

City Council Workshop
Agenda Packet
Thursday, February 25, 2010
5:00 pm



City of Gulfport Florida
City Council Workshop
Thursday, February 25, 2010

City Hall

5:00 p.m.

Agenda

Call to Order.

1. Discussion of a Toilet Rebate Program.
2. Discussion of the hours of Clam Bayou Park.
3. Discussion of Ordinance No. 2010-04 - Anti-Tethering of Dogs.
4. Discussion of the City Attorney position.
5. Review of the March Meetings Calendar.
6. Any other business.
7. Adjournment.

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 893-1000 or fax a written request to (727) 893-1008.

Posted: 2-23-2010

Agenda Item No. 1
Toilet Rebate Program



GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: Dan Carpenter, Director of Administrative Services

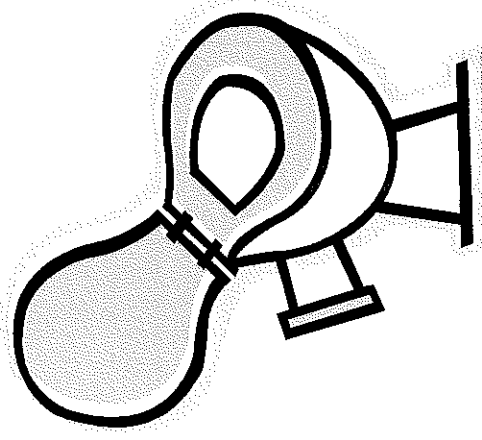
DATE: February 25, 2010 **AGENDA ITEM:** 1

SUBJECT: Discussion of water saving low flow toilet rebate program.

Based on the City Manager's recent review and approval, Gulfport Utilities will soon be able to offer a limited number of rebates to their water customers to replace old high-volume toilets with water-saving Ultra Low Flow (ULF) toilets. These new toilets use only 1.6 gallons of water per flush, while other toilets use up to 7 gallons per flush. The installation of ULF toilets is an important part of Gulfport Utilities efforts to conserve water.

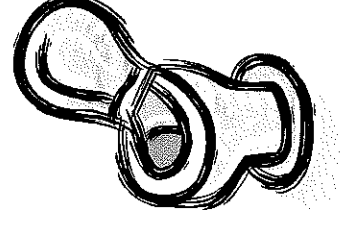
Gulfport is partnering with Viewtech Financial Services, Inc. to offer this pilot toilet rebate program. Viewtech is the company utilized by both Pinellas County and the City of St. Petersburg toilet rebate programs to help facilitate the many logistical and administrative services involved in the replacement process. The program will offer a limited number of rebates made available on a first come first serve basis until funding is exhausted or through the end of September 2010. Approximately 145 toilet rebates will be available for this pilot period of the program. The success of this program can be evaluated throughout its' test period for consideration and inclusion in the upcoming FY 2011 Utility fund budget process.

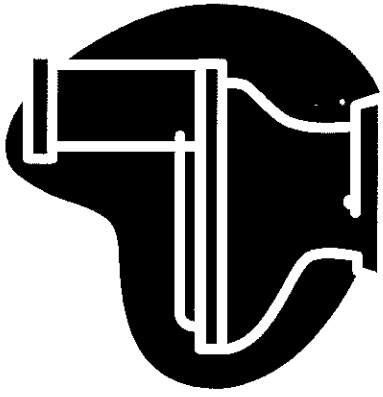
A purchase order approving services not to exceed \$20,000 has been requisitioned on behalf of the City and forwarded to Viewtech Financial Services, INC. today along with a letter of intent. A time period of one month is needed to allow Viewtech time process the request and load their data base with Gulfport's utility data and account information. On or about February 15, 2009 the program should be up and running. Prior to this a informational flyer will be sent to all Gulfport Utility customers in their normal monthly billing detailing specifics about the program and providing contact data for Viewtech Financial Services. Thank you for your consideration on this program, I truly feel that it will be well received by the residents of Gulfport and will be a successful program that will endure for future years.



City of Gulfport

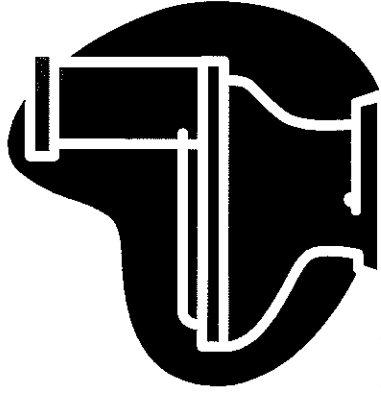
Toilet Rebate Program





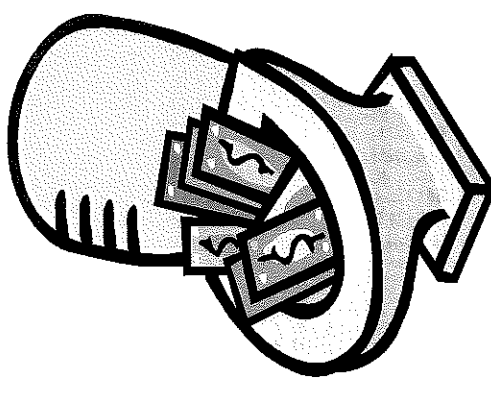
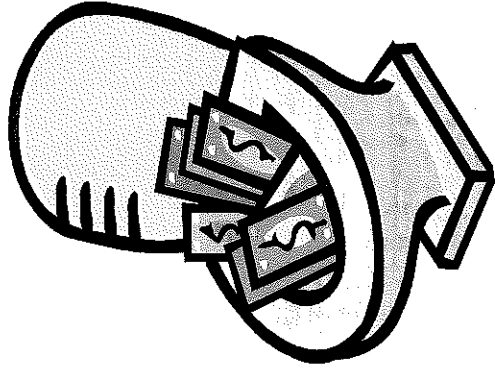
Program Highlights

- Water Conservation Incentive
- PILOT/Test Program
- Consultant – Viewtech Financial Services Inc.
- Future Program Possibilities



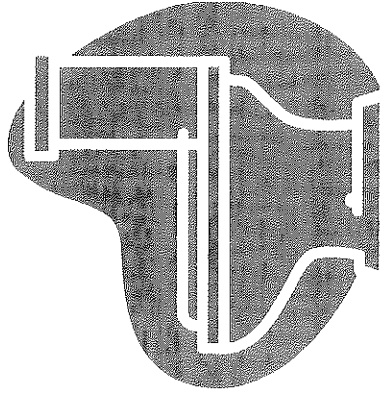
Water Conservation Incentive

- Rebates to replace high volume toilets with water efficient low flow toilets
- 1.6 gallons per flush vs. up to 7 gallons per flush with old high volume toilets
- Current annual water consumption is 3.6 million gallons per year in Gulfport



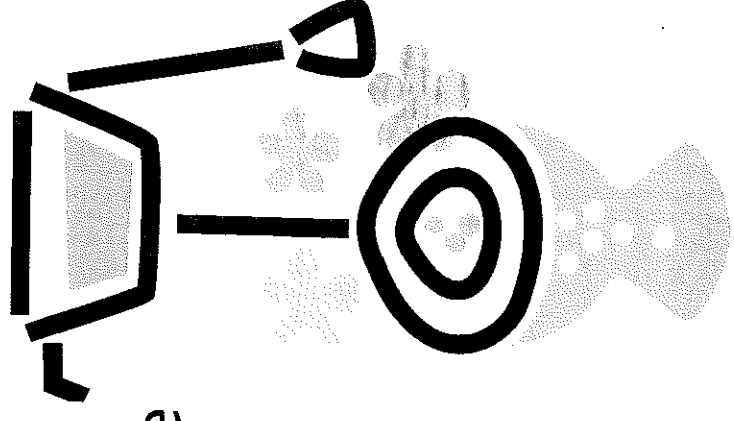
PILOT/Test Program

- \$20,000 initial appropriation
- Approximately 150 toilets replaced
- \$100 rebate to resident/customer per toilet
- Start March 2010

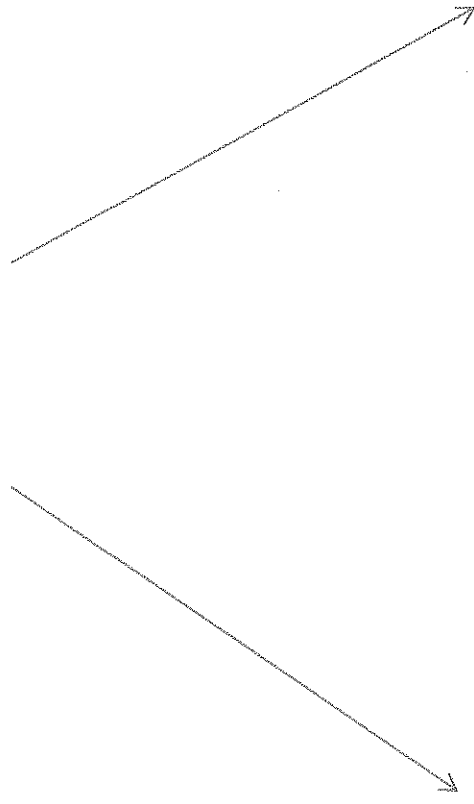


Consultant – Viewtech Financial Services Inc.

- Consultant of record for Pinellas County & St. Pete
- Finances and data base management ability
- \$37 administrative charge for 1st toilet rebate
- \$23 administrative charge for second toilet



Resident/Customer



City of Gulfport

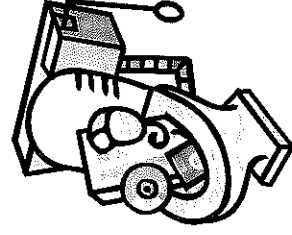
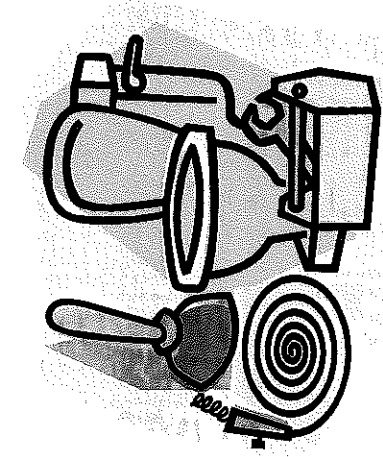
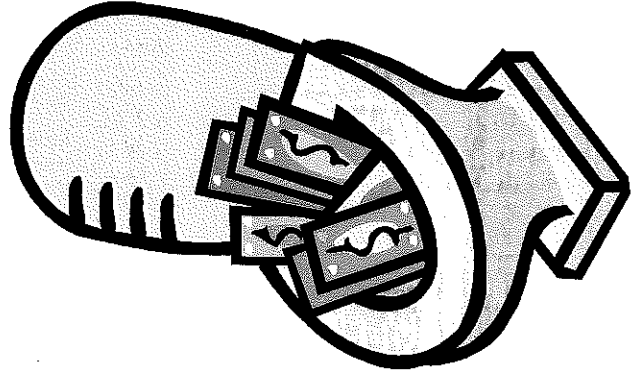
Viewtech Financial



- Resident/Customer contacts Viewtech directly for assistance with program and eligibility requirements
- Viewtech administers process with resident from start to finish, maintains al data base paperwork and cuts rebate check to resident
- Viewtech submits monthly to City for reimbursement

Future Program Possibilities

- Additional funding appropriations 2011 Utility Fund
- Cooperative funding agreement with SWFWMD
- Educational materials on leak detection and proper flapper replacement



Agenda Item No. 2
Clam Bayou Hours



GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: Robb Vincent, Chief of Police

DATE: February 25, 2010

AGENDA ITEM: 2

SUBJECT: Discussion of public hours for Clam Bayou Park.

This is in response to the City Manager's request for information regarding police activity as well as my recommendation regarding public hours for Clam Bayou Park.

Thirty-two times in 2009, police were either dispatched to investigate suspicious activity, or they identified it on their own. The majority of the cases involved persons who were simply in the park after hours. In many situations however, officers discovered people engaged in inappropriate or illegal behavior. Five of these incidents led to criminal charges being filed against individuals involved.

The criminal conduct was primarily drug-related, and the other questionable conduct included people caught engaging in or preparing to engage in sexual activity. It appears that the secluded nature of the park, with large areas out of sight of the main roadway, makes it ideal for those seeking a private (and free) place away from home. Although police have not developed information to charge anybody with a sex crime, detectives have discovered Craigslist ads suggesting the park as a meeting location for this type of activity. The nature of these ads implies that prostitution may be involved.

These crimes and activities occurring mostly at night by their nature, I am compelled to recommend that the park be open to the public only during daylight hours. By enacting such a change, Council would give our police officers the authority to identify and question anybody found in the park at any hour of the night, not just between midnight and 4:00 AM as it stands now.

Such amended hours are authorized under Sec. 17-21 of the Gulfport Code of Ordinances:

All parks are open to the public every day of the year from 4:00 a.m. to midnight. The city council may establish alternative hours of operation for each park or section thereof. All such alternative hours of operation shall be posted at each park to which said hours apply.

Agenda Item No. 3
Ordinance No. 2010-03



GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: Jim O'Reilly, City Manager

DATE: February 25, 2010

AGENDA ITEM: 3

SUBJECT: Discussion of ordinance No. 2010-03 - related to the Anti-tethering of canines.

BACKGROUND:

Following 1st reading City Council directed staff to provide for further consideration/workshop Ordinance No. 2010-03 that amends **Chapter 5, titled Animals and Fowl, Article III. Dogs; Section 5** of the City of Gulfport's Code of Ordinances; the ordinance would prevent canines from being tied outside for long periods of time. In follow-up to this research and workshop, City Council took favorable action on 1st reading, and requested the ability to further discuss the issue. Staff has included the ordinance as provided for Council 1st reading, pertaining to the regulation of the tethering of canines.

Sections of concern being: 1). Ability to leave animal unattended, and 2). 10 day enforcement period.

Attached is a copy of the ordinance for discussion purposes.

Staff requests that City Council provide direction to the City Manager as to additional content and preferred course of action for the setting of 2nd reading on the ordinance.

ORDINANCE NO. 2010-03

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING ARTICLE III OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO ANIMALS AND FOWL; CREATING SECTION 5-34 ENTITLED "SUPERVISION, CONFINEMENT, AND TETHERING OF CANINES"; CREATING SECTION 5-35 ENTITLED "SCHEDULE OF PENALTIES"; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gulfport finds extreme importance in protecting animals and preventing animal cruelty; and

WHEREAS, the United States Department of Agriculture has found that the continuous confinement of canines by a tether is inhumane; and

WHEREAS, the continuous confinement of canines by a tether has been found to contribute to aggressive behavior and can lead to severe collar injuries and exposure related illnesses; and

WHEREAS, to educate the general public as to the dangers of continuous tethering the Humane Society began a campaign called "Break the Chain"; and

WHEREAS, continuous tethering poses and danger to canines; and

WHEREAS, to help prevent the continuous confinement of canines by tether, the City desires to enact regulations to limit the amount of time a canine can be affixed to a tether.

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. Article III of Chapter 5 of the Code of Ordinances, pertaining to Animals and Fowl, is hereby amended by adding new Section 5-34 thereto, as follows:

Sec. 5-34. Supervision, confinement and tethering of canines.

(a) As used in this section, tether means to restrain a canine by tying the canine to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a canine.

(b) It shall be unlawful for a responsible party to tether a canine while outdoors, except when all of the following conditions are met:

- (1) The canine is in visual range of the responsible party, and the responsible party is located outside with the canine.
- (2) The tether is connected to the canine by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.
- (3) The tether has the following properties: it is at least five times the length of the canine's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than 1/8 of the canine's weight; and it is free of tangles.
- (4) The canine is tethered in such a manner as to prevent injury, strangulation, or entanglement.
- (5) The canine is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
- (6) The canine has access to water, shelter, and dry ground.
- (7) The canine is at least six months of age. Puppies shall not be tethered.
- (8) The canine is not sick or injured.
- (9) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.
- (10) If there are multiple canines, each canine is tethered separately.

(c) This section shall not apply to the transportation of canines.

(d) For a first-time violation, the Code Enforcement Officer shall issue a warning notice to the responsible party and shall wait at least ten (10) days before taking any further enforcement action against the responsible party. Thereafter, each violation of this section shall be subject to enforcement in accordance with Sec. 5-35 of Article III of Chapter 5 of the Code of Ordinances. For all civil penalties for violations of this section collected pursuant to Article III of Chapter 5, Section 5-35, 50% of the amount collected shall be paid to Pinellas County Animal Services.

Section 2. Article III of Chapter 5 of the Code of Ordinances, pertaining to Animals and Fowl, is hereby amended by adding new Section 5-35 thereto, as follows:

Sec. 5-35. Schedule of penalties.

First Offense - Unlawful tethering of canine - Warning with 10 day correction period.

Second Offense - Unlawful tethering of canine - \$100.00 and additional 10 day correction period.

Third Offense - Unlawful tethering of canine – \$250.00

Fourth and each subsequent offense - Unlawful tethering of a canine - \$500.00 and one count of animal cruelty (\$500 fine and/or imprisonment for up to 60 days).

Section 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become effective immediately upon final passage.

FIRST READING: February 16, 2010

PUBLISHED: _____

SECOND READING
AND PUBLIC HEARING: _____

Michael J. Yakes, Mayor

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this _____ day of _____, 2010.

Lesley DeMuth, City Clerk

Agenda Item No. 4
City Attorney Position



GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: Jim O'Reilly, City Manager

DATE: February 25, 2010

AGENDA ITEM: 4

SUBJECT: Advertising for City Attorney's position.

City Council had previously expressed a desire to employ a full-time City Attorney; following that decision, the City retained the services of Governance, Inc. to provide a job description and solicit candidates for the position. Governance, Inc.'s timeline placed the City in a position to forego that process and seek further City Council direction.

Staff requests direction as to proceed with an in-house search or recruitment process managed by City Staff for presentation to City Council.

Staff has the ability to develop and appropriately advertise the position. Staff will use the standard model utilized by other Cities for the appropriate recruitment tool.

Fundamentally, the City Attorney is appointed by the City Council and is responsible for providing general legal advice to the City Council, City Manager and other administrative staff.

The City Attorney reviews ordinances, resolutions, contracts and other legal agreements and represents the City in legal proceedings in the prosecution of municipal ordinance violations and defends the City against actions brought by the public against the City.

Agenda Item No. 5
March Meeting Calendar



CITY of GULFPORT, FLORIDA

MEETINGS MARCH 2010

- March 1, 2010** **Economic Development Advisory Committee Meeting to begin at 6:00 p.m.**
49th Street Neighborhood Center
- March 2, 2010** **City Council Meeting**
Meeting to begin at 7:00 p.m.
- March 3, 2010** **Planning and Zoning Board/LPA**
Meeting to begin at 6:30 p.m.
- March 10, 2010** **Board of Adjustment**
Meeting to begin at 6:30 p.m.
- March 16, 2010** **City Council Meeting**
Meeting to begin at 7:00 p.m.
- March 17, 2010** **Historic Preservation Committee**
Meeting to begin at 5:30 p.m. at the
Historical Society Museum
- March 25, 2010** **City Council Workshop**
Meeting to being at 5:00 p.m.

All meetings are open to the public and are held in the City Hall, City Council Chambers, 2401 53rd Street South, unless otherwise noted. Meetings may occasionally be added, cancelled or rescheduled after this list is published.

Agenda Item No. 6
Any Other Business

Agenda Item No. 7
Adjournment