal circumstances, payment of or reimbursement for travel by private or company-owned or charter plane shall be no greater than that allowed for commercial (coach class) air travel rate for equivalent distance.

HOTEL/MOTEL ACCOMMODATIONS: Lodging expense is reimbursable to authorized District travelers requiring overnight absence away from official headquarters and home under Class A or B travel. The traveler may not receive reimbursement for lodging within the local area unless authorized by the Deputy Executive Director of Management Services.

In order to achieve a cost savings to the District, the District may contract directly with the hotel/motel.

On occasions when the traveler's flight schedule or ending time of a conference prevents returning home by a reasonable hour, the Department Director must determine whether an additional overnight accommodation is warranted.

EMERGENCY EXPENSES: Emergency expenses that are not related to travel should not appear on the Travel Voucher. Paid invoice or receipt for such expenses must be submitted for reimbursement through petty cash or, if over \$25, by submitting a check request to Accounts Payable.

OTHER EXPENSES: When expenses are incidental to travel, receipts shall be attached to the Travel Voucher and explained briefly on the form or an attached memorandum. Receipts are required in all cases except when receipts are not possible (i.e., parking meters). An explanation must be included to explain when no receipt is available. If proof of payment or explanation is not submitted, reimbursement cannot be authorized.

PROCEDURE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 13 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:  **EFFECTIVE DATE: 08/30/96**

SUPERSEDES: 13-5 Dated 06/01/96

OTHER EXPENSES (continued):

Other authorized expenses include:

1. Tolls for road, bridge, ferry, etc. (receipts required when available)
2. Parking and storage fees (receipts required — except meter parking)
3. Long distance telephone charges* for business purposes (receipts required — except when coin operated devices are used)
4. Nominal telephone expenses* for business purposes (receipts required — except when coin operated devices are used)
5. Taxi fare or other similar transportation costs associated with attending business functions or going to (from) the hotel (receipt required)
6. Conference or convention registration fee paid directly by the traveler while attending a conference or convention serving the public purpose on behalf of the District (receipt required)
7. State sales tax paid directly by the traveler on purchases directly related to District business (receipt required)

* Explanation memo attached to Travel Voucher must identify public purpose of each call for which reimbursement is requested.

Expenses not reimbursable are:

1. Tips or gratuities
2. Personal telephone calls
3. Excess baggage charges unless charges are for District equipment

Lost or missing receipts will require a statement signed by the traveler with Department Director's approval in order to receive reimbursement.

Other travel expenses not detailed in the Procedure shall be handled by exception with Deputy Executive Director's approval.

TRAVEL ADVANCES: Advance payment for official travel may be authorized by the Executive Director or designee for Class A or B travel when the traveler anticipates substantial travel expenses (i.e., lodging, meals, parking) and requests funds to cover the associated travel costs. Travel advances will not be authorized for Class C travel expenses. The minimum travel advance amount is \$50. The maximum travel advance shall not exceed 80 percent of the estimated cost for official travel excluding any payments made directly by the District. The travel advance will generally be made to the traveler on the Thursday prior to his/her departure.

Advance payment (or the traveler's credit card authorization) for one night's lodging is usually required to guarantee a reservation if the traveler will arrive after 6 p.m. and may be required to reserve a room at a preferred group rate. The District may reimburse this one night guarantee as an advance to the traveler if the traveler does not provide a credit card authorization. The advance, if required, will be made to the traveler prior to the due date established by the hotel/motel.

PROCEDURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 14 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:

EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

TRAVEL ADVANCES (continued):

As soon as possible after the employee learns of a travel assignment, and an advance is desired, the employee should complete a Travel Authorization form and mark the "Advance Travel Payment Requested" section. The request must be approved by the employee's Department Director before payment can be processed.

Within three working days after returning to the District, the traveler who received a travel advance is required to submit a completed Travel Voucher. The amount of the travel advance is to be deducted from the travel expenses claimed and any excess travel advance amount must be reimbursed to the District when submitting the Travel Voucher.

CONTINUOUS TRAVEL STATUS: Those employees on continuous travel status may receive a continuous travel advance in an amount not to exceed 80 percent of expected travel expenses for a two-week travel period. Continuous travelers are defined as employees who routinely travel overnight. These employees on continuous travel status must complete a Travel Voucher on a weekly basis to document their actual travel expenses. If an employee is no longer on continuous travel status, any continuous travel advance amount in excess of actual expenses must be refunded to the District within three business days.

The Executive Director may modify or interpret this Procedure.

NUMBER: 13-5 PAGE: 15 of 16

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

EFFECTIVE DATE: 08/30/96

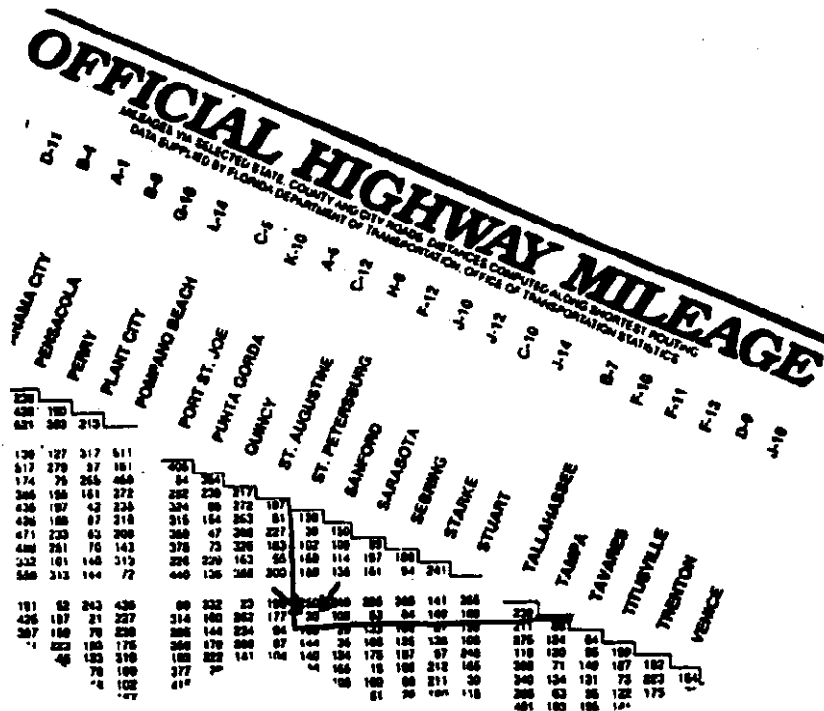
SUPERSEDES: 13-5 Dated 06/01/96

Whenever the point of origin and point of destination are within two different city limits indicated on the Florida Department of Transportation official transportation map, mileage shall be determined by using the Official Highway Mileage chart providing the computed distance from the "town" of origin to the "town" of destination, not actual odometer readings.

To use the mileage chart, determine the town of origin and town of destination. Locate both on chart. Place ruler along step beneath town appearing closest to the right. Follow across to intersecting column beneath town appearing closest to the left. The number at the intersection represents the one-way mileage between the two towns. This is the mileage to be reported when traveling between the city limits of two cities or towns appearing on the mileage chart.

EXAMPLE: City of Tampa to City of St. Petersburg = 20 miles

NOTE: This "Official Highway Mileage" chart is printed on the current Florida Official Transportation Map which is available in each Department.



PROCEDURE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 13-5 PAGE: 16 of 16

TITLE: TRAVEL

SECTION/DEPARTMENT: ACCOUNTING & FINANCIAL REPORTING/FINANCE

APPROVED:

John G. Harkness

EFFECTIVE DATE: 08/30/96

SUPERSEDES: 13-5 Dated 06/01/96

EXHIBIT B
DISTRICT MILEAGE CHART
Documented Mileage for Most Direct Route
Between Service Offices

Headquarters/Brooksville	Inverness Service Office	30 miles
Headquarters/Brooksville	Bartow Service Office	62 miles
Headquarters/Brooksville	Venice Service Office	120 miles
Headquarters/Brooksville	Tampa Service Office	42 miles
Tampa Service Office	Inverness Service Office	72 miles*
Tampa Service Office	Bartow Service Office	41 miles
Tampa Service Office	Venice Service Office	74 miles
Bartow Service Office	Inverness Service Office	81 miles ¹
Bartow Service Office	Venice Service Office	91 miles
Venice Service Office	Inverness Service Office	150 miles*

* These miles were determined by combining the connecting points for which miles have been documented.

Three of the five District service offices are not located within the limits of a city. Therefore, the mileage to these service offices cannot be determined using the Official Highway Mileage chart. These service offices are called: Brooksville Headquarters, Tampa Service Office and Venice Service Office.

The documented mileage between service offices as listed in the above chart shall be used whenever a District traveler is traveling between District service offices. If there are extenuating or unforeseen circumstances, such as a detour, which require the District traveler to take another longer route, an explanation as to why the mileage reported is greater than the documented mileage on the above chart must be included with the traveler's submitted Travel Voucher and approved by the authorized signers.

¹The mileage between the Bartow and Inverness service offices reflects the Official Highway Mileage chart miles since these two service offices are located within the city limits.



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

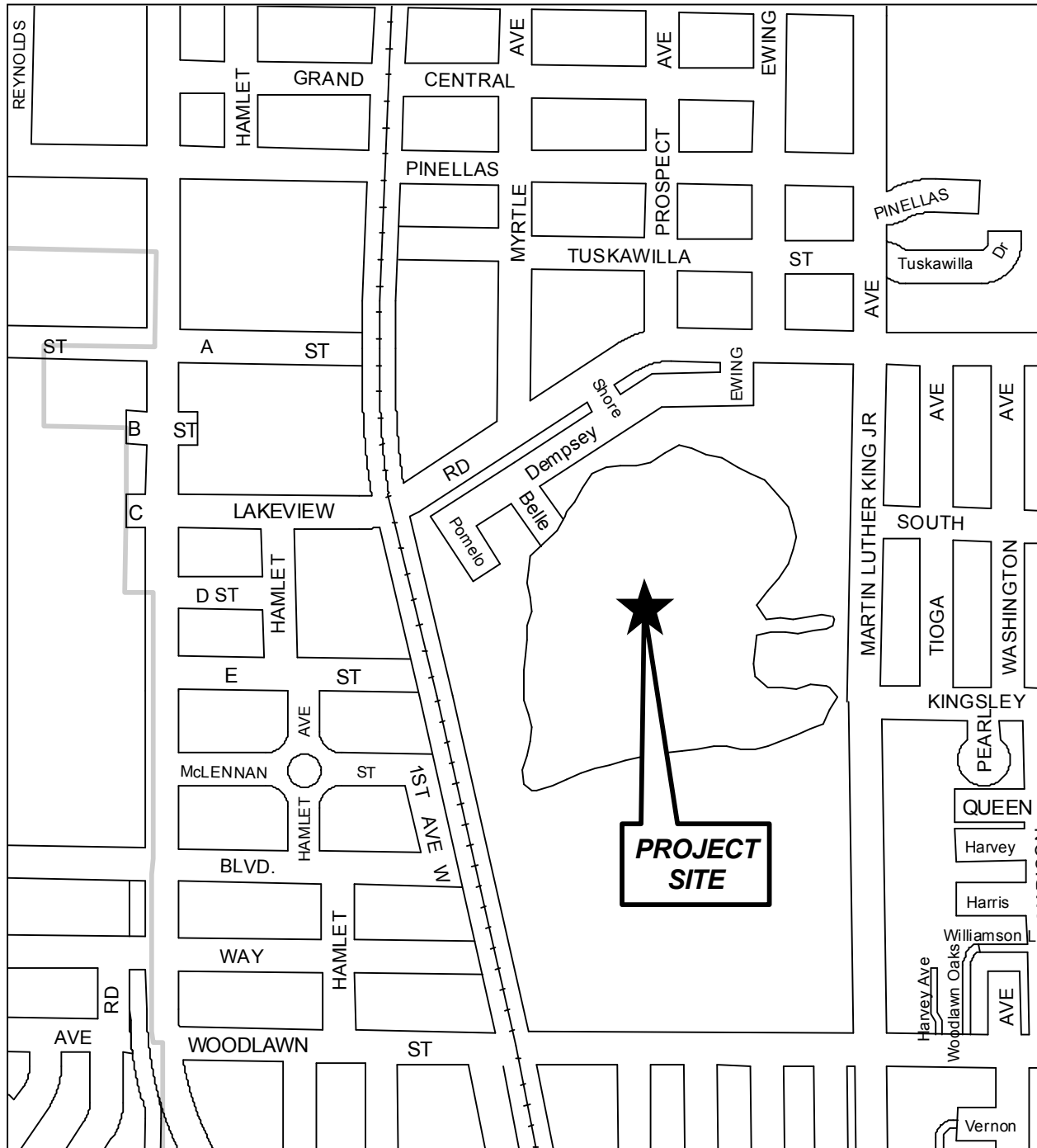
Approve the second amendment to the Stevenson Creek cooperative funding contract with the Southwest Florida Water Management District to extend the contract period to September 30, 2009. (consent)

SUMMARY:

- This contract is a multi-phase multi-year cooperative funding contract with the Southwest Florida Water Management District (SWFWMD) to implement projects within Stevenson Creek that were recommended by the Watershed Management Plan (WMP)
- The Council approved a Cooperative funding agreement with SWFWMD for the Stevenson Creek Watershed Plan on May 4, 2000. The agreement included plan development and project implementation. The planning phase was completed in August 2001 and the City is implementing the recommended projects. The City received approval from SWFWMD in previous years for \$506,250 in FY02, \$418,750 in FY03, \$1,575,560 in FY 04 and \$1,000,000 in 7/20/06 for total District funding of \$3,500,560 (for this contract.
- The majority of this funding was utilized for design and construction of the Glen Oaks Project and the remaining funds have been allocated for the Lake Bellevue Stormwater Improvements Project.
- This agreement does not change any financial responsibility to the City; it only extends the contract period allowing us to utilize the remaining cooperative funding.

Review Approval: 1) Clerk

Location Map : Lake Bellevue Stormwater Improvements



City of Clearwater Engineering Department

Lake Bellevue Stormwater Improvements

Drawn By:	S.K.	Reviewed By:	E.S.	Scale:	N.T.S.
Grid #	306A	S - T - R	22-29s-15e	Date:	04/17/07

AGREEMENT NO. 02CON000086

SECOND AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND THE
CITY OF CLEARWATER
FOR THE

STEVENSON CREEK WATERSHED MANAGEMENT PROGRAM: IMPLEMENTATION OF
BEST MANAGEMENT PRACTICES (K394)

This SECOND AMENDMENT effective this 22nd day of September 2006 by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, for itself and on behalf of the Pinellas-Anclote River Basin Board, hereinafter collectively referred to as the "DISTRICT," and the CITY OF CLEARWATER, a municipal corporation of the State of Florida, whose address is 112 South Osceola Avenue, Clearwater, Florida 33758-4748, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the DISTRICT and the CITY entered into an Agreement dated April 9, 2002 (Original Agreement), as amended March 9, 2004, for a multi-year funded project to evaluate and implement a stormwater management program in the Stevenson Creek Watershed; and

WHEREAS, the parties hereto wish to further amend the Original Agreement to identify the Lake Bellevue Improvement Area as one of the projects being implemented under this Agreement and to increase PROJECT funding.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Original Agreement, dated April 9, 2002, as amended, as follows:

1. Paragraph 3, Funding, is hereby amended to increase PROJECT funding One Million Seven Hundred Sixty Three Thousand Twenty One Dollars and Two Cents \$1,763,021.02 by replacing the first three sentences in their entirety as follows:
 3. FUNDING. The parties anticipate that the total cost of the PROJECT will be Eight Million Seven Hundred Sixty Four Thousand One Hundred Forty One Dollars and Two Cents (\$8,764,141.02). The DISTRICT agrees to fund PROJECT costs up to Three Million Five Hundred Thousand Five Hundred Sixty Dollars and no cents (\$3,500,560.00) and will have no obligation to pay any costs beyond this maximum amount. The CITY agrees to fund PROJECT costs up to Five Million Two Hundred Sixty Three Thousand Five Hundred Eighty One Dollars and Two Cents (\$5,263,581.02) and will be responsible for all costs in excess of the anticipated total PROJECT cost.
2. Subparagraph 3.2 is hereby amended to increase the maximum amount to \$8,764,141.02.

3. Exhibit "A," Paragraph 5, Completion Dates is hereby amended to complete construction of the Glen Oaks Stormwater Management Improvement Area by May 31, 2007, and of the Lake Bellevue Improvement Area by September 30, 2009.
4. Exhibit "B," Project Description, is hereby amended to replace the first paragraph with the following:

This contract is a continuation of the multi-year funded, multi-phased project to implement selected Best Management Practices (BMPs) developed in the Stevenson Creek Watershed Management Plan that addresses flood protection, natural systems, and water quality issues. This contract covers implementation of BMPs in two Improvement Areas, Glen Oaks, and Lake Bellevue. It includes design, development of construction documents, construction permitting, and land acquisition, bidding and contractor selection, construction of the BMPs and construction engineering and inspection for the Glen Oaks Area. It includes bidding and contractor selection, construction of the BMPs and construction engineering and inspection for the Lake Bellevue Area.

5. Exhibit "B," Project Budget and Project Schedule, is hereby replaced in their entirety with the following.

The remainder of this page is blank intentionally

A. Glen Oaks
Project Budget

DESCRIPTION (TASK)	TOTAL	DISTRICT	CITY
Project Selection (Task 1)			
Project Management, Meetings and Coordination.	\$36,556.00	\$18,278.00	\$18,278.00
Site Characterization	\$6,879.00	\$3,439.50	\$3,439.50
Subcontractors	\$68,000.00	\$34,000.00	\$34,000.00
Subtotal:	\$111,435.00	\$55,717.50	\$55,717.50
Design & Permitting (Task 2)			
Preliminary Design Report	\$55,133.00	\$27,566.50	\$27,566.50
Architectural & Landscape Design	\$79,017.00	\$39,508.50	\$39,508.50
Permitting Services	\$33,549.00	\$16,774.50	\$16,774.50
Subtotal:	\$167,699.00	\$83,849.50	\$83,849.50
Contract Doc. and Contractor Sel. (Task 3)			
Final Construction Plans & Specifications	\$188,481.00	\$94,240.50	\$94,240.50
Construction Phase Services	\$80,101.00	\$40,050.50	\$40,050.50
Subtotal:	\$268,582.00	\$134,291.00	\$134,291.00
Construction (Task 4)			
Mobilization and Site Prep.	\$600,000.00	\$200,000.00	\$400,000.00
Earthwork	\$608,000.00	\$202,666.67	\$405,333.33
Drainage	\$1,783,210.00	\$594,403.33	\$1,188,806.67
Sodding	\$79,200.00	\$26,400.00	\$52,800.00
Structural Concrete and Fencing	\$1,474,636.00	\$491,545.33	\$983,090.67
Wetland Plantings	\$104,362.20	\$34,787.40	\$69,574.80
Contingency	\$464,940.82	\$154,980.27	\$309,960.55
Subtotal:	\$5,114,349.02	\$1,704,783.00	\$3,409,566.02
Public Information Initiative and CLOMR	\$22,278.00	\$11,139.00	\$11,139.00
Other Direct Costs	\$22,800.00	\$0.00	\$22,800.00
Task Allowances	\$8,568.00	\$4,284.00	\$4,284.00
Baffle Box Eng Services	\$20,000.00	\$10,000.00	\$10,000.00
Bldg. Permit Mod.	\$12,000.00	\$6,000.00	\$6,000.00
USACE Permitting & Site Char.	\$16,430.00	\$8,215.00	\$8,215.00
Subtotal:	\$102,076.00	\$39,638.00	\$62,438.00
Totals:	\$5,764,141.02	\$2,018,279.00	\$3,745,862.02

Project Schedule

Activity

Initiation/Completion Dates

A. Select CONSULTANT	Complete
B. Select Projects	Complete
C. Commence Design & Permitting	Complete
D. Complete Design & Permitting	Complete
E. Commence construction	Complete
F. Complete construction	May 31, 2007

**B. Lake Bellevue
Project Budget**

DESCRIPTION	TOTAL	DISTRICT	CITY
Project Selection (Task 1)	\$0	\$0	\$0
Design and Permitting (Task 2)	\$0	\$0	\$0
Contract Documents and Contractor Selection (Task 3)	\$0	\$0	\$0
Construction (Task 4)	\$2,700,000	\$1,332,281	\$1,367,719
Const. Engineering & Inspection (Task 4)	\$300,000	\$150,000	\$150,000
Total:	\$3,000,000	\$1,482,281	\$1,517,719

Project Schedule

DESCRIPTION	COMPLETION DATES
Complete Construction	September 30, 2009
DISTRICT Review of as-built drawings and quality assurance test results	December 1, 2009

7. The terms, covenants and conditions set forth in the Original Agreement, (as amended), that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

The remainder of this page left blank intentionally.

IN WITNESS WHEREOF, the parties hereto have executed this SECOND AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

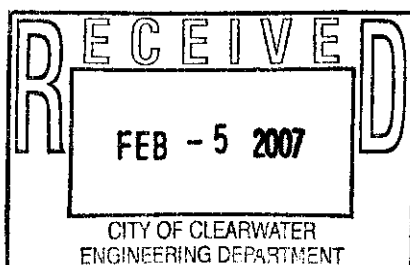
By: _____
David L. Moore, Executive Director Date

CITY OF CLEARWATER

By: _____
Frank Hibbard, Mayor Date

By: _____
William B. Horne II, City Manager Date

SECOND AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND THE
CITY OF CLEARWATER
FOR THE
STEVENSON CREEK WATERSHED MANAGEMENT PROGRAM:
IMPLEMENTATION OF BEST MANAGEMENT PRACTICES (K394)



DISTRICT APPROVAL	INITIALS	DATE
LEGAL	MBM	12/14/06
RISK MGMT	N/A	
CONTRACTS	QH	12/15/06
RM DEPT DIR	WLBH	1/23/07
DEPUTY EXEC DIR	WLBH	1-23-07
GOVERNING BOARD	N/A QH	

Item # 37



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Authorize the City Attorney to hire Frazer, Hubbard, Brandt, Trask & Yacavone as outside counsel to represent the individually named police officers in the case of Michael Scott Niesen v. City Of Clearwater in the estimated amount of \$50,000. (consent)

SUMMARY:

At 9:50 p.m. on July 13, 1977, Michael Scott Niesen was driving a truck on Memorial Causeway. Officer Ronald Mahony conducted a traffic stop on the vehicle for a traffic violation.

After writing Mr. Niesen a citation for careless driving, Officer Mahony was advised by radio that the truck was reported stolen. A backup unit was dispatched.

A few seconds later, the truck was seen eastbound on the causeway with Officer Mahony in the rear of the truck. The truck was traveling at a high rate of speed and swerving from lane to lane. As it approached the intersection of Island Way, the truck flipped over. Both Officer Mahoney and the driver were thrown from the vehicle.

Officer Cairns and Officer Egger were on the scene within a few seconds and administered first aid until the Fire Department and ambulance arrived. Both Officer Mahony and the Plaintiff were taken to Morton Plant Hospital. Officer Mahony was pronounced dead at approximately 11:30 p.m. Michael Niesen was pronounced dead at approximately 3:00 p.m. on July 14, 1977.

Michael Niesen's brother has repeatedly indicated that he does not believe that his brother died as a result of the accident, but that he was beaten to death by Clearwater Police Officers in retaliation for Officer Mahony's death. He is suing the City of Clearwater and the following officers individually: Mark Cairns, Michael Egger, Edward R. Garner, James H. Gravely, and Charles Butler.

Paul Richard Hull will represent the City in this matter. James Yacavone will represent the individual officers.

It is estimated that \$50,000 will be the cost for initial representation of the individual officers. If this case goes to trial, the cost will be significantly higher, and the City Attorney will update the Council if that becomes necessary.

The funding of \$50,000 is available in the City Attorney's Professional Services budget.

Type:	Operating Expenditure		
Current Year Budget?:	Yes	Budget Adjustment:	No
Budget Adjustment Comments:			
Current Year Cost:	50,000.00	Annual Operating Cost:	
Not to Exceed:		Total Cost:	
For Fiscal Year:	10012006 to 09302007		

Appropriation Code	Amount	Appropriation Comment
000-010-09600-0530100-514-000-0000	50,000	

Cover Memo

Review Approval: 1) Clerk

Item # 38

LEGAL SERVICES AGREEMENT

THIS AGREEMENT is made on the ____ day of _____, 2007, by and between the CITY OF CLEARWATER, FLORIDA (the "City") and the law firm of Frazer, Hubbard, Brandt, Trask & Yacavone, LLP ("Counsel").

WITNESSETH:

WHEREAS, the City wishes to retain a firm to serve as Counsel in the following matters:

Michael Scott Niesen, Deceased, ex rel., et al. v. City of Clearwater, Case No. 8:07CV623-T24TBM.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereto do hereby agree as follows:

SECTION 1. AUTHORIZATION TO PROCEED AS COUNSEL. Counsel is hereby authorized to provide services as described in this Agreement and for the professional fees described in this Agreement.

SECTION 2. SCOPE OF SERVICES. Counsel hereby agrees to provide its professional services for the following matters: Representation of the individually named police officers in the case of Michael Scott Niesen, Deceased, ex rel., et al. v. City of Clearwater, Case No. 8:07CV623-T24TBM.

SECTION 3. PROFESSIONAL FEES FOR SERVICES. The City and Counsel agree to a rate of \$ 155.00 per hour for attorney services for James Yacavone, and \$145.00 per hour for associate attorneys.

SECTION 4. TERM. This Agreement will be effective commencing April 23, 2007.

SECTION 5. COMPENSABLE EXPENSES. Reimbursement of expenses shall be made by the City to the firm for reasonable out-of-pocket expenses as determined by the City Attorney without markup, including but not limited to long distance calls and facsimiles, copying or reproducing documents, postage, court costs, parking costs and travel incurred by Counsel in performance of the duties hereunder. Travel and per diem costs as well as auto travel expenses shall not exceed that which is available to City of Clearwater employees.

SECTION 6. INDEMNIFICATION AND INSURANCE. Counsel agrees to protect, defend, indemnify and hold the City and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character

arising out of or due to any negligent act or omission of Counsel or its employees in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting its liability under this Agreement, Counsel shall procure and maintain during the life of this Agreement professional liability insurance in the amount of \$1,000,000. This provision shall survive the termination of this Agreement.

SECTION 7. CONFLICT OF INTEREST. It is understood by the City and Counsel that Counsel is not aware of any clients of the firm that currently present any conflict between the interests of the City and other clients of Counsel. If any potential conflict of interest arises during the time Counsel is representing the City, Counsel will promptly inform the City. The City is under no obligation to agree to permit the conflict representation.

SECTION 8. CONSTRUCTION AND AMENDMENTS. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. This Agreement may be amended only by a writing duly entered into by the City and Counsel.

SECTION 9. COURT REPORTER SERVICES. The City has a contract with D & D Reporting Services for all court reporter services, including the use of court reporter services by the City's outside counsel. Counsel agrees to use D & D Reporting Services whenever possible.

SECTION 10. CANCELLATION OF AGREEMENT. The City or Counsel may cancel or terminate this Agreement upon ten days advance written notice to Counsel. In the event of cancellation, Counsel shall immediately cease work hereunder and shall be reimbursed for eligible and documented reimbursable expenses incurred prior to the date of cancellation. Further, it is understood and agreed between the City and Counsel that James Yacavone, Esquire, will be the lead attorney assigned by the firm to provide the services contained herein. The City in its absolute discretion may immediately terminate this Agreement upon written notice to the firm if the services of this attorney are unavailable to the City.

SECTION 11. ATTORNEYS FEES. In the event that either party seeks to enforce this Agreement through attorneys at law, then the parties agree that each party shall bear its own costs and that jurisdiction for such an action shall be in a court of competent jurisdiction in Pinellas County, Florida.

IN WITNESS WHEREOF, the City and Counsel have executed this Agreement as of the date first written above.

Countersigned:

CITY OF CLEARWATER, FLORIDA

Frank V. Hibbard
Mayor

By: _____
William B. Horne II
City Manager

Approved as to form:

Attest:

Pamela K. Akin
City Attorney

Cynthia E. Goudeau
City Clerk

FRAZER, HUBBARD, BRANDT,
TRASK & YACAVONE, LLP.

By: James Yacavone



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Approve Disbanding the Budget Task Force

SUMMARY:

Review Approval: 1) Clerk



City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Authorize the City Attorney's Office to appeal the decision in Allbritton, et al. v. City of Clearwater, Circuit Court Case No. 03-4365-CI-20

SUMMARY:

North Clearwater Beach property owners filed suit against the City alleging that they had established a legally nonconforming use of short-term rentals in single-family houses, and that the use should be grandfathered in. The City argued that although its Codes prior to 2003 did not specifically mention a number of days/length of stay, the Codes prohibited short-term rental use of the properties.

On April 20, 2007, the Circuit Court entered a Final Declaratory Judgment finding that the Codes were not sufficiently specific to put the property owners on notice of the prohibition, that all the owners had shown the properties were offered for use or used as short-term rentals prior to 2003, that the City had not enforced prior to 2003, and therefore that all 31 properties were grandfathered in and could continue the short-term rental use.

It is believed that legal grounds exist upon which to base an appeal to the Second District Court of Appeal.

The filing fee will be \$300.00 and a trial transcript will cost approximately \$1300.00. If unsuccessful, the City would pay the other side's costs but not attorneys' fees. The funding for these costs is available in the City Attorney's Office budget.

Type:	Operating Expenditure		
Current Year Budget?:	Yes	Budget Adjustment:	No

Budget Adjustment Comments:

Current Year Cost:	\$1,600	Annual Operating Cost:	
Not to Exceed:	\$5,000	Total Cost:	
For Fiscal Year:	10/01/06 to 09/30/07		

Appropriation Code	Amount	Appropriation Comment
0-010-09600-548000-514-000-0000	\$5,000	

Bid Required?:	No	Bid Number:	
Other Bid / Contract:		Bid Exceptions:	Sole Source

Review Approval: 1) Office of Management and Budget 2) Financial Services 3) Clerk

From: Dave Allbritton
Date: 5/3/2007 10:36:12 AM
To: city council
Subject: Appeal of short term rental decision

You will be making a decision tonight to appeal Nellie Khouzam's judgement in the recent trial regarding short term rentals on Clearwater Beach. I would like to bring up a few points for your consideration:

1. As with many of my fellow plaintiffs, I am a voting citizen of Clearwater.
2. The CBA is run by a small group of very vocal members - not representative of the entire beach.
3. Our group is supported by the Beach Chamber - and we contribute to our community.
4. Judge Khouzam is very meticulous in her decisions. Her husband is Judge Morris Silberman who sits on the Second District Court of Appeals.
5. A flood of new short term rentals will not likely happen. At this late date It would be extremely difficult for a new property owner wanting to rent short term to prove they rented legally before 2003.

In case you have not read it, attached is a copy of Judge Khouzam's Declaratory Judgement.

Thanks for your consideration,
Dave Allbritton



State of Florida
Sixth Judicial Circuit of Florida

COUNTIES OF PINELLAS AND PASCO
PINELLAS COUNTY COURTHOUSE
315 COURT STREET
CLEARWATER, FLORIDA 33766
(727) 464-3332

NELLY N. KHOUZAM
CIRCUIT JUDGE

VICTORIA A. BOUYOUKAS
JUDICIAL ASSISTANT

DATE: 4-20-07

TO: Marion Hale

FIRM: Fax # 462-0365

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 15

NOTES: Albritton v. Clearwater

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION CASE NO: 03-004365-CI-20**

DAVID ALLBRITTON, et. al.

Plaintiffs,

vs.

CITY OF CLEARWATER,

Defendant.

FINAL DECLARATORY JUDGMENT

THIS CAUSE, having come on for Non-Jury Trial, and the Court having heard testimony of witnesses, having received evidence, having heard argument, and being otherwise fully advised in the premises, finds as follows:

This matter involves a claim for declaratory relief, relating to the applicability of Clearwater Ordinance 7105-03, adopted on April 17, 2003 ("the 2003 Ordinance"), to certain property on Clearwater Beach. The 2003 Ordinance prohibits short term rentals of less than 31 days of residential properties. Plaintiffs are the owners of thirty one (31) properties on Clearwater Beach that they allege have been lawfully rented on a short term basis prior to the enactment of the 2003 Ordinance. Plaintiffs contend that such use of their properties was lawful prior to the adoption of the 2003 Ordinance. Therefore, they seek a determination that their rental activity qualifies as a lawful non-conforming use, entitling them to grandfather status which would allow them to continue short-term rental of their properties.

In defense, the City of Clearwater ("Clearwater") alleges that short term rental of residential property was a prohibited use prior to the adoption of the 2003 Ordinance. In particular, it cites to definitions within the 1980 and 1999 City of Clearwater Land

Development Codes ("the Code" or "the City of Clearwater Code") as evidence of the City's prohibition of short term rentals on Clearwater Beach. Although the City admits that neither Code contains a specific prohibition as to short term rentals, it alleges that certain Code provisions taken together reveal that such rentals were prohibited prior to the adoption of the 2003 Ordinance. Defendant contends that the 2003 Ordinance was meant to be a clarification rather than a change to the Code. Accordingly, it argues, the Plaintiffs are not entitled to grandfather status since their use was not a lawful as it was prohibited prior to the 2003 Ordinance.

The parties stipulated to the dates that the twenty-four (24) of the properties owned by Plaintiffs began being rented on a short term basis. The Court hereby approves that Stipulation and incorporates it by reference herein. The parties presented evidence as to the short term rental start dates for the remaining seven following properties:

1. 1068 Eldorado Avenue (Dexter Properties)
2. 770 Mandalay Avenue (Kormendi)
3. 843 Eldorado Avenue (Kormendi/Powell)
4. 963 Mandalay Avenue (Kormendi/Powell)
5. 963.5 Mandalay Avenue (Scofield)
6. 975 Eldorado Avenue (Story)
7. 971 Eldorado Avenue (Lockwood)

Plaintiffs presented documents and testimony from individuals personally familiar with the rental histories, relating to the time frames during which each of the above properties began being rented out on a short term basis. Defendant offered the testimony of Raymond Massieu, and Lisa Cowley, residents of Clearwater Beach. As

discussed in more detail below, the Court notes that the establishment of a lawful nonconforming use runs with property and is not dependent on a particular owner. Thus, even if a Plaintiff purchased the property after the enactment of the 2003 Ordinance, the right to grandfather status, if applicable, runs with the land, not with the owner. Therefore the first issue before the Court relates to if and when each of the non-stipulated properties began being offered and intended to be used, as a short term rental property.

The Court has carefully considered all evidence presented and based on the personal knowledge and credibility of various witnesses, the Court finds that all non-stipulated properties were offered and intended to be used as short term rentals prior to the adoption of the 2003 Ordinance. Regarding the property located at 1068 Eldorado Avenue, the Court finds that it has been rented at a short term basis most likely since the 1930s, but definitely since 1997. This was confirmed by the Defendant's witness, Raymond Massieu, who testified that he had seen evidence of short term rentals at this address since 2002. The Court finds that based on the evidence and testimony of Ed Marchiselli, the property located at 770 Mandalay Avenue began being offered for short term rental at least in late 2002. Defendant's witness Mr. Massieu testified that he observed evidence of short term rentals on the property in early 2003.

Two of the properties at issue, 963 Mandalay Avenue and 963.5 Mandalay Avenue are contiguous properties owned together as one unit. The front property, 963 Mandalay contains a main house and the back property 963.5 Mandalay contains a two unit two story building. The parties presented testimony relating to whether all units were rented short term, or only a portion of the units. The Court finds that based on the evidence presented all of the property was intended and offered to be rented on a short

term basis prior to the enactment of the 2003 Ordinance. Testimony from Brian Andrus, the former property manager, indicated that the owners had some difficulty securing short term tenants and as a result, for a period of time they rented a portion of the property for longer than thirty one days. As discussed more fully below, the Court finds that the short term rental does not need to be the exclusive and continuous use of the property in order to establish a lawful non conforming use. The testimony and evidence presented to the Court satisfied the burden of proving that both properties were intended, offered and used as short term rentals prior to the enactment of the 2003 Ordinance. The Court notes that Defendant's witness Mr. Massieu testified that he observed evidence of short term rentals at 963 Mandalay Avenue in early 2003.

The Court heard and finds credible, testimony from Ted Remak, the boyfriend of the owner and the manager of the property located at and 975 Eldorado Avenue, that the property has been rented on a short term basis since at least 2001. The property located at 971 Eldorado Avenue is currently managed by Belloise Realty. Sal Belloise testified regarding the time frame during which these properties were rented on a short term basis. While the documentary evidence presented by Plaintiff was dated after the enactment of the 2003 Ordinance, Mr. Belloise testified that such rentals had begun prior to the adoption of the 2003 Ordinance. The Court finds Mr. Belloise testimony, based on personal knowledge to be credible and finds that short term rentals began prior to the enactment of the 2003 Ordinance.

A former owner of 843 Eldorado Avenue, Susan Withers, testified that based on her personal knowledge developed while she owned a neighboring house located at 847 Eldorado Avenue, the 843 property was being rented on a short term basis in 2001. She purchased the property as an investment based on that personal knowledge. The

Court finds Ms. Withers' testimony to be credible and finds that the short term rentals on 843 Eldorado began prior to the adoption of the 2003 Ordinance.

As to those properties identified above, based on the testimony and evidence presented, the Court finds that all began renting their properties on a short term basis prior to the adoption of the 2003 Ordinance. Accordingly, based on the stipulation between the parties and the Court's factual findings, all properties at issue began short term rentals prior to the adoption of the 2003 Ordinance.

The City contends that regardless of the start date, the properties are not entitled to grandfather status because the short term rentals were prohibited prior to the 2003 Ordinance and thus Plaintiffs' short term rentals were not a lawful nonconforming use. The Plaintiffs do not dispute the City's right to enact the 2003 Ordinance. Rather, they contend that the Codes in effect prior to the 2003 Ordinance did not prohibit short term rentals of property on Clearwater Beach. Therefore, the City's attempt to apply the Ordinance to abolish their right to continue to rent their properties on a short term basis violates their right to grandfather status and essentially amounts to an improper taking.

The City could point to no specific prohibition and no instances of enforcement of the ban prior to the adoption of the 2003 Ordinance. Accordingly, the parties seek a determination from the Court regarding whether such short term rentals were a lawful use prior to the enactment of the 2003 Ordinance, or whether such use was prohibited under either the 1980 or 1999 City Codes.

Municipalities such as the City of Clearwater, have the right to enact ordinances that restrict citizens' use of their property. *Verizon Wireless Personal Communications, L.P. v. Sanctuary at Wulfert Point Community Ass'n, Inc.*, 916 So.2d 850, 855 (Fla. 2nd DCA 2005)("To be sure, a city council may enact ordinances, amend them, and repeal

them.”) However, in order to enact an ordinance that limits a citizens property rights, the municipality must follow the proper procedure:

Under Florida law, ordinances which substantially affect the use of land must comply strictly with the notice requirements of § 166.041(3)(c) 1., Fla.Stat. This provision states in pertinent part:

(c) ... Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

* * *

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or *prohibited* uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings ... (Emphasis supplied).

“[S]trict compliance with the notice requirements of the state statute is a jurisdictional and mandatory prerequisite to the valid enactment of a zoning measure.”.... Attempts of local government to grant zoning changes without compliance with procedural requirements have been deemed invalid and void. . . .

Webb v. Town Council of Town of Hilliard, 766 So.2d 1241, 1244 (Fla. 1st DCA 2000)

(citations omitted).

In the present matter, the Plaintiffs stated numerous times on the record that they do not dispute the City’s authority to enact the 2003 Ordinance. However, Plaintiffs argue that the City can only prohibit the short term rentals by expressly doing so through the proper procedure and must make such prohibition clear and unequivocal as it did in the 2003 Ordinance.

The Plaintiffs presented testimony from The Honorable Owen Alibritton a retired Sixth Circuit Judge and Helen Dexter, a ninety-eight year old former owner of 1068 Mandalay Avenue, that for at least the last forty to seventy years, owners of property on Clearwater Beach have regularly rented out their homes to vacationers for

periods of less than thirty days. Such rentals have been open and obvious and regularly advertised.

All of the evidence presented to the Court indicates that City officials have been aware of short term rentals on Clearwater Beach for as long as they have been taking place. Various City officials were clearly under the opinion that Clearwater did not ban short term rentals prior to the 2003 Ordinance. *See e.g.*, Plaintiffs' Exhibit 11, Various e-mails between City Officials. For example, in an e-mail from Bob Hall dated July 10, 2002, he stated that "[w]e have never enforced on rental time periods and there is no ordinance governing in the City." Moreover, one of the Plaintiffs David Allbritton testified that he began renting his property located at 849 Mandalay Avenue on a short term in January of 2003. Mr Albritton stated that he had asked numerous City officials whether short term rentals were permitted on Clearwater Beach and none ever told him such use was prohibited. He served on the Municipal Code Enforcement Board for seven (7) years during which time the Board was never presented with a matter involving short term rentals.

Defendant contends that short term rentals on Clearwater Beach have always been illegal and certainly was prohibited under the 1980 and 1999 City Codes. However, Defendant is unable to point specifically to any section within the Code that expressly prohibits short term rentals prior to the enactment of the 2003 Ordinance. Rather, the City contends that such prohibition may be ascertained by reading several different sections of the Codes and piecing them together.

The 1980 Code provided that a permitted use for Plaintiffs' properties was as a "detached single family dwelling" which was defined as "a detached building or a unit in a townhouse structure designed for or occupied exclusively by one family." § 35.11,

1980 Clearwater City Code (*emphasis added*). Clearly all of the Plaintiffs' properties can be classified as detached buildings designed for one family. In 1999 the City amended the Code and adopted the City Development Code. At that time the Code was amended to include a definition for "overnight accommodations" as follows:

A building or a portion thereof designed and used primarily to provide sleeping accommodations for transient guests for a daily or weekly rental charge and including interval ownership and such office, meeting, restaurant facilities as are integral to the primary function.

§ 8-102, 1999 Clearwater City Code. The 1999 Code prohibited certain overnight accommodations, but continued to allow detached dwellings in Plaintiffs' neighborhoods. The definition for detached dwellings was somewhat changed to mean "a building separated from any other principal building and containing only one dwelling unit erected on an individual lot of record." A dwelling unit was defined as "a building or a portion of a building providing independent living facilities for one family including provisions for living, sleeping and complete kitchen facilities." § 8-102 1999 City of Clearwater Code. Moreover, the 1999 Code contains a section entitled Residential Rentals. Division 23, 1999 City of Clearwater Code. This is section discusses residential rentals, but does not contain any reference to time limitations, nor does it differentiate between long and short term rentals.

Pursuant to Florida Law, "[s]ince zoning regulations are in derogation of private rights of ownership, words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner." *Rinker Materials Corp. v. City of North Miami*, 286 So.2d 552, 553 (Fla. 1973). Moreover, an alleged prohibition in a

City Code must clearly give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden. As noted by the Second DCA:

A legislative enactment will not be declared vague unless the statute fails to give persons of ordinary intelligence fair notice of what constitutes the forbidden conduct and which, because of imprecision, may invite arbitrary and discriminatory enforcement.

State v. Baal, 680 So.2d 608, 610 (Fla. 2nd DCA 1996)(ordinance prohibiting citizen from entering a St. Petersburg public park between dusk and dawn unless they have prior authorization found constitutional because it provided sufficiently definite notice in commonly understood language to citizens of ordinary intelligence of what was prohibited.).

The Court finds that short term rentals of properties on Clearwater Beach were not prohibited under either the 1980 nor the 1999 Codes. Even piecing together various portions of the Code does not provide sufficiently definite notice in commonly understood language to citizens of ordinary intelligence of what was prohibited. Plaintiffs' properties are clearly all "detached single family dwellings" under the 1980 Code, based on the definition which included "a detached building . . . designed for . . . one family." § 35.11, 1980 Clearwater City Code. Moreover, under the 1999 Code, none of the properties at issue qualify as "overnight accommodations" as they were not "designed and used primarily to provide sleeping accommodations for transient guests . . . and including interval ownership and such office, meeting, restaurant facilities as are integral to the primary function." § 8-102, 1999 Clearwater City Code.

Alternatively, even if such Codes did prohibit short term rentals the Defendant did not offer any evidence that such change affecting the use of land in 1980 or 1999 was properly enacted in accordance with the applicable rules. It was well established

that short term rentals on Clearwater Beach were an established open and obvious use of land for a long time prior to the adoption of the 1980 Code. Therefore, even if the changes in either the 1980 or 1999 Codes included a prohibition on short term rentals, there has been no evidence that such restriction which would certainly substantially affect the use of land, complied strictly with the applicable requirements. Accordingly, any such new restriction would be a nullity. See e.g., *David v. City of Dunedin*, 473 So.2d 304, 306 (Fla. 2nd DCA 1985)(“Inasmuch as Ordinance No. 72-75, as amended by Ordinance No. 77-48, seeks to regulate “all exterior signs, so as to protect health and safety and to promote the public,” Dunedin, Fla., Code § 3-13 (1972), the ordinance and its amendment are zoning ordinances which are null and void if not strictly enacted pursuant to the requirements of section 166.041”); *Coleman v. City of Key West*, 807 So.2d 84, 85-86 (Fla. 3d DCA 2001), *review denied*, 828 So.2d 385 (Fla.2002) (court invalidated Ordinance relating to short term rentals based on the City’s noncompliance with the notice provisions of the statutes relating to ordinance adoption.). The Court notes that prior to this action, no property owner on Clearwater Beach has challenged the issue of short term rentals under the 1980 or 1999 Codes. However, a challenge was never required because the City never enforced its alleged prohibition on short term rentals and prior to the adoption of the 2003 Ordinance, never clearly informed its citizens that such rentals were not permitted.

Since the Court finds that short term rentals were permitted under the prior codes, and all properties owned by Plaintiffs in this matter were intended and offered for use as short term rentals prior to the adoption of the 2003 Code, then the Court must determine whether the Plaintiffs are entitled to grandfather status allowing them to legally continue such rentals. Grandfather status can be explained as follows:

The application of zoning regulations to restrict an existing use of property, resulting in substantial diminishing of its value, may constitute a "taking" by the governmental agency which requires the payment of compensation under well-established principles of constitutional law. 82 Am.Jur.2d, Zoning and Planning, § 178. To avoid these consequences, zoning regulations generally "grandfather" the continuation of existing nonconforming uses on property subject to the zoning classification. *State v. Danner*, 159 Fla. 874, 33 So.2d 45 (1947).

Hobbs v. Department of Transp., 831 So.2d 745 (Fla. 5th DCA 2002)(quoting *Lewis v. City of Atlantic Beach*, 467 So.2d 751 (Fla. 1st DCA 1985)). "A nonconforming use is a "[l]and use that is impermissible under current zoning restrictions but that is allowed because the use existed lawfully before the restrictions took effect." *Rollison v. City Of Key West*, 875 So.2d 659, 660 (Fla. 3rd DCA 2004)(quoting *Black's Law Dictionary* 1540 (7th ed.1999)). Moreover, it is well established that the lawful non conforming use flows with the property, not the owner:

We have been cited to no legal authority upholding the proposition that a municipality can, terminate a grandfathered nonconforming use of property simply because the tenant and operating license holder of the establishment on the property undergoes a change. It is clear that the concept of grandfathered nonconforming use relates to the property and the use thereof, not to the type of ownership or leasehold interest in the property.

Hobbs, 831 So.2d 745 (citations omitted).

Both the 1980 and 1999 Clearwater City Codes contain nonconforming use provisions which provide for grandfather status for lawful nonconforming uses. 1980 City of Clearwater Code, Article II § 42.21, Nonconformities; 1999 City of Clearwater Code, Article 6, Nonconformity Provisions. The 1999 Code states the purpose of the nonconforming provisions as follows:

The purpose of this division is to regulate and limit the development and continued existence of uses, structures and lots which were lawful on the date of the adoption of this Code, but which would be prohibited, regulated, or restricted under the terms established herein. While

nonconformities may continue, it is the intent of this development code to bring nonconforming properties into compliance with the provisions of this code in conjunction with a change of use, redevelopment, or any other change of condition of the property in order to eliminate the nonconformity or to bring the nonconformity as practical as possible to a conforming state.

§ 6-101, 1999 City of Clearwater Code. A nonconforming use is defined in the Code as “any use of a building, structure or land lawfully established that does not comply with the provisions for the zoning district in which such use is situated.” § 8-102, 1999 City of Clearwater Code.

Based on the foregoing, the Court finds that the short term rental of the properties at issue in this litigation are all established nonconforming lawful uses which are entitled to grandfather status, exempting them for the application of the 2003 Ordinance. The Court notes that while the properties at issue herein are all entitled to grandfather status, such continued nonconforming use must comply with the terms set forth in the applicable City Code.

WHEREFORE, it is hereby,

ORDERED AND ADJUDGED that the City of Clearwater Land Development Codes did not prohibit the short term rentals of property on Clearwater Beach prior to the enactment of Clearwater Ordinance 7105-03, adopted on April 17, 2003.

IT IS FURTHER ORDERED AND ADJUDGED that the following properties (Plaintiff owners’ last names are in parenthesis) were all lawfully used as short term rentals prior to the enactment of the 2003 Ordinance and are entitled to grandfather status as lawful nonconforming uses pursuant to the terms of the City of Clearwater Land Development Code:

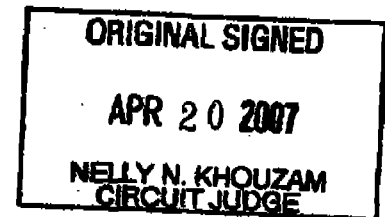
1. 1068 Eldorado Avenue (Dexter Properties)

2. 770 Mandalay Avenue (Kormendi)
3. 963 Mandalay Avenue (Kormendi/Powell)
4. 963.5 Mandalay Avenue (Kormendi/Powell)
5. 971 Eldorado Avenue (Scofield)
6. 975 Eldorado Avenue (Story)
7. 843 Eldorado Avenue (Lockwood)
8. 849 Mandalay Avenue (Allbritton)
9. 849-1/2 Mandalay Avenue (Allbritton)
10. 940 Narcissus Avenue (Chen)
11. 864 Eldorado Avenue (Chrysochoos)
12. 831 Eldorado Avenue (George)
13. 966 Lantana Avenue (Meek)
14. 975 Narcissus Avenue (Meek)
15. 1024 Eldorado Avenue (Mitcham)
16. 1021 Eldorado Avenue (Mitcham)
17. 1020 Mandalay Avenue (Mitcham)
18. 918 Lantana Avenue (Parks/Barkes)
19. 22 Laurel Street (Satterwhite)
20. 755 Bruce Avenue (Satterwhite)
21. 65 Gardenia Street (Satterwhite)
22. 947 Narcissus Avenue (Satterwhite)
23. 1012 Mandalay Avenue (Satterwhite)
24. 979 Eldorado Avenue (Story)
25. 724 Mandalay Avenue (Parks/Barkes)

26. 980 Narcissus Avenue (Withers)
27. 847 Eldorado Avenue (Wiggins)
28. 974 Mandalay Avenue (Hayslett)
29. 810 Lantana Avenue (Hagaman)
30. 805 Bruce Avenue (Hagaman)
31. 934 Narcissus Avenue (Uline)

IT IS FURTHER ORDERED AND ADJUDGED that the Court reserves jurisdiction to determine entitlement to attorney's fees, if applicable and costs and for any other further relief as may be appropriate, upon proper motion.

DONE AND ORDERED in chambers at Clearwater, Pinellas County, Florida,
this ____ day of April 2007.



NELLY N. KHOUZAM
Circuit Court Judge

Copies Furnished To:

Marion Hale, Esq.
Sharon E. Krick, Esq.
P.O. Box 1368
Clearwater, FL 33757

Leslie K. Dougall-Sides, Esq.
Assistant City Attorney
City of Clearwater
P.O. Box 4748
Clearwater, FL 33758

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 9:25 AM
To: Hibbard, Frank; Doran, John; Petersen, Carlen; Cretekos, George; Akin, Pam; Horne, William; Brumback, Garry; Goudeau, Cyndie; Wills, Anne; Reporter; Wagenfohr Carl (E-mail)
Subject: FW: (Short Term Rentals) Clearwater Politics

FYI -

-----Original Message-----

From: Paul Gibson [mailto:pgibson6@tampabay.rr.com]
Sent: Wednesday, May 02, 2007 8:28 PM
To: Manni, Diane; Manni, Diane
Subject: Fw: Clearwater Politics

Diane,

Please ensure this email is circulated to the appropriate individuals.

Thanks.

Paul

----- Original Message -----

From: Mike Mazzone
To: Paul@clearwaterbeachwaterfront.com
Sent: Wednesday, May 02, 2007 7:13 PM
Subject: Clearwater Politics

Paul,

I wanted to email you through your personal website and not the City's. I hail as a native from Massachusetts, however as you can see, I am in the same business as you in Park City, Utah, (14 years now) a resort town much like Clearwater Beach. Real Estate has been great to me over the past 10 years and this town has thrived on our industry in sales and rentals.

I began visiting Clearwater Beach in 2000 and fell more and more in love with the area over the years. Unfortunately, I wasn't in a financial position to purchase a home until early 2005. I own a home at 960 Mandalay Avenue, that I've probably pumped over \$100,000 into, which I think it greatly needed and I hoped my neighbors were happy about.

I watched the video cast of your Council meeting of April 30th and quite frankly, you looked as perplexed as I felt on why the City would want to appeal the recent court decision? The assistant Atty's estimation of percentages of a successful overturn appeared to be "pie in the sky" thinking. Please tell me, what is the difference between a 7day, 10 day, 15 day, or 31 day tenant, or what I like to call guests of the City? Who go out and spend much needed dollars for the suffering business owners down there. Does this "posse" of disgruntled citizens really want to turn Clearwater Beach into such a sterile town that nobody wants to return to? What would "Dr. Beach" say? Top 5 beach in America, but nowhere to sleep?

As a professional in the Real Estate Industry, this must concern you? I have a friend who lives on Narcissus (full time) who had a 3 month tenant behind him all winter from one of the professional baseball teams. They partied more than 3 times per week and the police were called multiple times. The seven day folks sound like angels to me?

To put everything up front with you, I was cited by the City about a year ago for having some language on my web

site that indicated weekly rentals. The language was immediately corrected and life went on. Feel free to look at the site, www.buccaneerbungalow.com

Now, being a successful Realtor, I do in fact send many clients, friends and family to use and enjoy my home on a short term basis. They love it and are very appreciative. No one neighbor, including Mr. Murphy should be able to draw any conclusions from these visits. Folks come and go. My wife will be down with friends from 3-3 to 3-7, another group of friends from Park City will be down the 7th to the 14th, and myself from the 14th to the 18th. I'm sure this spins the heads of the "posse" who I know are taking photos of my home and guests and probably wasting their time with notes building a case to bring to The City. It is quite frankly pure harassment, which I'm not going to stand for anymore. I am in compliance with my advertising and guests I've had at my home.

Since you are a new Council Member, I am asking you to try and spear head some discussion on some alternative solutions to this problem. It seems The "Posse" is not going away and neither are owners like myself who want to enjoy their property rights. Why can't a short term program be discussed with some heavy policing? A one time, no warning system. I can guarantee that a quick fine for short term rental owners will make them screen their guests more efficiently and cut down on ALL rental problems. This is not a under 31 day issue. You may as well ban rentals altogether on the beach. There will be a new group coming forward, just like the last group, who are going to fight harder and get The "Posse" to spend some of their own money and quite wasting the City's resources.

In closing, I am into my property for the long term. It is a home to me and not just an investment. My goal is to pay it off and become a full time resident when we retire. I follow the newspapers and politics. I have them all mailed up to me. I'm a good person and a good citizen and good for Clearwater Beach. I'm part of the "newer" crowd that is coming in, very much like people you solicit and have become your clients and friends over the years. I wish you well and I will be listening to the discussion on the May 3rd meeting. I would love to hear your views and possibly meet you in person someday. Again I will be in town, the week of the 14th.

Thank You.

Mike Mazzone
Principal Broker
Accredited Buyer Representative
M: 435-901-0300
O: 435-649-1991
F: 435-649-1998
Email: mjm@mwutah.com
Web: www.parkcityrealtygroup.com



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Version: 7.5.467 / Virus Database: 269.6.2/784 - Release Date: 5/1/2007 2:57 PM

5/3/2007

DRAFT
WorkNet Pinellas Executive Committee
Consent Agenda of May 2, 2007

Actions Approved At WorkNet's

Executive Committee Meeting of May 2, 2007:

Any Board Member shall have five days from receipt of these minutes within which to request that an action of the Executive Committee be brought before the full Board. If no such request is made, the actions of the Executive Committee shall stand.

Call to Order

Chair Cindy Jameson called the WorkNet Pinellas Executive Committee meeting to order at 11:51 p.m. in the EpiCenter's Board Room, 13805 58th Street North, Clearwater, Florida 33760. There was a quorum present with the following Executive Committee

Members in attendance:

Cindy Jameson, Chair	Dan Andriso
Dr. David Welch	Bill Protz
Commissioner Calvin Harris	Dr. Tony Leisner
Pat Carlisle	Guy Cooley
Jack Geller	Sallie Parks

Members not in attendance were Craig Brethauer, Nikki Gaskin-Capehart, Odalys Lara, and Darren Veneri.

Others in attendance included Executive Director Ed Peachey, Finance Director Dianne Cox, Economic Development Services Director Kristin Dailey, Director of Operations Don Shepherd, Director of Planning and Development Jerome Salatino, Bill Griffiths, Community Relations, and Attorney Charles Harris.

Item 1 Approval of March 7, 2007 Minutes

The March 7, 2007 minutes were presented for approval.

Motion: Jack Geller
Second: Sallie Parks

To approve the minutes as presented.

Motion passed.

Item 2 New Board Member Nomination

New Board Member Nominations:

Councilmember George Cretekos, Clearwater City Council

On April 19, 2007, Clearwater City Council appointed Councilmember George Cretekos to replace Councilmember Bill Jonson to serve on the WorkNet Pinellas Board of Directors.

DRAFT

The BCC appoints WorkNet Board members to a two-year term period.

Motion: Jack Geller
Second: Sallie Parks

The Executive Committee recommends forwarding the nomination to the Pinellas County Board of County Commissioners for appointment to the WorkNet Pinellas Board. The BCC appoints WorkNet Board members to a two-year term period.

Motion passed.

COMMITTEE ACTIONS

- **Finance Committee: Jack Geller, Chair**

Item 3 **Modification of FY 2006-2007 Budget**

Total budgeted revenue has increased from \$13, 979,558 to \$14,342,125 equaling an overall increase of \$362,567. This increase in funds and proposed utilization of these funds is as follows (reference Budget Modification spreadsheet):

Changes in Revenue Budget:

WIA Youth Long -Term Incentive Award	31,250
Wagner Peyser Long-Term Incentive Award	20,834
Additional Florida reBuilds Award	100,000
Ready to Work Grant (\$50,000 reserved for next year)	260,485

Adjustments to WorkNet's Expenditure Budget:

WorkNet support will be increased by \$25,000 to add a Ready to Work Coordinator. We will also contract with local Chambers of Commerce to pay employers up to \$150,000 for surveys. The additional \$100,000 Florida reBuilds funds will be added to Employer Incentives. Cost Pools will be adjusted based on allocations.

Motion: Dr. David Welch
Second: Sallie Parks

The Executive Committee motioned to approve the Finance Committee's recommendation to approve/ratify the adjustments to the Revenue Budget and resultant modifications to service provider contracts and WorkNet budgets.

Motion passed.

Public Comments: None were made.

Chair Cindy Jameson adjourned the meeting at 12:25 p.m.

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 9:11 AM
To: Horne, William; Akin, Pam; Brumback, Garry; Goudeau, Cyndie; Wills, Anne; Reporter; Wagenfohr Carl (E-mail)
Subject: FW: Short Term Rentals

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Wednesday, May 02, 2007 9:16 PM
To: Manni, Diane
Subject: Short Term Rentals

Sender's Name: Pat Gallagher

Date sent: 5/2/2007 9:16:36 PM

Comments:

I understand the commission is deciding on whether or not to pursue the lawsuit against the 31 short term hotels operating on North clearwater Beach. I have lived in this neighborhood for approximately 12 years. I request that the city continue to fight this lawsuit. I have seen houses with 20 or more people in them. I have seen web sites advertising a home sleeps 24 over the years, your enforcement people can certainly back this up. This is our neighborhood, it is not a hotel district. The investors in these properties are in for one simple reason "profit". You have an obligation to continue pursuing this situation. The true absurdity of this was pointed out several weeks ago when one landlord told your building complaince board we let the people stay for free when they were brought up on a violation for weekly rental and they then were part of the this lawsuit for other properties. There are only two things that occur due to these rentals profits for people who do not live near them and headaches for the voting citizens who live next door. This beach has not seen full hotel occupancy in a long time, there are plenty of legal accomodations available.

Sender Email:
clearbeach@aol.com

Mailing Address:
726 bay esplanade

Phone:
492 3597

Wills, Anne

From: Phillips, Sue
Sent: Thursday, May 03, 2007 9:08 AM
To: Horne, William; Akin, Pam; Brumback, Garry; Goudeau, Cyndie; Wills, Anne; Reporter; Wagenfohr Carl (E-mail)
Subject: FW: Short Term Rentals

-----Original Message-----

From: Gibson, Paul
Sent: Thursday, May 03, 2007 8:46 AM
To: Mike Mazzone/Park City Realty Group
Cc: City Council; Manni, Diane
Subject: Short Term Rentals

Mike,

It would be difficult to require landlords to attend a class, particularly since many of the live out of the area. On-line courses often end up with someone else taking the class. I will discuss with the enforcement team and secure their opinion.

I appreciate your thoughts.

Paul

From: Mike Mazzone/Park City Realty Group [mailto:mjm@mwutah.com]
Sent: Wed 5/2/2007 9:44 PM
To: Gibson, Paul
Cc: City Council; Manni, Diane
Subject: Re: Short Term Rentals

Paul,

One more thought. I didn't get an answer on your views about the problem 31+ day tenant? I would assume you have heard of some? Maybe a consideration of the City would be for all lanlords to go through a classroom program like we as REALTORS do when becoming licensed. Kind of like a code of ethics class? You never know, it just may work.

Mike Mazzone
Principal Broker
Accredited Buyer Representative
Direct: (435) 901-0300
Office: (435) 649-1991
Fax: (435) 649-1998
E-mail: mjm@mwutah.com
MLS Search:
www.parkcityutahmls.com

----- Original Message -----

From: <paul.gibson@MyClearwater.com>
To: <mjm@mwutah.com>

5/3/2007

Cc: <City.Council@myClearwater.com>; <Diane.Manni@myClearwater.com>
Sent: Wednesday, May 02, 2007 6:53 PM
Subject: Short Term Rentals

Mike,

I agree. Enforcement is a significant problem. I really do not have an answer on how to enforce. It is difficult to enforce in condominiums where the control is much easier to exercise. We have the same problem in my Belle Harbor condominium complex.

Paul

From: Mike Mazzone/Park City Realty Group [<mailto:mjm@mwutah.com>]
Sent: Wed 5/2/2007 8:41 PM
To: Gibson, Paul
Cc: City Council; Manni, Diane
Subject: Re: Short Term Rentals

Thank you for your reply and views. Again, we can all be in favor of a 31 day rental, but at the end of the day, there is a large problem with the whole system and how it operates.

Mike Mazzone
Principal Broker
Accredited Buyer Representative
Direct: (435) 901-0300
Office: (435) 649-1991
Fax: (435) 649-1998
E-mail: mjm@mwutah.com
MLS Search:
www.parkcityutahmls.com

----- Original Message -----

From: <paul.gibson@MyClearwater.com>
To: <mjm@mwutah.com>
Cc: <City.Council@myClearwater.com>; <Diane.Manni@myClearwater.com>
Sent: Wednesday, May 02, 2007 6:20 PM
Subject: Short Term Rentals

Mike,

Thank you for your email. Your email was sent to my business email address and all communications regarding City business are public record under the law. I am therefore required to forward your email to the City for distribution and will be copying them on this email, too.

First, the City's rental policies pertain only to rentals, e.g. not to guests. Second, a ruling has been issued and the only decision is whether to appeal it. Third, I am in favor of the City's ordinance requiring a minimum rental of 31 days. The issue of the lack of accommodations is a legitimate issue but not related to the short term rentals on north Clearwater Beach. North Clearwater Beach is a residential community for many residents. Fourth, I do not believe we should expend any funds appealing through outside counsel. Finally, I will make a decision on the

appeal once it appears on our agenda.

If you wish to discuss, my cell phone for City business is 727-224-0108.

Thanks.

Paul Gibson
City Councilmember
City of Clearwater

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Internal Virus Database is out-of-date.

Checked by AVG Free Edition.

Version: 7.1.375 / Virus Database: 268.2.1/278 - Release Date: 3/9/2006

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Internal Virus Database is out-of-date.

Checked by AVG Free Edition.

Version: 7.1.375 / Virus Database: 268.2.1/278 - Release Date: 3/9/2006

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 8:51 AM
To: City Council
Cc: Akin, Pam; Horne, William; Brumback, Garry; Goudeau, Cyndie; Wills, Anne; Reporter; Wagenfohr Carl (E-mail)
Subject: FW: Clearwater Beach short term rentals

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Wednesday, May 02, 2007 8:38 PM
To: Manni, Diane
Subject: Clearwater Beach short term rentals

Sender's Name: Shirley Petersen

Date sent: 5/2/2007 8:38:08 PM

Comments:

My name is Shirley Petersen and I reside at 861 Bruce Ave. on Clearwater Beach I support the appeal on the 31 short term rentals.

Sender Email:

spetersen1313@hotmail.com

Mailing Address:

861 Bruce Ave. Clearwater Beach, FL 33767

Phone:

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 9:17 AM
To: City Council; Akin, Pam; Horne, William; Brumback, Garry; Goudeau, Cyndie; Wills, Anne; Reporter; Wagenfohr Carl (E-mail)
Subject: FW: Short Term Rental Ruling

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Tuesday, May 01, 2007 5:56 PM
To: Manni, Diane
Subject: Short Term Rental Ruling

Sender's Name: Elizabeth Dexter

Date sent: 5/1/2007 5:56:10 PM

Comments:

My family has owned the property at 1068 Eldorado since 1932 and has been renting it off and on over the years. We have never had a single complaint against us! I do not understand why you would be taking sides on this as we are also law abiding taxpayers. Aren't you supposed to represent us too? Please feel free to call me if you have any questions. I would appreciate your support and fairness in this matter.

Thank you. Sincerely, Elizabeth Dexter

Sender Email:

Mailing Address:
612 Druid Road
Clearwater, FL
33756

Phone:
587-0687

Wills, Anne

From: Hibbard, Frank
Sent: Thursday, May 03, 2007 2:18 PM
To: 'Lillian Johnson'
Cc: Manni, Diane
Subject: RE: Short Term Rents on North Beach

Mr. and Mrs. Johnson,

I appreciate you taking the time to email and will take your experiences into consideration this evening. I have always believed that people behave differently over a seven day period than over longer stays. I further believe that I should consider your situation as though I were living in your shoes and I know that I would not want to have new neighbors next to my home every week!

Regards,

Frank V. Hibbard
Mayor, City of Clearwater
112 S. Osceola Ave.
Clearwater, FL. 33758
727-562-4050

-----Original Message-----

From: Lillian Johnson [mailto:Lillian.Johnson@ravensun.com]
Sent: Thursday, May 03, 2007 11:34 AM
To: Hibbard, Frank
Subject: Short Term Rents on North Beach

Hr. Hibbard,

Please do whatever you can to prevent the allowance of short term rentals on North Beach. This is a residential community, not a Vacation Resort.

Respectfully,
Gregg & Lillian Johnson

Wills, Anne

From: Manni, Diane
Sent: Thursday, May 03, 2007 10:52 AM
To: Brumback, Garry; Akin, Pam; Cretekos, George; Doran, John; Gibson, Paul; Goudeau, Cyndie; Hibbard, Frank; Manni, Diane; Petersen, Carlen; Reporter; Wagenfohr, Carl; Wills, Anne
Subject: FW: Strongly support City's appeal

-----Original Message-----

From: Hibbard, Frank
Sent: Thursday, May 03, 2007 10:46 AM
To: 'Susan Dvornik'
Cc: Manni, Diane
Subject: RE: Strongly support City's appeal

Thank you, I believe that is the direction we will be going and appreciate you weighing in on the subject! Hope you are both doing well.

Warm Regards,

Frank V. Hibbard
Mayor, City of Clearwater
112 S. Osceola Ave.
Clearwater, FL 33758
727-562-4050

-----Original Message-----

From: Susan Dvornik [mailto:dsdvornik@msn.com]
Sent: Wednesday, May 02, 2007 8:28 PM
To: Hibbard, Frank
Subject: Strongly support City's appeal

Dear Mayor Hibbard,

We strongly support the City's appeal on the recent ruling to allow 31 short term rentals on North Clearwater Beach.

Donald and Susan Dvornik
52 Aster Street
Clearwater Beach, Florida

Watch free concerts with Pink, Rod Stewart, Oasis and more. Visit MSN In Concert today. <http://music.msn.com/presents?icid=ncmsnpresentstagline>

Wills, Anne

From: Manni, Diane
Sent: Thursday, May 03, 2007 10:51 AM
To: Brumback, Garry; Akin, Pam; Cretekos, George; Doran, John; Gibson, Paul; Goudeau, Cyndie; Hibbard, Frank; Manni, Diane; Petersen, Carlen; Reporter, Wagenfohr, Carl; Wills, Anne
Subject: FW:

-----Original Message-----

From: Hibbard, Frank
Sent: Thursday, May 03, 2007 10:44 AM
To: 'mollyneaux@aol.com'
Cc: Manni, Diane
Subject: RE:

We will be discussing this evening and I will take your opinion into account.

Frank V. Hibbard
Mayor, City of Clearwater
112 S. Osceola Ave.
Clearwater, FL. 33758
727-562-4050

-----Original Message-----

From: mollyneaux@aol.com [mailto:mollyneaux@aol.com]
Sent: Wednesday, May 02, 2007 10:53 PM
To: Hibbard, Frank
Cc: PASONNS@aol.com
Subject:

My name is William W. Molyneaux; I live at 751 Mandalay Ave, Clearwater Beach. Please appeal the recent ruling to allow 31 short term rentals on North Clearwater Beach!

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

Wills, Anne

From: Manni, Diane
Sent: Thursday, May 03, 2007 10:51 AM
To: Brumback, Garry; Akin, Pam; Cretekos, George; Doran, John; Gibson, Paul; Goudeau, Cyndie; Hibbard, Frank; Manni, Diane; Petersen, Carlen; Reporter; Wagenfohr, Carl; Wills, Anne
Subject: FW: Rentals

-----Original Message-----

From: Hibbard, Frank
Sent: Thursday, May 03, 2007 10:42 AM
To: Manni, Diane
Subject: FW: Rentals

Frank V. Hibbard
Mayor, City of Clearwater
112 S. Osceola Ave.
Clearwater, FL 33758
727-562-4050

-----Original Message-----

From: Hibbard, Frank
Sent: Thursday, May 03, 2007 10:41 AM
To: 'Bay2Beach@aol.com'
Subject: RE: Rentals

Ms. Gallagher,

I appreciate you taking the time to email and will take your experiences into consideration this evening. I have always believed that people behave differently over a seven day period than over longer stays. I further believe that I should consider your situation as though I were living in your shoes and I know that I would not want to have new neighbors next to my home every week!

Regards,

Frank V. Hibbard
Mayor, City of Clearwater
112 S. Osceola Ave.
Clearwater, FL 33758
727-562-4050

-----Original Message-----

From: Bay2Beach@aol.com [mailto:Bay2Beach@aol.com]
Sent: Thursday, May 03, 2007 7:05 AM
To: Hibbard, Frank
Subject: Rentals

Mr. Hibbard,

Please appeal the Clearwater Beach rental decision. Living next to a rental house (not one of the 31 grandfathered in but still rented legally and illegally) I know the headaches involved. This house went from a 2 person house to "sleeps 18-21" overnight. It has a pool which makes for even more of a disaster. Thirteen houses back up to this lot and pool and have to be inconvenienced with kids screaming all day long and parents partying all night long at the pool.

My problem is that while we residents have to listen to the noise sometimes 24 hours a day, the owners are sitting in their quiet homes and neighborhoods just cashing the weekly checks.

We have had no complaints with the rental next door for over a year. They have had good, considerate renters. But from our past experiences, I know the problems and can feel for those living next to or near one of the 31 grandfathered properties.

Maybe, at the least, the city can make a list of rules and regulations that must be posted on all rental homes regarding quiet hours etc. And maybe the owners need to share their weekly profits with the residents they inconvenience on a daily basis. Better yet, they can buy the houses next to their rentals, live in them and see what beach living is really like for those in their neighborhood.

Thanks for listening!
Beverly Gallagher

See what's free at AOL.com.

Wills, Anne

From: Manni, Diane
Sent: Thursday, May 03, 2007 10:52 AM
To: Brumback, Garry; Akin, Pam; Cretekos, George; Doran, John; Gibson, Paul; Goudeau, Cyndie; Hibbard, Frank; Manni, Diane; Petersen, Carlen; Reporter; Wagenfohr, Carl; Wills, Anne
Subject: FW: Short Term Rentals

-----Original Message-----

From: Hibbard, Frank
Sent: Thursday, May 03, 2007 10:45 AM
To: 'PASons@aol.com'
Cc: Manni, Diane
Subject: RE: Short Term Rentals

Sandy,

I appreciate you taking the time to email and will take your experiences into consideration this evening. I have always believed that people behave differently over a seven day period than over longer stays. I further believe that I should consider your situation as though I were living in your shoes and I know that I would not want to have new neighbors next to my home every week!

Regards,

Frank V. Hibbard
Mayor, City of Clearwater
112 S. Osceola Ave.
Clearwater, FL 33758
727-562-4050

-----Original Message-----

From: PASons@aol.com [mailto:PASons@aol.com]
Sent: Wednesday, May 02, 2007 9:56 PM
To: Hibbard, Frank
Subject: Short Term Rentals

I support your appeal against the ruling on short term rentals. Many residents have to put up with a quality of life that is more in keeping with South Beach.

Condo Meek were my relocation agent in 1995 and they could not find me a monthly rental. All that was on North Beach was 3 month rentals! I took a 3 month rental before I bought my current home.

I hope that you allow this appeal.

Thankyou
Sandy Britton
Sandy@brittonj.com
Tel: 727.443.4466
Skype: SandyBritton
AIM: Pasons



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

City Manager Verbal Reports

SUMMARY:

Review Approval: 1) Clerk



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Clarify direction to Environmental Advisory Board - Mike Flanery, Chair

SUMMARY:

Review Approval: 1) Clerk

City of Clearwater Environmental Advisory Board Presentation Summary – Council Meeting May 3, 2007 D. Michael Flanery, PE, MPH, EAB Board Chair

Introduction Purpose to give brief overview of EAB, and to seek input as to how we can best serve the City.

Brief overview of various EAB Mission Statements

Limited communication with City Council, and request for a Council Member to serve as EAB's Council Contact. The liaison with Ed Chesney, Public Works, and Legal are all greatly appreciated, but a more direct link to our "boss", the Council, would be most beneficial.

Alternatives to Resolutions from EAB: EAB output has generally been limited to formal Resolutions. Board suggests formatting of monthly minutes with bullet points for "Suggestions" or "Bring to Council's attention" etc. items in various stages of consideration and importance.

Annual in-person updates to the Council.

Participation of EAB members in other groups. At Council's direction, participate in discussion groups, Surveys, Advisory Groups, and in larger workshops as designated Council representatives or alternates.

Input re EAB's performance: Is the EAB being effective, going beyond the Board's intent, making effective use of Staff time?

Should more focus be on Health and the Environment including the "Built Environment"? The environment is now recognized as contributing to our mental and physical health and ways to maintain a healthy lifestyle, sustainability and energy self-sufficiency and conservation, energy costs and efficiency, air and water pollution, global climate change and the effects on Clearwater of sea levels that are currently rising an inch every 10 years.

More direct health issues include informal exercise opportunities such as walking to work or for relaxation and stress reduction; the effects of particulate matter from dust connected with transportation, and general layout of the City to provide a welcoming, friendly place to live.

POSSIBLE PROJECTS: Requesting Council's direction on possible projects:

Energy Efficiency Program:

- Fluorescent and Energy Efficient Light
- Light Emitting Diode (LED) traffic signal retrofit program
- Solar Water Heating

- Green Lodging Program (and recognition on website)
- Green Buildings and Rewards / Recognition
- Xeriscape demonstration Gardens in Clearwater
- Storm Water Fee Reduction or other savings for Certified Xeriscaped properties

Pollution Abatement and Recycling Program Expansion (with recycling locations located within the City)

- Fluorescent Energy Saving Light bulbs
- Fluorescent lights, battery Computer recycling
- Drop-off points at several locations within the City, for
 - Computers, Monitors, electrical components containing lead and other heavy metals
 - Do-it-yourself Recycling – Oil, Batteries, pesticides, paints, solvents,
- Unusable petroleum products (oil and gasoline from boats and vehicles)
- Reduced Pesticide and fertilizer use to protect surficial groundwater and estuaries.
- Encouragement and support of City in special events such as Earthday.

Use of Safer Products and Practices

Promote Community Awareness

- Sea Turtle nests
- Bird sanctuaries
- Manatee, Dolphin, Ray restrictions (feeding, no wake zones)
- Liaison with Audubon Society, etc for birding, and outdoor activities

"Sustainability"

Major Initiatives, the type needing go-ahead from the Commission before proceeding:

Green Business Certification Program --- partnership of environmental agencies and utilities that assists, recognizes, and promotes businesses and government agencies that volunteer to operate in a more environmentally responsible way
<http://www.sfenvironment.com/greenbiz/> (San Francisco)

Climate Action Plan. Participation of Clearwater in the Cities for Climate Protection Campaign sponsored by the International Council for Local Environmental Initiatives.

"Clearwater Livability" Website: Initiatives to make Clearwater is a better place to live:

- Health and Recreation: Exercise – trails, sports, links to Recreation Dept.

- Healthy and Ecologically beneficial activities for Tourists – Green Maps, Green County
- Beaches highlighted as excellent recreation opportunities, include running, kites, safe swimming, (and sun exposure)
- Healthy Choices for a Healthy Clearwater “Will you make at least one healthy choice every day?” (existing program & web link)
- Green Map System participation (through website) “The Green Map System (GMS) is a locally adaptable, globally shared framework for environmental mapmaking. It invites design teams of all ages and backgrounds to illuminate the connections between natural and human environments by mapping their local urban or rural community. “<http://www.greenmap.com>



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

APGA Public Gas Policy Council (PGPC) Issues

SUMMARY:

Review Approval: 1) Clerk



AMERICAN PUBLIC GAS ASSOCIATION

APGA TALKING POINTS FOR MAY 2007 CONGRESSIONAL MEETINGS

Increasing Natural Gas Market Transparency

- Public gas utilities and many of our customers, your constituents, have lost confidence in the natural gas marketplace because of the lack of transparency in the natural gas over-the-counter market. Given the volatility of natural gas prices, we believe increasing transparency is essential to protect consumers.
- Natural gas is a critical fuel for our nation's economy. It fuels our industries, serves as a feedstock for generating electricity, and it heats our homes. But, the vast majority of natural gas over-the-counter transactions occur without any oversight and are non-transparent. This lack of transparency in a very large segment of the natural gas market leaves open the potential for participants to engage in manipulation strategies.
- I urge you to push the Agriculture Committee to move forward on legislation that provides the Commodity Futures Trading Commission (CFTC) with the authority to collect information concerning all positions held by the largest traders in the natural gas over-the-counter market.
- Increasing transparency in the over-the-counter market will help the CFTC prevent market abuses before they impact consumers. Under the current regulatory process, those that commit market abuses are more often than not caught after the fact and that means our customers have already paid a price in terms of higher natural gas prices.

Increasing Natural Gas Supply

- Since 2000, American consumers have seen the wholesale price of natural gas go up more than 600%. These price increases have resulted in consumers paying billions of dollars more for natural gas than in previous years. This has had an impact on our community as well as these are dollars that would have gone into local businesses, community infrastructure and more importantly, were the disposable personal income of households.
- Increasing domestic gas supply is a fundamental component of the solution to long-term affordable natural gas. Supply has not been able to keep pace with demand in large part

because of federal policies that have restricted the exploration and production of natural gas.

- As Congress now considers climate change legislation, increasing supply becomes even more important since the already tight demand/supply balance will become further strained.
- Last year Congress passed legislation which did open up some areas in the Gulf of Mexico but this was only a small first step and much more work needs to be done to provide long-term price relief to consumers. I urge you to push for legislation that would increase natural gas production.

LIHEAP Funding

- Currently, LIHEAP reaches only approximately 18% of the 30 million households that are eligible for assistance. Since 1981, the number of households eligible for LIHEAP assistance has grown, while the number of households served has declined.
- LIHEAP continues to play a critical role in helping low-income families meet their energy needs. Without LIHEAP funding assistance many low-income families face the difficult choice between paying their energy bills or paying for other necessities, such as healthcare, food and childcare.
- In 2006, LIHEAP received its highest level of funding since the creation of the program- \$3.2 billion, \$2.5 billion in the base program and \$700 million in emergency assistance. Unfortunately, the funding level for FY'2007 was approximately a \$1 billion reduction from the \$3.1 billion that was provided in the 2006 fiscal year
- I urge you to push for full funding (\$5.1 billion) for LIHEAP for FY'2008.



AMERICAN PUBLIC GAS ASSOCIATION

Natural Gas Market Transparency April, 2007

Background: Congress is expected consider legislation that reauthorizes the Commodity Futures Trading Commission (CFTC). The CFTC is responsible for protecting market users and the public from fraud, manipulation, and abusive practices related to the sale of commodity and financial futures and options. Currently, the CFTC receives no information concerning trading in the over the counter (OTC) natural gas derivatives market despite the fact that this market is inextricably linked to the regulated futures market and directly impacts the price discovery function of the market and this has led to a lack of consumer confidence in those markets.

The Issue: The CFTC monitors the trading of natural gas contracts cleared through the NYMEX and recently started receiving voluntarily submitted information from the Intercontinental Commodity Exchange (ICE). By contrast, the OTC markets, including centralized markets for trading natural gas contracts, are largely exempt from transparency. The OTC natural gas markets have little transparency and the CFTC receives very limited, if any, information regarding the tens of thousands of trades that are transacted in the OTC markets in natural gas contracts every day.

Over the past several years the CFTC has assessed over \$300 million in penalties for market abuses associated with trading in the OTC markets. Certainly, this demonstrates that some individuals or interests have taken, or attempted to take, advantage of the natural gas markets at the expense of consumers. Therefore, it is important that the government be able to monitor large derivatives positions on both the regulated exchange and the OTC markets to detect and prevent any squeezes or manipulations. Without comprehensive large trader position reporting, the government is currently handicapped in its ability to detect, much less to deter, market misconduct. Additional transparency will provide the government with the tools necessary to determine the degree to which trading in the OTC markets may be responsible for market volatility or for the actual manipulation of prices and will help limit opportunities for such manipulations.

APGA believes that Congress should extend current monitoring practices by authorizing the CFTC to collect information concerning all positions held by the largest traders in the natural gas derivatives market; not just positions cleared through the NYMEX Exchange or traded on the Intercontinental Commodity Exchange. Natural gas contracts are susceptible to manipulation because the deliverable supply of natural gas is often small relative to the size of the cash and derivatives positions held by large traders. Therefore, it is important that the government be able to monitor large positions to detect and prevent any squeezes or manipulations.

APGA Action: Last year, APGA testified before the CFTC at a hearing on what constitutes a Board of Trade located outside the U.S. under the Commodity Exchange Act. The hearing provided APGA the opportunity to communicate concerns that we have continually raised over the last few years regarding the lack of transparency in natural gas markets. APGA has met several times with the House and Senate Agriculture Committees to push for the passage of natural gas transparency legislation in the 110th Congress.



AMERICAN PUBLIC GAS ASSOCIATION

Increasing Natural Gas Supply April 2007

Background: Over the last six years, the American consumer has seen the price of natural gas more than triple. Such increases in the price of natural gas have cost consumers over \$200 billion more than in the prior six years. Prior to 2000, these dollars went into the local businesses, community infrastructure and more importantly, were the disposable personal income used for savings and investing in a child's education. Now these dollars are being pulled out of the communities served by public gas systems. Increasing domestic supply is a fundamental component of the solution to bring prices back to an affordable level.

The Issue: Limits on development (through Congressional and administrative moratoria) prevent exploration and production in most of the Eastern Gulf of Mexico and the entire Atlantic and Pacific OCS. That means almost 90% of the OCS acreage off the lower 48 states is "off limits" to energy development. The fact that federal policies limit supply is ironic since it is also federal policies that favor natural gas use because of its clean-burning properties.

Around the world, virtually every other country with oil and gas resources is promoting investment in and developing their offshore resources. If the US continues to reject opportunities to develop our domestic offshore energy resources, American consumers and businesses will suffer the consequences in terms of slower economic growth, higher energy prices, reduced competitiveness vis-à-vis overseas manufacturers and continued job losses.

Last Congress, Congress passed and the President signed into law the The Gulf of Mexico Energy Security Act. The legislation directs the Department of the Interior to begin oil and gas leasing in designated parts of Lease Sale 181 (which is located in the eastern Gulf of Mexico) and in areas south of Lease 181 as soon as practicable. It also places a 16-year moratorium on oil and gas activity in the Gulf of Mexico within 125 miles of the Florida coast and excludes certain parts of 181 and areas south that are either used for military training activity or are near the Florida coast. The Act also provides an increased share of revenues from offshore leases to "Gulf producing States" which are Louisiana, Mississippi, Texas and Alabama. While this bill was a positive first step, APGA believes much more work needs to be done in terms on increasing domestic supply.

This becomes even more critical given that Congress may move this session to enact climate change legislation. It is anticipated that natural gas will play a critical role in congressional efforts to mandate reductions in greenhouse gas emissions. It is APGA's position that to the extent an additional natural gas demand is created by the enactment of climate change legislation, legislation also needs to be passed that achieves an identical increase in the amount of supply.

APGA Action: Going back to the beginning of the 109th Congress, in January 2005, when APGA testified before the Senate Energy and Natural Resources Committee, APGA has worked towards moving legislation through Congress that would allow natural gas production from areas that are currently off-limits to exploration. Last Congress, APGA worked closely with House and Senate Leadership towards getting the votes necessary to pass natural gas supply legislation and APGA and its members continue to work towards increasing supply.



AMERICAN PUBLIC GAS ASSOCIATION

The Low-Income Home Energy Assistance Program April 2007

Background: The Low-Income Home Energy Assistance Program (LIHEAP) is a federal block grant program that provides money to low-income individuals/families to help them heat and cool their homes. The program receives an annual appropriation from Congress.

The Issue: LIHEAP funds are allocated by the Department of Health and Human Services (HHS) and administered by the states. States are provided with flexibility to tailor programs according to the needs of their low and fixed income residents. The formula used to allocate funds under LIHEAP is based on two sets of regulations, the original regulations that came out of the Home Energy Assistance Act of 1980 which created LIHEAP and subsequent modifications/revisions to those regulations.

Over the last few years, funding for LIHEAP has ranged between \$2.1 billion and \$900 million annually. In FY'2006 LIHEAP received its highest level of funding - \$3.2 billion, \$2.5 billion in the base program and \$700 million in emergency assistance. Emergency funds are allocated at the President's discretion.

Currently, LIHEAP reaches only approximately 18% of the 30 million households that are eligible for assistance. Since 1981, the number of households eligible for LIHEAP assistance has grown, while the number of households served has declined. The Energy Policy Act of 2005 included an increase to \$5.1 billion in the funding authorization for LIHEAP. APGA supported this increase and continues to push for full funding (\$5.1 billion) of LIHEAP.

APGA Action: APGA has urged Congress to provide full funding for LIHEAP and have pushed for full funding in meetings and letters to Congress. LIHEAP continues to play a critical role in helping low-income families meet their energy needs. Without LIHEAP funding assistance many low-income families face the difficult choice between paying their energy bills or paying for other necessities, such as healthcare, food and childcare.

On February 15, 2007 President Bush signed into law House Joint Resolution 20 which continued funding for the federal government for the 2007 fiscal year which expires on September 30, 2007. The bill passed the House by a 286-140 vote and the Senate by an 81-15 vote. The resolution provided \$2.16 billion in funding for the Low-Income Home Energy Assistance Program (LIHEAP). This is approximately a \$1 billion reduction from the \$3.1 billion that was provided in the 2006 fiscal year and approximately \$3 billion below the \$5.1 billion that was authorized for LIHEAP in the Energy Policy Act of 2005.



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

Direction regarding Preparation of Preliminary Budget

SUMMARY:

Review Approval: 1) Clerk

- Ellen Thompson- 896-3130 re Moccasin Lake Park, please do not terminate the programmer position.
- Mary Margaret Jones 831-3422 re She does not want to see the Library system be affected with the budget cuts
- Jane Williams 447-73-94 re Programmer Position at Moccasin Lake Park, the park has informed a lot of students over the years and it would be a shame to lose that.
- Norm Mangram re Morningside closing against
- Bill with the Native Plant Society called to say that they met once a month at Moccasin Lake Park and would hate to see it leave. There are many organization that meet there and it would be a waste to see the staff and park go.
- Dr. Glenda Smith- lives on Sand Key and is opposed to closing of Beach library. Thinks closing Beach library is not fair to beach members

Memo to Mayor of the City of Clearwater and city Council Members

Date: 5-3-07

Topic: Moccasin Lake Park loss of Education position

I strongly oppose any reduction of staff or funding to the Moccasin Lake Nature Center. I have worked with this site to provide nature information and environmental projects for the past ten years. This work has included partnerships with the UPARC programs, Florida Federation of Garden Clubs, Clearwater Audubon Society and The Florida Wildflower Advisory Council. This park provides environmental education and conservation efforts. It is also an important site for interaction with nature for handicapped persons. I am requesting that no reductions of staff or funding be allowed.

Judith Gammonley, ARNP, Ed.D


goodgam@aol.com

COPIES TO
CITY COUNCIL
MAY 03 2007
PRESS
CLERK/ATTORNEY

Wills, Anne

From: Internet_Comment_Card
Sent: Thursday, May 03, 2007 2:07 PM
To: Manni, Diane
Subject: Moccasin Lake--proposed cuts

Sender's Name: Laurie Fiess

Date sent: 5/3/2007 2:07:23 PM

Comments:

My family and I have been visitors and volunteers at Moccasin Lake for many years. My children have attended the summer, holiday and spring break camps there, and my son has worked as a junior camp counselor. We've attended night nature walks, campfire concerts, cookouts and campouts. We've learned about water conservation and have observed wildlife, including alligators, woodpeckers and raccoons. We've gotten to know Elvis, the vulture who lives at the park. We've attended Halloween programs where we learned about "creepy" creatures like spiders and snakes, and creatures of the night, like owls--and at one memorable Halloween program, my son was an audience volunteer who was turned into a rat, something he still talks about. The park and its employees have been a very big part of our lives, and it is devastating to realize that with every budget cut and position removed, the park gets closer to extinction--or a drastically different incarnation that will offer none of what I have mentioned.

Condemning the park to attempting to limp along with only three employees is unbelievable. Think of the scheduling alone--how will they ever get two days off in a row? What happens if someone has to call in sick? Can anyone ever take a vacation? Someone in that group of people who makes these decisions needs to actually visit the park. It can not survive (nor can the poor employees) under the conditions currently being proposed. Even four employees stretches each of them to their limits and beyond--it's just too much to ask. Please see that Moccasin Lak=

gets the staffing that they require; it would be tragic for this valuable, one-of-a-kind educational facility to cease to exist. "Old Florida" is disappearing so quickly. This is one place where people can "step back in time" and see it the way it was before man encroached. It is unique and special, and the City seems to be trying hard to ruin it.

Sender Email:
fiess@verizon.net

Mailing Address:
7 N Corona Ave
Clearwater FL 33765

Phone:
727-442-8876

Wills, Anne

From: Internet_Comment_Card
Sent: Thursday, May 03, 2007 1:45 PM
To: Manni, Diane
Subject: Moccasin Lake Park - "Progammer"

Sender's Name:

Date sent: 5/3/2007 1:45:15 PM

Comments:

Do not do away with the educational programs that have been going on at the Moccasin Lake Park, which means do not do away with the "Progammer's" position because he is the one who arranges for these wonderful programs for our children. This type of hands-on education is NEEDED BADLY for our children. Do not take this away.

Paula Herman

Long Time resident of City of Clearwater

Sender Email:

paula.herman@ruden.com

Mailing Address:

615 Crest Avenue
Clearwater, FL 33615

Phone:

727-432-1210

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 1:38 PM
To: Wills, Anne
Subject: FW: Moccasin Lake

Okay, I think we are to the point that there are enough coming in so that we can print and have available rather than keeping sending. Agree?

Will just need copies for Council and the rest of the distribution, including Garry and Rod. Thanks.

-----Original Message-----

From: Phillips, Sue On Behalf Of Manni, Diane
Sent: Thursday, May 03, 2007 1:37 PM
To: City Council
Subject: Moccasin Lake

We will print the remaining budget e-mails that are sent and have these available for you at tonight's meeting.

-----Original Message-----

From: Foster, Kim
Sent: Thursday, May 03, 2007 1:10 PM
To: Manni, Diane
Subject: FW: New CITS Ticket Created

Diane - Kevin directed me to send this to the Council

Kim Foster
City of Clearwater
Parks & Recreation
(727) 562-4807

-----Original Message-----

From: CITS_CityOfClearwater [mailto:CITS_CityOfClearwater]
Sent: Thursday, May 03, 2007 12:46 PM
To: Foster, Kim; Lockwood, Mike
Cc: Leonard, Felicia
Subject: New CITS Ticket Created

This is an automated message - DO NOT REPLY

A new CIT Ticket, number CIT00001808, was created on 5/3/2007 11:46:04 AM
Click on the link below to view the ticket in the CIT System

<https://199.227.233.60/cits/login.asp?tpk=5B45219A-205D-4C53-8DC4-F08B5FB40E20>

Ticket Description:

Please do not defund Moccasin Lake Park's Programmer. This position is necessary to continue the invaluable environmental education that the Park has been renowned for through the years. The largest conservation groups in the County meet here and utilize these services (Audubon, Sierra and Native Plant). This park is an asset and should be nourished, not attacked in the funding process.

This is an automated message - DO NOT REPLY

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 1:44 PM
To: Wills, Anne
Subject: FW: Mocassin Lake Budget Cuts

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Thursday, May 03, 2007 1:44 PM
To: Manni, Diane
Subject: Mocassin Lake Budget Cuts

Sender's Name: Dawn Napolitano, PharmD

Date sent: 5/3/2007 1:44:05 PM

Comments:

Please be advised that the educational and environmental services that Mocassin Lake staff provide, to the community and schools, would be sorely missed, if the proposed budget cuts are accepted. I believe that the property tax problems can be addressed without denying citizens their recreational, educational and environmental outlets. I hope that you vote to preserve the park system at Mocassin Lake, because it's more than just a piece of pretty green space. The staff do an excellent job offering the community a variety of educational and enlightening programs. I want to enjoy their programs for years to come. Don't cut their budget!

Sender Email:
dawncn66@yahoo.com

Mailing Address:

Phone:

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 1:43 PM
To: Wills, Anne
Subject: FW: Moccasin Lake Programmer Position

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Thursday, May 03, 2007 11:38 AM
To: Manni, Diane
Subject: Moccasin Lake Programmer Position

Sender's Name: J. Johnson

Date sent: 5/3/2007 11:38:58 AM

Comments:

Please do not eliminate the "Programmer" position at Moccasin Lake when you vote THIS AFTERNOON. This position is vital to the community. Youth today have little opportunity to learn about nature and experience it. What the next generation does not understand, they will not protect or value. The park serves many citizens and it is a valuable educational and natural resource, as well as a retreat and serene place for residents and visitors alike. Thank you.

Sender Email:

Mailing Address:

Phone:

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 1:43 PM
To: Wills, Anne
Subject: FW: Moccasin Lake Nature Park

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Thursday, May 03, 2007 11:48 AM
To: Manni, Diane
Subject: Moccasin Lake Nature Park

Sender's Name:

Date sent: 5/3/2007 11:48:34 AM

Comments:

Please carefully consider the elimination of any programs at Moccasin Lake. Our county is in need of more programs to encourage our youth in the importance of environmental concerns. Please don't let this wonderful facility lose that opportunity.

Joyce

Sender Email:

Mailing Address:

Phone:

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 1:43 PM
To: Wills, Anne
Subject: FW: Don't Eliminate Programmer Position-Moccasin Lake

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Thursday, May 03, 2007 1:06 PM
To: Manni, Diane
Subject: Don't Eliminate Programmer Position-Moccasin Lake

Sender's Name: Evan C. Earle JR

Date sent: 5/3/2007 1:06:17 PM

Comments:

Please don't eliminate the programmer position at Moccasin Lake Park. Keep this position. The park serves many children; this position is vital to the operation of its education programs. Is it City of Clearwater's goal to keep removing staff and programs from the park so that eventually it can claim that the park is unnecessary and expensive to maintain and the voters/citizens will lose a valuable educational and natural resource.

Sender Email:
bluemoon@tampabay.rr.com

Mailing Address:

Phone:
727-515-9545

Wills, Anne

From: Phillips, Sue on behalf of Manni, Diane
Sent: Thursday, May 03, 2007 1:42 PM
To: Wills, Anne
Subject: FW: Moccasin Lake Nature Park position

Depending on what they decide to do in the Clerk's office (and I'm sure they will agree with us) will you please make a set for Bill as well so we can put in that clipping folder. Tks.

-----Original Message-----

From: Internet_Comment_Card [mailto:Internet_Comment_Card]
Sent: Thursday, May 03, 2007 11:21 AM
To: Manni, Diane
Subject: Moccasin Lake Nature Park position

Sender's Name:

Date sent: 5/3/2007 11:21:21 AM

Comments:

Please do NOT eliminate that position. It is critical to education and the great work that this park now does in advocacy for the environment.

Lorraine Margeson

Sender Email:

Mailing Address:

Phone:

Wills, Anne

From: Phillips, Sue
Sent: Thursday, May 03, 2007 11:04 AM
To: Wills, Anne
Subject: FW: Property Tax Clips: April 30, 2007 - Monday

This would get printed and go in the Budget article folder too please. Thanks.

-----Original Message-----

From: Goudeau, Cyndie
Sent: Monday, April 30, 2007 9:59 AM
To: City Council; Senior Executive Team
Cc: Call, Rosemarie
Subject: FW: Property Tax Clips: April 30, 2007 - Monday

-----Original Message-----

From: Estella Gray [mailto:EGray@flicities.com]
Sent: Monday, April 30, 2007 9:40 AM
To: LEGISLATIVE (TAL)
Subject: Property Tax Clips: April 30, 2007 - Monday

Property Tax Clips: April 30, 2007 - Monday

(Note: All weekend stories are captured and compiled with Monday's clips to prevent multiple email messages being sent on the same day.)

Competing plans for tax cuts may doom passage of any cuts

Miami Herald BY MARY ELLEN KLAS AND MARC CAPUTO

April 28, 2007 – The lawmaking session where property-tax cuts have been the No. 1 priority could end next week with no property-tax cut at all.

After a week of fruitless talks, House Speaker Marco Rubio and Senate Democratic Leader Steve Geller said Friday that legislators may have to head home and gear up for a special legislative session to deal with the issue because they can't agree right now.

"We're going to get it done right," Rubio, a West Miami Republican, said on a Miami Herald/WLRN radio show Friday on which he appeared with Geller. He said he's so serious about his plan that he is willing to let the session end without agreement and return later in May to deal with it.

Such a move would have political risk, as lawmakers would face an angry, heavily taxed public when they go home after the regular session ends Friday.

But Rubio said he's willing to take that risk.

"We're not going to do a Tallahassee special, which is pass something that's called reform and doesn't do anything for anybody," he said.

Earlier this month, Rubio said leaving Tallahassee without a "meaningful" cut would be a "failure."

The speaker said he is even considering a citizens' petition drive to get deeper tax cuts -- and bypass the very Legislature he helps control.

For months, the speaker has campaigned to slash local government budgets and eliminate most homeowner property taxes in favor of raising sales taxes.

A RISKY PERSPECTIVE

Senators see that plan as too risky. So does Gov. Charlie Crist, who said Friday he believes an agreement will be reached. The Senate and governor are concerned that Rubio's proposed cuts could be too deep and that relying on a sales-tax increase could hurt business and an already-slowing state economy.

Rubio's radio comments Friday were far more measured in tone and substance than ones he made Wednesday night on a Spanish-language radio show in Miami. There, he expressed displeasure with Crist and suggested the tax plans proposed by the governor and the Senate offered meager savings.

Adding to Rubio's frustrations is the fact that the House and Senate can't agree on a bottom line for tax savings and that they see and talk about the property-tax problem through entirely different lenses:

- * The GOP-controlled Senate and Republican governor say their plans are aimed at eliminating the "spikes" in property taxes that local governments collected during the real estate boom years, starting in 2003. But Rubio wants tax rates rolled back to a base year of 2001.

- * The Senate wants to limit tax cuts to protect local governments. The House brushes off any concern over local government services and pushes for steeper cuts to benefit taxpayers.

Both sides say property tax collections need to be rolled back and capped, but they disagree over how to get there.

The House wants voters to have the option of being able to decide whether to replace all taxes that pay for schools with a one-cent increase in the statewide sales tax, while giving counties the option of eliminating all homesteaded property taxes and replacing them with another 1.5 cent local sales-tax hike.

The Senate and governor have rejected all talk of a tax increase and instead want a targeted approach that allows homeowners to take their accumulated property-tax savings with them when they move, gives first-time home buyers a tax break and caps government spending into the future.

BILLIONS IN SAVINGS

The projected five-year property-tax savings for the three plans: \$15 billion for the Senate's; \$33.5 billion for the governor's; \$85 billion for the House's. In its first year, the House plan would cut about half of all property-tax revenues collected across the state.

Geller told radio listeners that the two issues setting the House and Senate apart are: "Will we have the largest sales tax increase in the history of the state of Florida? And the Senate has said no to that. And the other is, are we prepared to basically eliminate all local government services? And again the answer is no."

The differences are so deep, he said, that legislators will be forced into special session. "I don't think it can be done in a week," he said.

Rubio opened the show saying he was open to any method to achieve tax relief but repeatedly insisted

that voters have the opportunity to vote on restructuring the state's tax base.

"Let's put it on the ballot. If people want it, they can vote for it. If they don't want it, they can vote against it," he said. He added that voters had the chance to change the state Constitution to ban the crating of pregnant pigs. "Shouldn't they have the right to vote on what kind of tax structure we have in this state?"

When Geller described the tax swap as a tax increase, Rubio snapped: "That is false. We're implementing absolutely nothing. Voters would have to approve that."

Rubio's words, spoken from an office on the Capitol's ninth floor, rippled through the Legislature and lobbying corps. For the first time, many thought he might not be bluffing in the stare-down.

Publicly, his counterpart, Senate President Ken Pruitt, said he is "full of optimism" and dismissed any suggestions that the session may end without an accord, or that the talks are on the brink of collapse.

"I'm not feeling brink. I'm feeling great," he said. "There is no ledge. We're on the leading edge, not the bleeding edge."

But Pruitt also went to lengths to signal that even if Rubio doesn't get everything he wants, he'll have a soft landing: "As I've always said, Marco Rubio will go down in history as the man who did tax reform in the state of Florida."

MESSAGE IN THE MUSIC

As for Rubio's tough talk about leaving without a plan that goes his way, Pruitt said he wouldn't comment because that isn't what Rubio had told him. If Rubio's public statements vary from his private ones, Pruitt said, "that's OK. He's a passionate man."

And one who knows how to send a message: On Friday evening, when the House broke, Rubio had a Lenny Kravitz song pumped through the chamber's speaker system: *Are You Gonna Go My Way?*

Lawmakers brace for final approach of 2007 session

Property tax, other differences loom

By Michael Peltier April 29, 2007

TALLAHASSEE - Lawmakers appear poised to conclude their work this week despite dramatic differences in approaches to reforming Florida property tax structure.

With only five days left in the 2007 legislative session, leaders in both chambers have mapped out plans to bring the Legislature in for a landing. Here's what's up.

Property taxes

The dominant issue of the session will likely be the final piece resolved. House and Senate negotiators remain miles apart on how to provide relief to Florida property owners.

The widest chasm is over sales tax. The House wants to add up to 2.5 cents to the state's sales tax in exchange for eliminating property taxes for all homesteaders. Its plan would reduce property taxes by nearly \$50 billion over five years but has drawn fire from local governments that say such cuts would cripple their ability to provide needed services.

The Senate's not buying the sales tax hike and has proposed more modest reductions of about \$15 billion, a level House Speaker Marco Rubio has said is insufficient because it does not provide property owners with meaningful relief.

Last week, Gov. Charlie Crist weighed in with a plan of his own that would result in \$34 billion in tax savings over five years. Crist's plan does not include a sales tax hike.

Budget

Lawmakers over the weekend closed out the vast majority of differences over how to spend more than \$70 billion in taxpayers' money.

As of Sunday, negotiators had signed off on all but a few issues, leaving those to Rubio and Senate President Ken Pruitt. At issue is nearly \$1 billion in construction projects earmarked by the Senate for schools and roads.

Without a guaranteed sales tax hike, Rubio has said lawmakers should put more money in reserve. It's a position Pruitt may be able to accept as his chamber has little or no appetite for raising the existing 6 cent state sales tax.

Elections

A number of issues remain unresolved as Florida officials try to enhance the state's profile in the upcoming 2008 presidential race. Measures remain to move up Florida's presidential primary to early February or late January.

Also included in the package are measures allowing shopping mall owners, supermarkets and other retailers to selectively bar petition gatherers from their property. Sparked by a lawsuit filed by Publix Super Markets Inc., measures would give shop owners the right to turn away any petition gatherer they choose.

Business groups are pushing the measures, which are opposed by such groups as the League of Women Voters and Common Cause. Both groups say the rule would give business interests too much power over what gets on the ballot.

Property insurance

Lawmakers in January passed what most thought were sweeping changes to the state's property insurance market. Since that time, however, insurers have responded with less than expected cuts in premiums.

In response, Crist ramped up the rhetoric last week and called for tweaks in recently enacted reforms and blasted the insurance industry for again trying to undermine the state's reform effort.

He also is fighting back against industry-led efforts to rein in Citizens Property Insurance Corp.

Charlotte Herald 04/30/07

Governor's tax reform plan in compromise spotlight

TALLAHASSEE – With the 2007 Legislature set to adjourn Friday evening, the deadline pressure is on to deliver a workable package of property tax reforms.

There's a good chance that the bill that finally passes will have to be negotiated between House Speaker Marco Rubio, Senate President Ken Pruitt and Gov. Charlie Crist.

Whatever plan passes will likely mean that Charlotte County will lose relatively more revenue compared with other Southwest Florida counties. This may be because Charlotte experienced a particularly strong run-up of property values caused by a scarcity of buildings following Hurricane Charley, followed by a burst of construction activity.

Charlotte's real estate assessments for fiscal 2006-2007 total just under \$24 billion. The decade started with assessments around \$8 billion and rising about \$1 billion a year. Then came the great storm, which did a lot more than knock down buildings, trees and power lines. The hurricane created a tax windfall, which now may be about to go away forever, delivering a heavy blow to the fiscal stability of Charlotte County.

Crist has had a tax relief plan on the table since early in the session, but hasn't been particularly aggressive promoting it -- at least publicly -- until last week.

The governor's plan splits the difference between the House and Senate plans, and therefore may emerge as a compromise position acceptable to all. For now, tax reform is in the hands of the conference chairmen, Rep. Dean Cannon, R-Winter Park, and Sen. Mike Haridopolos, R-Melbourne. But if they don't reach an agreement, tax reform will be up to the state's top leadership.

The foundation of all the tax relief plans is some type of mandatory rollback to some year before the boom real estate market sent assessments into the stratosphere and created windfall revenues for local governments.

Crist's plan would begin with requiring local governments to roll their ad valorem rates back to 2002-2003 levels. The House's target is the 2000-2001 fiscal year, when property values began to climb rapidly, with property assessments following suit. The Senate plan only calls for a rollback to 2005-2006 levels.

Charlotte County faces an unusual situation among the 37 counties judged fiscally healthy enough to provide tax relief. Charlotte was experiencing some inflation in property values prior to Hurricane Charley's visit on Aug. 13, 2004. But the disaster caused assessments to explode, because relatively few houses were available for sale. And those that were damaged by the storm grew in value because they were generally repaired to a higher building code standard.

The county last week provided its forecasts of the impact of various tax relief plans to Rep. Mike Grant, R-Port Charlotte.

Real ad valorem revenue for fiscal 2006-2007, which ends July 1, is supposed to be \$156.1 million, a remarkable jump from \$116.8 million in 2005-2006, and \$85.5 million in 2004-2005. But the real benchmark year may be 2001-2002, when Charlotte was collecting just \$54.5 million in property taxes.

One statistic much quoted since the House announced its first tax reform proposal in February is that personal income in Florida has gone up 40 percent since 2000, while tax collections by local governments have gone up by 99 percent. The plan announced by Crist last week repeated these figures, also noting that a "responsible growth" level for local governments over the same period would have been in the neighborhood of 52 percent, to reflect both inflation and population increases.

Looking forward, the slow residential real estate market virtually guarantees that Charlotte County assessments won't rise enough to create another \$30 million leap in taxes, such as happened over the last two years. Even without a rollback, Charlotte County's 2007-2008 ad valorem revenues are forecast at \$166.4 million, with 2008-2009 predicted at \$177.4 million.

The governor's 2003-2004 rollback would cut next year's ad valorem revenue to \$78.3 million instead of \$166.4 million. In 2008-2009, the county would be able to collect \$82.1 million, as future revenues would

be tied to inflation plus population growth.

By comparison, the House's 2000-2001 rollback delivers more relief, but perhaps not as much as might be expected given the fact that three fiscal years separate it from Crist's plan.

Here's the numbers: Next year's county ad valorem revenue would be \$67.3 million, against \$166.2 million if no action is taken. With caps going into place, \$70.6 million in ad valorem revenue would be forecast for 2008-2009.

No comparative figures for Sarasota, Lee or Collier counties were available for the governor's plan. However, House figures released earlier in the session show that the impact on these three counties will be much less, possibly because their increase in property values began earlier and wasn't as sudden an event as Charlotte's reconstruction following Hurricane Charley.

By BOB FLISS

Daytona Beach News-Journal April 30, 2007

Tax stalemate

Caught between the bad and the ugly

As the clock ticked down Friday on Florida's annual legislative session, a deal on property-tax reform seemed nearly out of reach. Despite all the hullabaloo over the issue, that's not such a bad thing.

Gov. Charlie Crist, the House and the Senate all back different plans. The clear loser is the House proposal, which proposes draconian sales-tax increases in return for property-tax cuts that would beggar local governments' ability to pay for crucial services like law enforcement and fire protection. The Senate plan is more reasonable (though still flawed) and Crist offered a deal that would essentially split the difference.

Certainly, Floridians need relief. But the problem doesn't begin or end with local property taxes. Insurance rates and cancellations are hitting many homeowners far harder than tax increases. Even where taxes have gone up, there's little evidence that local governments are spending extravagantly. As divided as they are, lawmakers seem united in ignoring the consequences of their own bad behavior: They've consistently shifted costs once borne by the state down to counties, cities and local school-taxing districts.

Negotiations grew so tense last week that House and Senate negotiators walked out. Presumably, they mean to try again this week. Hopefully, they'll start by agreeing to deal with reality.

They should acknowledge that Florida's tax structure is fundamentally unfair. The voter-approved Save Our Homes amendment artificially suppresses taxable values on some homes, while hitting nearly identical houses with tax bills that are double or triple their neighbors'. Making the exemption "portable" would only perpetuate the injustice, and shift more of the burden onto first-time homebuyers and business properties.

The Senate plan includes more tweaks intended to balance that inequity, including a \$25,000 exemption for businesses and additional exemptions for people who buy their first home. It makes more sense to value every property at its worth.

Still, the Senate legislation looks comparatively sane next to the House's irrational position. The sales-tax swap is a bare-faced shift of tax burden onto the shoulders of low-income Floridians, and an even more

blatant picking of city and county government pockets. (House leaders claim they plan to redistribute the money to local governments, but lawmakers also promised several years ago to stop hitting local governments with unfunded mandates, a pledge broken almost immediately.) All told, the House measure would carve as much as \$47 billion from local governments' coffers. It's money most can't afford to lose and still keep providing services demanded by city and county residents.

The best course of action for Floridians is none at all. The constitutionally mandated Taxation and Budget Reform Commission starts a comprehensive review of all taxes this year. There's no reason for the Legislature to push bad legislation forward, and plenty of reasons to step back and cool off.

Tax cut debate in final days

Crist hopes to find middle ground so legislation can pass by Friday

FLORIDA TODAY April 30, 2007

TALLAHASSEE - Long hours and compromises await and one big question hangs over the last week of Florida's 2007 regular session of the Legislature.

The signature issue of the 60-day session appeared poised to fly off the tracks after a week of gridlock when Gov. Charlie Crist weighed in with pleas to "do the doable" on property tax cuts.

"We want to get something done by next Friday," Senate Finance and Tax Chairman Mike Haridopolos said. "If we can't, maybe we'll get a second bite of the apple."

The House still is standing behind a massive, \$40 billion-plus target while the Senate is insisting on half that. Crist's plan cuts down the middle, offering \$33.5 billion in savings during five years.

Crist has pushed lawmakers to find a comfortable middle ground they can pass by Friday.

So far, that bridge hasn't materialized.

"You know an awful lot can get done in a week," Senate President Ken Pruitt said late Friday. "Until Speaker Rubio calls me and looks me in the eye and says game over, we're done, then we're going to confidently move forward."

Concluding on Friday, House Speaker Marco Rubio advised his members to prepare for the slog ahead.

"We'll start on Monday at 2 p.m. Throughout the week we're going to work it hard," Rubio said. "Rest up this weekend, reconnect with the people who sent you here. The landing gear comes down on Monday. We feel good about where we're at."

Budget negotiators, who were set to work through the weekend, declared rosy expectations on coming to an agreement on a \$70 billion-plus plan that's about \$1 billion less than expected.

House budget chief Ray Sansom said: "We fully anticipate we'll get everything finished by Sunday. We'll get a budget on your desk by Tuesday."

Here are some of the other issues the Legislature will take up in the last week:

Budget

State budget compromises hashed out over the weekend won't be ready for lawmakers to vote on until mid-week.

Florida's \$70 billion-plus budget is the only bill the Legislature is required to pass. Flat tax revenues mean fierce battles to keep social services like care for the disabled fully afloat while approving hometown earmarks and sales tax holidays.

Energy, environment

Florida's \$83 million effort to fight global warming and promote alternative fuels was losing steam. The House voted 116-0 last week to send the package to the Senate where squabbles between two powerful chairmen have stalled the effort.

Environmentalists were ecstatic that budget negotiators are close to an agreement on spending up to \$200 million for Everglades restoration and to clean up Lake Okeechobee and the Caloosahatchee and St. Lucie rivers.

Insurance

The tug of war between Crist and Florida's property insurance industry continues. The governor has not given up efforts to make state-run Citizens Property Insurance more competitive with a private market.

The Senate is forging ahead on CFO Alex Sink's request for a state consumer advocate capable of taking bad insurance companies to court.

Legislators enter session's final stretch without resolving many crucial issues

By Linda Kleindienst Tallahassee Bureau Chief
South Florida Sun-Sentinel April 30 2007

TALLAHASSEE • Florida legislators today head into the final stretch of their 60-day session, with most of the year's major issues — from tax relief to state spending — still hanging in the balance.

While they scramble to reach agreement on how to lower Floridians' property taxes before midnight Friday's scheduled adjournment, legislative leaders will also be busy putting the final touches on a \$70 billion-plus state budget, considering a statewide expansion of gambling and deciding whether property insurance rates can be pushed lower by making Citizens Property Insurance Corp. more competitive.

As of Friday night, only 68 of the 2,532 proposed bills, resolutions and constitutional amendments filed by legislators this year have passed both chambers and been sent to the governor.

Some blame it on the House, Senate and Gov. Charlie Crist being at loggerheads over how to lower property taxes for homeowners, businesses and renters.

"It seems like property tax is really the only dynamic," said Ken Plante, a lobbyist and former state senator. "Until it gets settled, we're just waiting."

But Crist, himself a former senator well acquainted with the Legislature's propensity for 11th-hour deal-making, remains hopeful the Legislature can strike a series of deals and finish without having to go into a special session.

"There are a lot of important things out there," conceded Crist, who is experiencing his first session as the

state's chief executive. But, he added, "I think we have plenty of time to do good things and I'm still optimistic."

Can the work be completed in just five days?

Very likely, said Senate Rules Chairman Jim King, R-Jacksonville, a former state Senate president who observed, "A week in the Florida Legislature is a lifetime."

Besides property tax relief, here are some of the issues yet to be resolved:

Budget: The chambers remain about \$500 million apart, with the House seeking to sock the money away in savings and the Senate wanting to spend it on public works projects to create new jobs. A weekend agreement uses \$35 million to turn car pool lanes into toll roads from I-595 in Broward through northern Miami-Dade County.

Property insurance: Crist wants to make it easier for homeowners to get insurance from Citizens, the state-backed insurance company that is the last resort for those who can't get private insurance, creating competition to force down rates charged by private insurers.

Gambling: Relaxing state regulation of Broward's four casinos, letting them have more machines and operate longer hours, has been passed by the Senate and is awaiting House action. A Senate bill to expand gaming by letting all pari-mutuels in Florida operate video lottery, possibly raising up to \$2 billion for schools, could get a House hearing.

Elections: Final agreement has not yet been reached on a \$28 million plan to help 15 counties, including Broward and Palm Beach, that now use touch-screen voting switch to machines that provide a paper trail.

Property tax deal eludes legislators

GOP infighting could result in additional session

South Florida Sun-Sentinel By Mark Hollis Tallahassee Bureau

April 30 2007

TALLAHASSEE - Keeping taxes low is an article of faith for Republicans. But moderate and conservative Republicans in the Legislature are locked in an internecine quarrel over how much to cut property taxes, and who wins will make a difference to Floridians.

If House members bent on continuing the tax-chopping legacy of former Gov. Jeb Bush prevail, the wealthy with hefty investments in real estate will reap the bulk of the savings. If the centrists who dominate the Senate get their way, the tax relief will be spread more evenly, with less pain to local government budgets.

Gov. Charlie Crist, a moderate Republican, is trying to bridge the gap. But with the nine-week legislative session now in its final week without agreement, the odds are increasing that the schism among Florida Republicans could require another legislative session to mend.

Republican leaders remain hopeful they can still strike a deal. And they distance themselves from talk by Democrats that the dispute has revealed growing pains in the state Republican Party.

House Speaker Marco Rubio, R-West Miami, downplays the idea of Republican infighting.

"The Senate has taken a different approach than we have," he said. "We just have to determine where we want to go. How much do we want people to save."

But Democrats say the battle shows how Crist's attempts to moderate the message of Republicans in state government is hampered by the goals of Rubio, who wants to do nothing less than revolutionize the

state's tax structure. Rubio seeks changes that would call on voters to increase the state sales tax in exchange for eliminating all property taxes. And if legislators don't go along with that swap, he at least wants deep property tax cuts that go far beyond what's touted by Crist and senators.

Crist has attempted to hone a centrist message for Republicans by focusing on concerns shared by people in both parties and all corners of the Republican Party, such as cutting insurance rates and easing property tax burdens. And he has been emphatic that he is not attempting to prove his party needs radical change. Rather, Crist has said he hopes his party will reflect its roots from an era long before Bush became governor.

"[It should reflect] the roots of Abraham Lincoln, and the roots of leaders like Teddy Roosevelt," Crist said in an interview before the current legislative session. "It's a return to the roots of the Republican Party that you're seeing reemerge in, perhaps, myself and other Republican governors."

But besides an emergence of Crist-style politics, seasoned political observers say the current tax squabble also is the latest chapter in the long-running saga of a more ideologically driven and conservative House doing battle with a more pragmatic Senate.

Still, Democratic leaders are eager to cast the current legislative stalemate on taxes as an emotional, Republican split that has been evolving for years.

Steven Geller, the Senate Democratic leader from Cooper City who has served in the Legislature since before Bush became governor in 1999, said he perceives a "lingering nostalgia" among Rubio and other House conservatives for Bush-era scale tax cuts. The current result, in Geller's view: "some of the Jeb supporters clashing with some of the Crist supporters."

House Democratic Leader Dan Gelber, of Miami Beach, goes further and blames Bush-era tax cuts for shifting the burden of paying state-funded services onto the backs of local governments, which, in turn, helped increase their appetite for property taxes.

"There's no question that much of the tax crisis is because of the increase in the burden on homeowners that were passed down from the state to local governments," Gelber said. "Gov. Bush tapped into that revenue stream of local property owners, with education dollars, as irresponsibly as local officials have. ... That's really a great reason why we're in this mess right now."

Republicans in the House and Senate don't share the Democrats' assessment.

Sen. Don Gaetz, R-Niceville, is a former Okaloosa County School Board member who dismisses claims the state's actions pressured school districts, or any other local governments, to increase their budgets.

"There hasn't been a shoveling of tax burdens downhill without also the opportunity to pay for services," Gaetz said. "Local governments had a tax revenue windfall driven by the upsurge in the economy. Now the economy has leveled and settled and local government has remained in the habit of getting significant revenue windfalls every single year."

Republicans in the House and Senate, though, are engaged in a rhetorical fight with one another over the effects of severe tax slashing, which highlights the differences between conservatives and moderates.

Cutting taxes is a lawmaker's duty, said one leading Republican senator, Jim King of Jacksonville, who presided over the Senate when Crist was a member. "It takes money for government to run," said King, distancing himself from the House Republican stance on taxes. "We [senators] don't want to neuter local governments to the point where they are forced into failure."

But Rubio says such foes of steep property tax cuts are exaggerating the effects.

"This stuff about, oh, we're going to cut fire and police, that's like me going to my wife and saying, 'Look, they cut my pay,' and she says, 'OK, the first thing we're going to get rid of is baby formula, diapers and we're not going to buy groceries this month,'" the West Miami Republican said during a radio appearance Friday. "Come on, no one buys that."

Senators and representatives have until midnight Friday to cut a deal, and some experienced observers of the Tallahassee scene bet they'll be able to do so.

As Brian Ballard, a Republican and lobbyist with ties to Crist, said: The Republican-led Legislature is "a conservative wonderland when you talk about tax cuts" and the likely outcome, regardless of which side wins, will either be "a lot of tax cuts" or "really a lot of tax cuts."

Governments in Lee hiring fewer people

Fort Myers News-Press By Don Ruane

April 30, 2007

Legislative discussions about property tax relief have put local government in a wait-and-see mode, slowing or freezing hiring and leaving multiple positions open - including fire and police personnel.

Approval of any form of tax relief will cost Lee County cities millions in revenue, forcing them to re-examine spending.

Fort Myers

Fort Myers city Finance Director Jeff Green said the current Senate plan would trim \$8 million and Crist's plan \$12 million from the \$80 million city budget.

"We continue to look at it. The budget proposals are all over the place," Green said. "Any one of these will require us to look very hard at cutting many things out of our budget and we have started that process."

The cuts would be "very substantial cuts in any case, and as the finance director, I am very concerned because over half our budget is for public safety and another 15 percent is for debt payment that can't be cut. So it is a very serious situation."

Cape Coral

Cape Coral officials are curtailing their hiring for open positions, citing the unstable property tax situation as the reason for the slowdown.

There isn't a hiring freeze, but no new positions will be filled unless the hiring can be justified, City Manager Terry Stewart told City Council on April 23.

The city has about 200 open jobs in a work force approaching 2,000 people.

Two things about the property tax situation concern the city as it prepares its budget for 2008.

One is the debate over property tax relief in the state Legislature. "I don't think anybody knows where it is going to wind up," Stewart said.

The city estimates it could lose as much as \$71 million in income from property taxes if there is a rollback. The estimate is based on proposals passed by the Florida House and assumes property values will stay the same. It also assumes there will be about \$600 million in new construction.

The second is the anticipated drop in the taxable value of property in the city.

It's premature to freeze hiring, but it has been slowed until the preliminary values are released June 1, Stewart said.

He has made it tougher to fill new positions.

Both situations make it hard to tell just how much property tax the city will have to work with in 2008. Sixty-three percent of the city's money to pay for general government services and operations comes from property taxes.

"It's easy to hire people, but very difficult to fire people because funds are not available," Cape Coral Mayor Eric Feichthaler said.

Balancing the budget will be harder if there is a substantial drop in property taxes, he said.

Public safety positions should be exempt from any freeze, Councilman Tim Day said.

"We can't measure their work in dollars. We've done so good trying to bring up those departments," Day said.

Lee County

Lee County has a work force of about 2,800 people and about 250 open positions, said Dinah Lewis, administrative services director.

"We are recruiting for a number of them," Lewis said.

"We are not doing anything different based on what might come out of the Legislature. We just don't know," Lewis said.

Preliminary property value estimates are due June 1 from Lee County Property Appraiser Ken Wilkinson's office. The numbers give budget planners an idea of how much property tax money they'll have to work with next year.

County commission and staff are scheduled to discuss the budget after those preliminary numbers are released, Lewis said. There will be time to make adjustments if necessary.

The county's budget won't be approved until September, after two public hearings are held, Lewis said.

There are many open positions in all county government departments. But if there is a hot spot this year, it most likely involves jobs associated with the building industry.

County officials cut back the Department of Community Development staff in February because of the slowdown in construction.

Lee County left 22 openings vacant in a department with about 50 building inspectors and 15 permitting and plan review employees. Most were positions approved by the commission in the past two years in response to the building boom.

The county issued a record 10,471 building permits for houses in 2005 but only 7,449 in 2006.

Bonita Springs

Bonita Springs has never relied on a large staff to run the city.

The city has always operated with a minimal number of employees, hiring outside firms for consulting and projects, a philosophy known as "government lite."

Still, City Manager Gary Price said decisions made in Tallahassee could affect Bonita's budget.

The city recently hired five new employees, including two to head the parks and recreation and code enforcement departments, and will have one opening due to a promotion.

"Many of my positions, I only have one person doing it. It's not as if I have a dozen people, if you don't fill a position, you can spread it out.

"But many of my people are sole practitioners and are running as hard as they can," Price said.

Salaries are part of the city's personal service fund, a \$4.39 million account that makes up 23 percent of the city's general fund.

Although Bonita will likely hire a new code enforcement employee soon, Price said the city would re-evaluate other expenses, such as existing programs and the need for new ones.

"We're watching it very carefully. Of course, nobody knows," Price said of the Legislature.

Crist, Rubio split on taxes

The showdown over property tax cuts is creating a leadership clash between Gov. Charlie Crist and House Speaker Marco Rubio.

BY MARY ELLEN KLAS AND MARC CAPUTO

For Gov. Charlie Crist, the legislative deadlock over property taxes presents a perfect chance for the state's salesman-in-chief to do what he does best: campaign.

The media-savvy governor seized the spotlight with a series of hastily called town hall meetings, repeated his vow to have property taxes "drop like a rock," and dominated headlines for three days when he rolled out his own tax plan last week that attempted to bridge the difference between the aggressive House and more modest Senate plans.

But the once-unstoppable force of the governor's charm offensive is colliding with House Speaker Marco Rubio's immovable call for massive tax decreases. It's a clash of style and substance: an ever-popular governor vs. an alluringly popular plan to swap sales taxes for property taxes.

Starting today, something or someone will have to start giving, otherwise the clock could run out Friday on the 60-day lawmaking session without a property-tax cut at all. While that appears unlikely, strange possibilities are cropping up, including:

- * Dueling voter drives between two Republican leaders. Rubio, of West Miami, has already spoken of the need to bypass the very Legislature he controls by asking citizens to gather signatures and then vote on his plan to eliminate virtually all homeowner property taxes in favor of raising the sales tax. Crist, who has shied away from the controversial idea, wants to double the homestead exemption and allow people to transfer homeowner tax savings to new homes. If Rubio backs a citizen initiative, Crist is likely to do the same with a plan of his own.

- * Expanding gambling. At one time the idea of allowing more gambling in the state was dismissed by the GOP-controlled Legislature. But the siren call of at least \$1 billion raised by allowing parimutuels to offer Class Two slots machines is so promising, it could get a hearing as early as today in the once anti-gambling House.

- * A special session devoted to property taxes later in May. Though leaders vowed to cut property taxes in the current session, Rubio has said he is willing to let the session end without agreement if the tax cut is

not as deep as he believes it needs to be. He said he's in no rush, and can face property owners. Many people -- including a man Crist showcased at a Thursday press conference -- are concerned they haven't seen the large rate decreases after the Crist-led January overhaul of the insurance market.

"Nothing makes people lose confidence in government more than when we come back and claim we did something for them but they don't sense it, they don't feel it," Rubio said Saturday just after a cordial visit from Crist in the speaker's office to watch the NFL Draft.

Crist has built-in advantages for advancing his plan, which like Rubio's and the Senate's call for tax-rate rollbacks and future caps. The governor has repeatedly run statewide for office, has a 75 percent job-approval rating in some polls, and is skilled at using the bully pulpit and media power that come with it.

BUSH ADVISORS

Rubio, 35, has dominated the tax-cutting agenda since February. He has promoted his plan through the power that comes with the speaker's office, as well as through advisors to former Gov. Jeb Bush, GOP-backed websites and Miami's Spanish-language radio and television.

A day after the governor stepped-up his involvement, Rubio went on Radio Mambi Wednesday night to express his displeasure with the governor's proposal.

Rubio admits that expectations are high, but he didn't oversell them. His plan aims for average savings to the following taxpayers: \$1,200 for homesteads, \$3,300 for commercial property and \$750 for rental owners.

"I don't think those are my expectations. Those are the expectations people had," he said. Senators, though, say tax cuts that deep would cripple local governments and overly burden the state's sales-tax system.

Expectations are especially high in South Florida, where real estate agents, mortgage lenders and builders see property tax relief as the balm that will heal the hurting housing market.

The president of the Latin Builders Association, Ovi Vento, wrote Crist on Wednesday that he deeply regretted the governor's opposition to the House plan. "What happened to your position of 'drop like a rock?'" Vento asked. "We feel your newfound position floats like a buoy."

Crist has watched this coming. As Rubio commanded the high ground for weeks, the governor stayed out of the fray. Then, last week, when it appeared legislators would begin negotiating, he told top lawmakers: "I'm getting involved."

The governor's style more than once knocked Rubio off message. At a Tuesday rally of the Florida Homebuilders Association outside the Capitol, Crist addressed the crowd and was followed a short time later by Rubio. As Rubio launched into the heart of his speech about "the most important issue that this state has faced in a long time," Crist returned on stage -- and interrupted him.

"I just want you to know, I love this man," Crist said, giving the House speaker a friendly pat on the back. Rubio smiled. The normally voluble Rubio had, for a split second, lost his place.

\$200 SAVINGS

Rubio doesn't criticize Crist's plan. He just describes its savings as inadequate, though less so than the Senate's. The governor's proposal to double the homestead exemption, for example, would save the average homeowner \$200 a year.

Crist praises Rubio's smarts and big-ideas promotions. So has Senate President Ken Pruitt, who's key to

getting a tax package passed and has avoided the most heat by saying the least.

Crist says Rubio's frustration wasn't a big deal. "Things got a little tense. It happens in this process," he said. He is also optimistic that they'll finish this week.

And Rubio is ever-defiant. "It's not an athletic competition," he said, after Crist left his office Saturday. "This is not who wins or loses. This is about results."

Miami Herald staff writer Yudy Pineiro contributed to this report.

The highest combined state and local sales tax rate in Florida is 7.5 percent. However, when Floridians purchase taxable communications services, such as cell phone service, they pay an average tax rate of more than 15 percent.

Florida has one of the highest tax rates on communications services in the nation and that rate is much higher than the sales tax rate on other retail purchases in Florida.

According to legislative testimony, Florida has the third-highest tax rate in the nation on wireless phone service and the seventh-highest tax rate on landline phone services. These are the highest rates in the Southeast and more than double those in neighboring states such as Georgia and Alabama.

These facts raise questions about the fairness of the tax rate, its effect on the competitiveness of Florida business and the attractiveness of Florida's economic climate.

There is considerable support among this Legislature and the governor to reduce the Communications Services Tax this year. However, the tight budget year has led to reductions in the size of the proposed tax cut and is putting its adoption in question.

Here is a comparison of Tax on Communications Services to most other purchases:

State CST on communications services, 9.17 percent.

State sales tax on other retail purchases, 6.0 percent.

Average total state and local CST, 15.23 percent.

Maximum state and local sales tax rate, 7.5 percent.

The CST is levied on the sales of communications services, including telephone (landline and mobile), cable television and direct-to-home satellite television. Residential landline phone service is exempt, but all mobile phone service is taxable.

There are two components of the state CST. There is a 6.8 percent state CST rate and a 2.37 percent gross receipts tax, for a total state rate of 9.17 percent. There is also a local option CST that maybe levied by cities or counties (on unincorporated areas). Currently, these local taxes range from 0.3 percent to 9.5 percent. The majority of local jurisdictions (60 percent) have rates between 5 percent and 6 percent. Satellite television, on which local taxes are federally prohibited, has a state CST rate of 10.8 percent.

For distribution purposes, the main state CST is treated like the sales tax, meaning that over 90 percent goes to state general revenue, with the rest going to local governments and other purposes. The gross receipts tax goes to fund school construction.

Legislation was introduced this session to cut the CST by 1.17 percent. Acknowledging the limited available revenue to balance the budget, the proposed tax cut has been reduced. The Florida House of Representatives has already passed a bill (HB 567) to decrease the CST by 0.25 percent, from 6.8

percent to 6.55 percent (satellite TV from 10.8 percent to 10.55 percent). This reduced the fiscal impact from \$185 million to \$42.7 million. This is the size of the tax reduction recommended by Gov. Charlie Crist earlier this year.

In the Senate, SB 980 was amended in the Finance and Tax Committee earlier this week to reduce the tax cut only 0.1 percent. This reduces the impact to just over \$10 million.

The legislation only reduces the main state CST rate. It does not affect the gross receipts tax rate, so funding for school construction would not be affected. It also does not reduce local option taxes.

This tax cut would benefit a wide range of Floridians, virtually all individuals and businesses. And many taxpayers consume more than one type of communications service. All cell phone users, business phones and cable and satellite televisions users would get tax relief.

The 2007 Legislature is focusing on providing local tax relief through property tax reform. However, there is sentiment in both the Legislature and the Governor's Office to provide some state tax relief as well.

Lawmakers would be hard pressed to find a more justifiable way to provide broad-based state tax relief. There is no discernible public policy justification for what amounts to discriminatory taxes on Floridians' communications services. The average total tax rate paid on these services is more than the state and local sales tax rate that applies to most other retail purposes.

Florida TaxWatch encourages the Legislature to find the money to pass a reduction in the state Communications Services Tax at least equal to the amount in the House bill (0.25 percent). We then encourage them to keep this issue alive so that truly meaningful relief can be provided in future years when the state budget outlook is more favorable. The tax rate on communications services should be more comparable to that levied on other most other purchases.

Kurt Wenner is a senior research analyst for Florida TaxWatch, a Tallahassee-based non-profit, non-partisan taxpayer research institute and government watchdog.

All-Night Rush To Cut Taxes Could Cripple Cities And Counties

Tampabay Online (Tampa Tribune)

Apr 29, 2007

The Legislature is entering its final week with its most contentious issue - property tax reform - still unresolved.

And that's just fine by us.

Lawmakers should call a time out and slow down. An impulsive tax-cutting measure could wreck the economy and cripple key local services, from law enforcement to road construction.

Perhaps a modest rollback is in order, but rather than rewrite the tax code during a string of all-nighters, legislators should give the Taxation and Budget Reform Commission a chance to study the inequities and recommend reforms.

Remember, not everyone has been hurt by property tax increases, given the constitutional cap that limits annual increases in taxable property values at 3 percent. For homeowners in some counties, property taxes have actually gone down.

A better approach would be to target tax reform on those hurting the most: small business and

commercial property owners, renters, people who own second homes and people who moved to Florida or into a new home before the housing bubble burst.

Given Florida's skyrocketing insurance costs and the top-line taxes charged newcomers, we've developed a reputation as a high-cost, low-income state.

And as a result, more people are leaving Florida than moving in.

Our paradigm has changed and it's threatening our livelihoods.

Case For Local Governments

In Tallahassee, lawmakers believe cities and counties are rolling in money and should give some back.

Indeed, many local governments, especially in growing counties like Hillsborough, have seen dramatic revenue increases in recent years. Local officials insist the money is spent on essential services, such as police and fire protection, parks and recreation, libraries and staffing. They're also building reserves for future emergencies.

Mayors and county commissioners also decry the unfunded mandates that state lawmakers have sent their way, including an unfair shift in the funding of schools and courts. They note that Tallahassee hasn't curtailed its spending.

Yet in anticipation of budget cuts, local governments are tightening their belts. Tampa Mayor Pam Iorio, for example, told department heads in a recent memo that they should cap next year's budget requests at this year's levels and prepare for cuts.

"Proposals could mean losses in the \$25-30 million range," she wrote. "Doubling the homestead exemption would have an additional \$11 million impact. Obviously, there will be a significant loss of revenue."

Lawmakers should consider whether a cap on spending would produce more equitable results. Local officials are best positioned to spend local tax dollars; let them make the tough choices.

To a person, top political leaders in West Central Florida who met with us last week agreed that tax reform is needed, but they warn the drastic measures discussed in Tallahassee would cut essential services. And they're ready to tell voters who's to blame if the police department pulls back on patrols, emergency response times increase, swimming pools close early, parks go unbuilt and libraries close on weekends. Lawmakers could face a revolt unlike any they've ever seen.

Local governments have seen this train barreling toward them for some time, yet except for modest millage reductions in some communities, they've failed to convince taxpayers that like the rest of us, they're doing more with less. Indeed, some have continued to award exceedingly generous pay raises and pension benefits while growing their number of employees.

But it's fair to say that the state now has their complete attention.

Legislative Proposals

Both House and Senate proposals would roll back local government tax revenues, excluding schools, water and hospital districts. The House would roll back taxes to 2000-01 levels, saving taxpayers \$5.9 billion this year. The Senate plan would trim back to 2005-06, for a more modest savings of \$1.7 billion.

Gov. Charlie Crist, trying to facilitate a compromise, called for a rollback to 2003-04 levels, saving taxpayers about \$4 billion in 2007.

The rollbacks are negotiable and House and Senate conferees should be able to reach agreement by week's end. But other reform proposals - the doubling of the homestead exemption, tax portability and others - need more study.

Off the table, fortunately, is House Speaker Marco Rubio's plan to eliminate property taxes on homesteaded properties and let counties replace lost revenues by raising the sales tax as much as 2.5 cents.

Rubio should be commended for innovative thinking, but his plan included an impossibly complicated formula for distributing the sales tax revenue and would have required voters to pass a tax increase.

Rubio needs to quit selling and start listening. A higher sales tax is not the answer to the property tax crisis this session and taking budget decisions away from local officials, who are closest to the voters, is not good government.

On the positive side, negotiators appear ready to relax the requirement that property be appraised at the highest and best use possible. This policy has taxed mom-and-pop motels as though they were high-rise condos. The decisions of tax assessors have quietly dictated how our communities should develop, and that's flat wrong.

The stakes are high in the reform debate. This is no time for showboating.

As lawmakers rush to do something before the session ends, they should focus on taxpayers who are hurting the most and do nothing to hurt the state's economy.

After a good night's sleep, we're sure they'll realize that such decisions are too important to rush.

Why doesn't tax reform start in Tallahassee?

Palm Beach Post Monday, April 30, 2007

Three property-tax reform proposals are competing in Tallahassee, and Gov. Crist has demanded that local property taxes "drop like a rock." But the proposals from the Senate, the House and the governor actually might land like a pebble.

Missing from the proposals is any reduction in local taxes for schools, which make up the bulk of most tax bills. In fact, the Legislature is raising the one property tax it controls, the Required Local Effort for schools, as it has for years - \$458 million for next year. That move has shifted more education spending from Tallahassee to local taxpayers. That's predictable from a Legislature that raids trust funds to finance tax cuts for wealthy Floridians and dumps unwanted expenses onto local government.

With schools untouchable, what's left of the local burden is city and county taxes. The three proposals would not reduce a typical homeowner's bill enough to save someone on the verge of losing his home. The Senate plan, which has the smallest cut but - unlike the House - wouldn't shift the burden to the sales tax, would save a county taxpayer less than \$100.

All the plans, however, would achieve an ideological objective of some Republicans to cap how much local governments can spend. The approach is a response to rising home values, even as the housing slump gives signs of forcing values down. By tying increases to inflation, the cap would blur the distinction between household expenses and government spending, which is more affected by the rapid, post-hurricane rise in prices for concrete and steel. The resulting budget creep could chase the competent employees out of local government.

Listen to the tax-cutters themselves, defending past votes to increase taxes when they served on city or county boards. "The environment (today) is very different," House Speaker Marco Rubio, R-West Miami, told *The Post*. That's the point. Circumstances change. The Legislature wants to remove local government's ability to change.

Gov. Crist has proposed a middle-of-the-road solution that, like the others, fails to address the inequity between homesteaders protected by Save Our Homes and business owners, renters and snowbirds. The Legislature will deliver tax savings for the largest group - homesteaders - at the expense of the others.

Tallahassee could make local property taxes drop something like a rock by taking back all the expenses it has shifted. The Taxation and Budget Reform probably will make this inconvenient point. That may explain why Tallahassee wants tax reform as long as it doesn't come at Tallahassee's expense.

Estella V. Gray

Public Affairs

Florida League of Cities

(850) 222-9684

www.flcities.com

Wills, Anne

From: Internet_Comment_Card
Sent: Thursday, May 03, 2007 2:22 PM
To: Manni, Diane
Subject: Moccasin Lake Nature Park

Sender's Name: Ellen Thompson

Date sent: 5/3/2007 2:22:41 PM

Comments:

Honorable Mayor and City Councilmembers of Clearwater,

I am writing to you on behalf of the Suncoast Sierra Club to ask that the proposed cut of the "Programmer" position at Moccasin Lake Park be rescinded. This park and its educational agenda holds a special place in all of Pinellas County.

The staff of Moccasin Lake have created an interactive program with birds and animals that is a delight for children and adults. I remember years ago when camping in a national park in Colorado, the ranger said the most requested experience of their visitors is to see wildlife. We all have a hunger to immerse ourselves in wild nature, but within our crowded county Moccasin Lake presents a close and affordable way to see some wild creatures.

The staff also presents programs for school groups on a regular basis, and these require educated, dedicated personnel in order to be interesting. The grounds have to be maintained, the animals tended, and the personnel have to be of sufficient number to prevent overwork and burn out.

Moccasin Lake also opens its meeting room for community and environmental groups, including the Suncoast Sierra Club, for only a minimal donation. We have been told that with further cutbacks we may no longer be able to use the space because of work overload on the remaining staff members. This would be a loss for many organizations, and not easily replaced.

Thank you for considering our point of view.

Yours respectfully,

Ellen Thompson
Conservation Chair
Suncoast Sierra Club

Sender Email:
ellenthompson@yahoo.com

Mailing Address:

Phone:
727-896-3130

Wills, Anne

From: Internet_Comment_Card
Sent: Thursday, May 03, 2007 2:28 PM
To: Manni, Diane
Subject: Moccasin Lake Nature Park

Sender's Name:

Date sent: 5/3/2007 2:28:35 PM

Comments:

Dear City Council,

Please do not cut the budget for Moccasin Lake Nature Park staff positions, environmental education, and other programs. This valuable resource needs even more financial support from the city, not less. You are in the position to make sure that nature, ecology, and energy issues have a place in which to be taught to all generations. Without adequate staff, Moccasin Lake will become just another open park, pleasant and beautiful, but not helping people to be better informed about our place in nature and our responsibilities to our natural world. Inadequate staff will mean no more live animal exhibits, and no more meetings for community groups in the building. Protect this treasure by supporting it and utilizing our tax dollars to increase what is offered there, not decrease it!

Thank you,

Maria Valentine, full-time Florida resident

Sender Email:

Mailing Address:

Phone:

Wills, Anne

From: Internet_Comment_Card
Sent: Wednesday, May 02, 2007 5:42 PM
To: Manni, Diane
Subject: Closing of Morningside Recreation Complex

Sender's Name: Lynne and Ron Read

Date sent: 5/2/2007 5:42:58 PM

Comments:

My family has lived in the MM community for 30 years and participated in all that the center has had to offer over that time. We have raised 6 children who learned to swim, play tennis and enjoyed the many craft classes that have been offered. Now we have grandchildren who visit often and continue to enjoy the park facilities. It is a wonderful part of our community and a large part of why we have enjoyed our home here for so many years. It is certainly a well-used and well maintained facility and would be missed by all who use it. Please reconsider the ramifications of closing Morningside Recreation. We love it!

Sender Email:
readbnch@tampabay.rr.com

Mailing Address:

Phone:
727/531-6062



Meeting Date:5/3/2007

City Council Agenda Council Chambers - City Hall

SUBJECT / RECOMMENDATION:

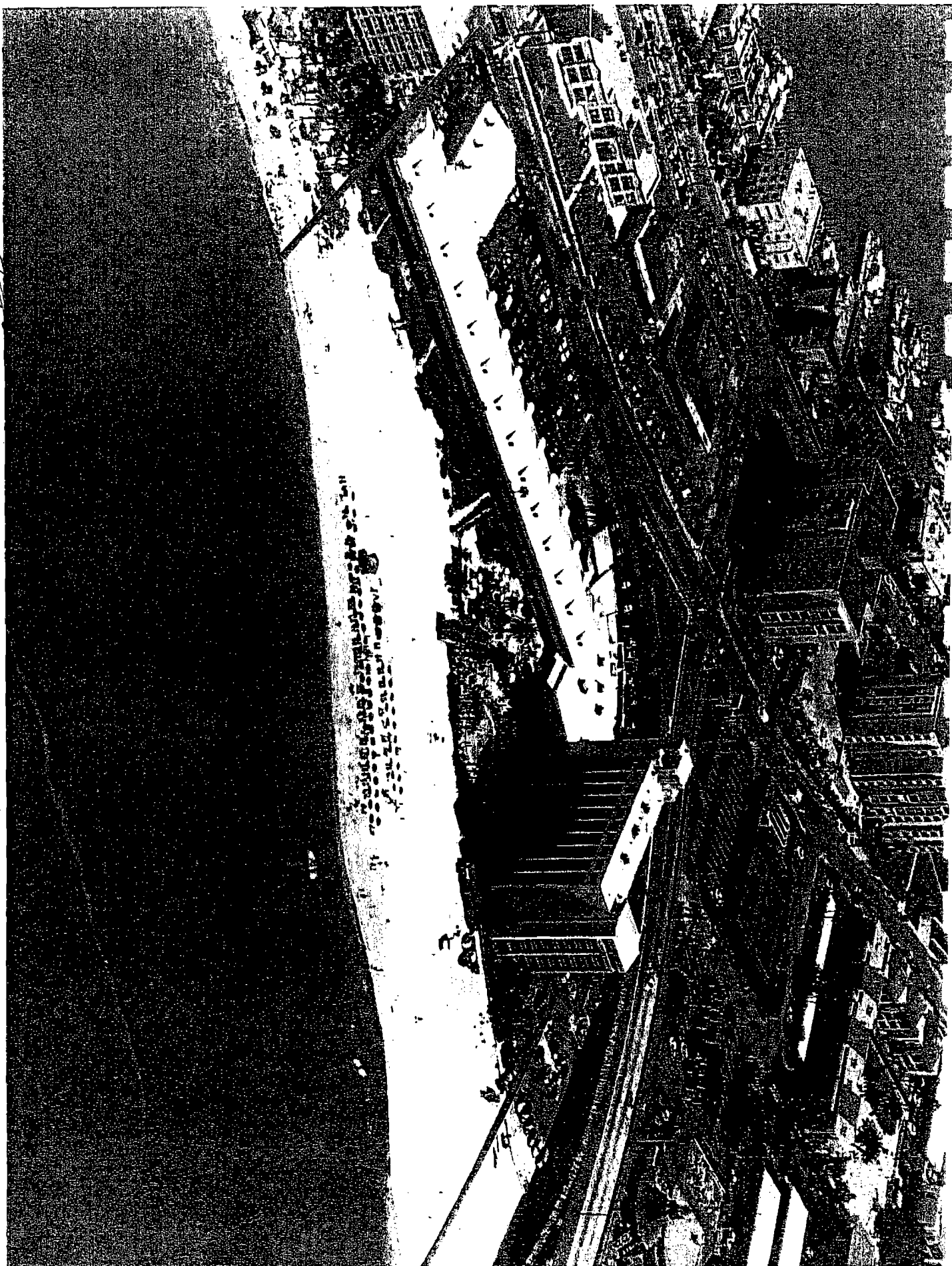
Other Council Action

SUMMARY:

Review Approval: 1) Clerk

Rec'd #6 05/03/2007

377 Th. - 2 hour. 10 min. session - please call me at 446-4418 or C288-7682



2.2

Upon each anniversary of the Effective Date the annual license fee to be paid by Licensee shall be increased 4% above the previous annual fee.

EXTENSION: Licensee shall have the option to extend the term of this License up to five additional years so long as Licensee has abided by the terms and conditions of the License and is not in default hereunder. In the event Licensee desires to extend the term hereof, Licensee shall give written Notice to Licensor of such intention not less than one hundred twenty (120) days prior to termination of the current term hereof. If timely Notice is not provided to Licensor by Licensee as provided herein, all rights and privileges granted herein shall terminate and extinguish at 12:00 o'clock midnight on the final day of the current term. In the event Licensee exercises its option to extend the term hereof, the annual fee therefore shall continue to be adjusted as heretofore provided.

USE AND MAINTENANCE: Licensee covenants and agrees with Licensor that Licensee shall not use the License Premises for any other purpose other than the non-exclusive right to park vehicles in conjunction with the operation or redevelopment of the Holiday Inn Sunspree Resort, which is owned and operated by Licensee on property contiguous to the License Premises. Licensee further agrees that Licensee shall make no unlawful, improper or offensive use of the License Premises, and shall always maintain the License Premises in compliance with all applicable City of Clearwater codes; and shall quit and deliver up the said premises at the end of the License term, or any extension thereto, in as good condition as upon the Effective Date hereof, ordinary wear and tear excepted. Licensee shall make no improvements to the License Premises, or otherwise encumber Licensee's interest in the License Premises, without the express written consent of duly authorized Licensor officials. Nothing contained herein shall be construed to require the Licensee to maintain the Licensor's bridge facility as it presently exists, or may exist in the future, within the public right-of-way of which the License Premises are a part; nor shall Licensor be precluded from utilizing any portion of the public right-of-way, including the License Premises, for the purposes of providing either routine or extraordinary maintenance of the bridge facility as shall be determined necessary solely by Licensor.

LIABILITY AND INDEMNIFICATION: Licensee agrees to assume all risks of the License Premises and all liability therefore, and shall defend, indemnify, and hold harmless the Licensor, its officers, agents and employees from and against any and all loss, liability and damages of whatever nature, to persons and property occasioned by Licensee's negligent or willful misconduct, including, without limiting the generality of the foregoing, death of any person and loss of the use of any property except arising from the negligence or willful misconduct of Licensor or Licensor's agents or employees. This includes, but is not limited to, matters arising out of or claimed to have been caused by or in any manner related to the License Premises or Licensee's activities or those of any approved or unapproved invitee, contractor, subcontractor, or other person approved, authorized, or permitted by Licensee on, in or about the License Premises, whether or not based on negligence.

INSURANCE: Licensee shall procure and maintain during the term of this License, and any extension thereto, insurance as follows against claims for injuries to persons or damage to property which shall arise from or in connection with this License Agreement:

Licensors reasonable satisfaction, such default for a period of fifteen (15) days after receipt of Notice from Licensor to remedy same; or if Licensor's underlying easement is terminated in whole or in part for any reason; or should Licensor determine that a competing municipal need exists for the License Premises; or should Licensee vacate or abandon the License Premises, or at such time as Licensor's easements rights are extinguished for any other reason. In the event of any of the foregoing occurrences, and delivery or mailing of Notice as above provided, all rights granted herein shall immediately extinguish and terminate, unless any time frame is provided to the contrary, and the License Premises shall revert fully to Licensor as though this License had never been granted.

b. By Licensee: This License is subject to termination by Licensee in the event of material default by Licensor in the performance of any of the terms, covenants or conditions of this License, and in the failure of Licensor to remedy, or undertake to remedy to Licensee's reasonable satisfaction, such default for a period of fifteen (15) days after receipt of Notice from Licensee to remedy same.

c. By Either Party: Either party may terminate this License upon providing the other party not less than sixty (60) days written Notice of its intent to terminate. Such Notice shall be deemed to have been given when mailed, postage paid, or personally delivered.

NOTICE: Any Notice shall be in writing and shall be delivered by hand or sent by United States Registered mail, postage prepaid and addressed as follows:

Licensor

City Manager
City of Clearwater
P. O. Box 4748
Clearwater, Fl. 33758-4748

Licensee

Robert L. Allen, Manager
770 South Gulfview Blvd.
Clearwater Beach, Fl. 33767

With a copy to:

City Attorney
City of Clearwater
P. O. Box 4748
Clearwater, Fl. 44858-4748

With a copy to:

E. D. Armstrong, III, Esquire
Johnson, Pope, Bokor, Ruppel &
Burns, LLP
P. O. Box 1368
Clearwater, Fl. 33757-1368

Such addresses may be changed from time to time by either party by giving Notice as provided above. Notice shall be deemed given when delivered (if delivered by hand), or when postmarked if sent U. S. Mail, certified, return receipt requested.

DISCLAIMER OF WARRANTIES: This License constitutes the entire agreement of the parties regarding the License Premises described herein, and may not be changed, modified or discharged except by written amendment duly executed by both parties. Licensee agrees that

PAGE 1

QUESTION FOR CITY COUNCIL/CITY MGR
RICK WAGONER
5-3-07

1. RE: MIKE JONES, TREVOR MURRY, DUANE ANDERSON
 - A. IS HE NOW WORKING AGAIN IN THE CLEARWATER FIRE DEPT?
 1. IF SO, IN WHAT POSITION?
 2. IF NOT, PLEASE EXPLAIN WHY HE IS NOT.
 - B. HAS THE CITY PAID MR. JONES HIS BACKPA
AS ORDERED?
 1. IF SO, HOW MUCH^{AND WHEN} DID YOU PAY HIM?
 2. IF NOT, WHY HAVE YOU NOT PAID HIM
 - C. HAVE YOU PAID ~~HIS~~^{THE} ATTORNEY'S FEES FOR HIS ATTORNEY AS YOU WERE ORDERED TO DO?
 1. IF SO, HOW MUCH DID YOU PAY AND WHEN?
 2. IF NOT, PLEASE EXPLAIN WHY YOU HAVE NOT.
 - D. WHAT IS THE ANTICIPATED ^{DATE OF} ~~THE~~ HIS RETURN?
~~DATE OF~~

1E. HAS ANYONE OF YOU CITY COUNCIL MEMBERS, OR THE MAYOR, CONTACTED THE OMD, LAURIE ROMIG REGARDING REINSTATING TREVOR MURRAY'S AND MIKE JONES' LICENSES (OR CERTIFICATIONS) AS WAS ENCOURAGED BY THE ARBITRATOR?

1. IF NOT, WHY NOT?

2. IF SO, WHAT WAS DISCUSSED?

PLEASE BE SPECIFIC.

3. WHAT WERE THE DATES YOU HAD THESE CONVERSATIONS.

1F. HAS THE CITY MGR. OR ONE OF HIS DESIGNEES CONTACTED THE OMD?

PLEASE DISCUSS THE SAME QUESTIONS IN 1, 2, 3 IN THE AFOREMENTIONED QUESTION?

THANK YOU