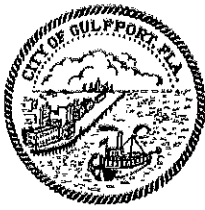


**City Council Meeting
Agenda Packet
Tuesday, March 2, 2010
7:00 pm**



City of Gulfport Florida
Regular City Council Meeting
Tuesday, March 2, 2010

City Hall – 2401 53rd Street South, Gulfport, Fl 33707

7:00 p.m.

Agenda

Call to Order
Invocation given by Councilmember Henderson
Pledge of Allegiance
Roll Call

Presentations:

Gulfport Teen Council – Legislative Trip to Tallahassee
Gulfport Police Officer of the Year – Officer Zachary Mills

1. Public Session.
2. City Manager Report.
3. City Attorney Report.
4. Consent Items: Resolutions
 - a. 2010-09, A resolution of the City of Gulfport, Florida, authorizing the appropriation of Federal Equitable Sharing Funds for designated law enforcement training equipment; and providing for an effective date.
 - b. 2010-10, A resolution of the City of Gulfport, Florida, authorizing the temporary waiver of parking restrictions on 59th Street South from 28th Avenue South to Shore Boulevard South from March 9 to March 11, 2010; and providing for an effective date.
5. Ordinances:
 - 2010-04, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida amending Article II of Chapter 2 of the Code of Ordinances, pertaining to the city departments; providing for amendment of Section 2-19 thereof pertaining to the leisure services department; providing for the removal of the library and marina divisions therefrom; establishing a new Section 2-25, providing for a department of library; establishing a new Section 2-26, providing for a department of marina; providing for severability; providing for the repeal of ordinances, or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.

6. Resolution:

2010-11, A resolution of the City of Gulfport, Florida, authorizing the City Manager to execute a Property Use Rights Agreement with Angela LePore; and providing for an effective date.

7. Old Business.

8. New Business.

9. Council Reports.

10. 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: February 26, 2010.

Presentations



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Robert Vincent, Chief of Police

DATE: March 2, 2010

AGENDA ITEM: Presentation

SUBJECT: Police Officer of the Year

RECOMMENDATION:

Presentation only - no action required

BACKGROUND:

It gives me pleasure to announce that Officer Zachary Mills has been selected as Gulfport Police Department's Officer of the Year for 2009.

He was nominated by Sergeant Terry Taylor and approved by the command and supervisory staff for this high honor. In his nomination, Sergeant Taylor made note of Officer Mills' exceptional dependability and productivity, which are outstanding for an officer of only three years service.

In 2009, no other Gulfport Police Officer made more DUI arrests. Zack has made it a priority to address the problem of impaired driving in our city, and his efforts have not gone without result. There were zero DUI-related fatalities in 2009! While these facts are impressive on their own, what really makes Officer Mills a standout is that he is not assigned to a specialized traffic unit. He is also responsible for answering calls for service and investigating other criminal complaints. In fact, in between his DUI arrests, Officer Mills also completed more general incident and offense reports than any other officer!

Not only is he productive in a very important way, Zack is also very dependable. Sergeant Taylor reported that Officer Mills will routinely help out whenever he is asked. In one incident, he actually returned early from a trip to Miami to come in and cover a shift when nobody else volunteered.

**Agenda Item No. 1
Public Session**

**Agenda Item No. 2
City Manager Report**

**Agenda Item No. 3
City Attorney Report**

Agenda Item No. 4-a
Consent
Resolution No. 2010-09



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Robert Vincent, Chief of Police

DATE: March 2, 2010

AGENDA ITEM: 4-a

RESOLUTION NO: 2010-09

SUBJECT: Use of Federal Equitable Sharing Funds

RECOMMENDATION:

Approve the use of Federal Equitable Sharing Funds for the purchase of law enforcement training equipment.

BACKGROUND:

Members of the Gulfport Police Department have on occasion participated in investigations working with federal task forces. By virtue of our participation, we have received a proportionate share of seized assets. Federal law requires that these funds be use for law enforcement equipment or training and that they not be used to supplant the budget. In order to appropriate an expenditure from these funds, approval from the City Council is required. More specific information on Federal Equitable Sharing can be found at <http://www.justice.gov/criminal/afmls/pubs/pdf/guidetoeq09.pdf>

ANALYSIS:

In this particular case, the Chief of Police intends to purchase specialized equipment to be used for defensive tactics training, which will be done up to four times annually. Past practice has been to utilize a specially-designed, padded room and padded suit maintained by St. Petersburg College. However, SPC has recently raised rates to the point that it makes more financial sense to purchase and maintain our own equipment.

FINANCIAL IMPACT:

The Fund balance is currently \$47,233.17. The cost for the desired equipment is approximately \$4,000. The cost to use the SPC facility is approximately \$1,200 each time.

MOTION:

I move to approve/deny this resolution which would authorize the appropriation of up to \$4,000 of Federal Equitable Sharing Funds for designated law enforcement training equipment.

RESOLUTION NO. 2010-09

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE APPROPRIATION OF FEDERAL EQUITABLE SHARING FUNDS FOR DESIGNATED LAW ENFORCEMENT TRAINING EQUIPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Members of the Gulfport Police Department have on occasion participated in investigations working with federal task forces; and

WHEREAS, By virtue of that participation, the Gulfport Police Department has received a proportionate share of seized assets; and

WHEREAS, Federal law requires that these funds be used for law enforcement equipment or training and that they not be used to supplant the budget; and

WHEREAS, the Chief of Police intends to purchase specialized equipment to be used for defensive tactics training, which will be done up to four times annually.

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

Section 1. The City Council hereby authorizes the appropriation of up to \$4,000 of Federal Equitable Sharing Funds for the purchase of specialized law enforcement training equipment as intended by the Police Chief.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 2nd day of March, 2010 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Agenda Item No. 4-b
Consent
Resolution No. 2010-10



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Robert Vincent, Chief of Police

DATE: March 2, 2010

AGENDA ITEM: 4-b

RESOLUTION NO: 2010-10

SUBJECT: Temporary Waiver of Parking Restrictions

**RECOMMENDATION: (or)
DIRECTION REQUESTED:**

Allow the waiver of parking restrictions on 59th Street South from 28th Avenue to Shore Blvd from March 9 to 11, 2010.

BACKGROUND:

The Town Shores Master Association has made plans to pave residential parking areas from March 9 to 11, and while this process is taking place, residents' vehicles will be temporarily displaced. Many, but not all, can be accommodated in adjacent buildings. In the past, the City has allowed overflow parking on 59th Street by temporarily waiving the "no parking" restrictions.

ANALYSIS:

This area of 59th Street is utilized almost exclusively by residents and guests of Town Shores. Neither the police nor fire departments have any objections to this temporary waiver.

FINANCIAL IMPACT:

There would be no cost to the City associated with waiving the parking regulations.

MOTION:

I move to approve/deny this resolution which would authorize the temporary waiver of parking restrictions on 59th Street from 28th Avenue South to Shore Blvd. South from March 9 to March 11, 2010.

RESOLUTION NO. 2010-10

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE TEMPORARY WAIVER OF PARKING RESTRICTIONS ON 59TH STREET SOUTH FROM 28TH AVENUE SOUTH TO SHORE BOULEVARD SOUTH FROM MARCH 9 TO MARCH 11, 2010; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Shores Master Association has made plans to pave residential parking areas from March 9 to 11, 2010; and

WHEREAS, while this process is taking place, residents' vehicles will be temporarily displaced and many, but not all, can be accommodated in adjacent buildings; and

WHEREAS, In the past, the City has allowed overflow parking on 59th Street South by temporarily waiving the "no parking" restrictions.

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

Section 1. The City Council hereby authorizes the temporary waiver of parking restrictions on 59th Street South from 28th Avenue South to Shore Boulevard South from March 9 to March 11, 2010.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 2nd day of March, 2010 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Agenda Item No. 5
Ordinance No. 2010-04



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Jim O'Reilly, City Manager

DATE: March 2, 2010

AGENDA ITEM: 5

ORDINANCE: 2010-04

SUBJECT: Proposed Reorganization of Leisure Services Department

BACKGROUND:

The City Manager in a continuing effort to shrink or reduce recurring budget costs, is continuing the previously adopted policy of where, when at all possible – of not filling vacant employee positions. City staff continues to focus on providing fundamental services to the residents of the City of Gulfport during the continued economic downturn. This cost cutting measure includes the shrinking of staff by attrition, while maintaining the high level of service directly provided the City's residents, with this as a focus City staff has been asked to recreate the service delivery model once utilized and increase direct accountability in a supervisory role.

With the movement of the Leisure Services Director to the position of City Manager, the actual Director's position has been vacant for over one (1) year. The Parks Supervisor has ably provided leadership and filled this management void.

ANALYSIS:

This department has the ability to be flexible and independent when it comes to the delivery of services to the residents. Presently the Department consists of:

- Parks Division
- Recreation Division
- Casino/Theater
- Senior Center/GEMS
- Marina
- Library

Staff is proposing a reconfiguration of the Department with the elimination of the Director's position and creation of the position of Parks and Recreation Superintendent, who will supervise the following divisions.

- Parks Division
- Recreation Division
- Casino/Theater
- Senior Center/GEMS

The Parks and Recreation Superintendent will continue to supervise the Parks Division, as this new position and title is an expansion of his existing duties.

With the proposed reconfiguration and reorganization the Marina and Library will become stand alone Departments reporting directly to and under the supervision of the City Manager. Respectively the Departments will be lead by the present Harbormaster Denis Frain and present Library Administrator, Dr. Catherine Smith.

FINANCIAL IMPACT:

A savings of \$74,000.00 in recurring costs will be realized; this amount is slightly less than the previous Director's salary of \$81,000.00 – the respective employees actual position in the City's existing pay plan costs will be adjusted to identify the increased level of responsibilities including, but not limited to expanded roles in the number of employees supervised, budgeting and unfortunately, disciplinarily actions. The salary changes will be administrative position pay grade reclassifications for the Parks and Recreation Superintendent (position formerly titled Parks Supervisor), and Harbormaster; the Library Administrator's position will remain the same.

MOTION:

Move to approve/deny Ordinance No. 2010-04 on Second and Final Reading.

ORDINANCE NO. 2010-04

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING ARTICLE II OF CHAPTER 2 OF THE CODE OF ORDINANCES, PERTAINING TO THE CITY DEPARTMENTS; PROVIDING FOR AMENDMENT OF SECTION 2-19 THEREOF PERTAINING TO THE LEISURE SERVICES DEPARTMENT; PROVIDING FOR THE REMOVAL OF THE LIBRARY AND MARINA DIVISIONS THEREFROM; ESTABLISHING A NEW SECTION 2-25, PROVIDING FOR A DEPARTMENT OF LIBRARY; ESTABLISHING A NEW SECTION 2-26, PROVIDING FOR A DEPARTMENT OF MARINA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has found that the administration of the city would be improved by a restructuring of the Leisure Services Department; and

WHEREAS, the City Council has found this ordinance to be in the best interest of the public health, safety and welfare;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA HEREBY ORDAINS:

Section 1. Section 2-19 of Article II of Chapter 2 of the Code of Ordinances, pertaining to Leisure Services, is hereby amended as follows:

Sec. 2-19. Leisure Services.

There shall be a department of leisure services. The ~~director of the leisure services department~~ Parks and Recreation Superintendent shall be appointed by the City Manager and shall be responsible to and under the direction of the City Manager, and shall perform such duties as required by law and as assigned. The ~~leisure services director~~ Park and Recreation Superintendent shall be responsible for the supervision of the following divisions within the Leisure Services Department:

- ~~(1) Library;~~
- (1) Parks;
- (2) Recreation;
- (3) Senior Center/GEMS; and
- ~~(3) Social services;~~
- ~~(5) Marina;~~
- ~~(4) Theater; and~~
- (4) Casino/Theater.

Section 2. Article II of Chapter 2 of the Code of Ordinances, pertaining to City Departments, is hereby amended by adding new Section 2-25 thereto, as follows:

Sec. 2-25. Library.

There shall be a department of Library. The Library Administrator shall be appointed by the City Manager and shall be responsible to and under the direction of the City Manager, and shall perform such duties as required by law and as assigned.

Section 3. Article II of Chapter 2 of the Code of Ordinances, pertaining to City Departments, is hereby amended by adding new Section 2-26 thereto, as follows:

Sec. 2-26. Marina.

There shall be a department of Marina. The Harbormaster shall be appointed by the City Manager and shall be responsible to and under the direction of the City Manager, and shall perform such duties as required by law and as assigned.

Section 4. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 5. 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 6. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : February 16, 2010

PUBLISHED : February 20, 2010

SECOND READING/
PUBLIC HEARING : March 2, 2010

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. 6
Resolution No. 2010-11

GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FOR MEETING OF: March 2, 2010 **AGENDA ITEM :** 6

SUBMITTED BY: Andrew J. Salzman, Interim City Attorney

APPROVED BY: **RESOLUTION NO:** 2010-11

SUBJECT: Confirmation of Property Use Rights Re: Angela LePore

STAFF

RECOMMENDATION: Staff Recommends the Execution of Attached Agreement by City of Gulfport

The former City Attorney, Tim Driscoll, was contacted by Ms. LePore's representative on June 16, 2009, regarding property that Ms. LePore had acquired where two residential structures existed. The homes were in deteriorated condition and the property owners began to replace each home with a new structure. The first structure was demolished and a new home was constructed. The second home was then demolished. Ms. LePore was denied a permit for building the second structure. The City's concern was whether or not there was sufficient property owned by Ms. LePore over several lots in order to accommodate the necessary square footage for two separate residential structures in compliance with the City's current codes.

Subsequently, the City Attorney, Tom Minkoff, was contacted by Ms. LePore's attorney, David Bacon. Mr. Bacon noted that the existing single-family residence located on approximately one-half of the combined two parcels was in full compliance with the Code and would not interfere with construction of a second home on the remaining one-half of the combined parcels, however, there remains an issue as to whether or not inclusion of a platted Lot 3 in Ms. LePore's property calculation would cause the remainder of Lot 3 to become nonconforming. Mr. Bacon noted that Lot 3 had previously been considered nonconforming and does not satisfy size requirements for a single-family structure, however, the cottage currently on the property is grandfathered in. Subsequent correspondence to Tom Minkoff by David Bacon found that the property owner of the adjacent Lot 3 which is adjacent to Ms. LePore's property verified that there were no plans to acquire the land in Lot 3 which Ms. LePore owns. It was also noted that Ms. LePore would agree, should it be necessary, that the adjacent property owner could receive portions of her property in order to make the nonconforming lot conforming. Based on conversations with City Attorney Minkoff and David Bacon, an Agreement was drafted which has been reviewed by staff and is before the Council for consideration.

ANALYSIS

The Agreement provides for the allowance of the LePore property to be divided into two parts with each separate part to be developed with one single-family residential structure. The adjacent parcel to the LePore property which is a grandfathered-in nonconforming use which currently has an existing single-family residence will use a portion of the LePore property in order to become conforming should there be any desire by the property owner to do so. In order to accommodate the necessary property transfer Ms. LePore will transfer and convey to the City of Gulfport by fee simple deed, the portion of the LePore property which can be used as part of the adjacent parcel for land use purposes should the City so do so at their discretion. This Agreement negotiated by City Attorney Minkoff allows for the parties to meet the necessary sections of the code to be conforming allow for the necessary adjacent lot to also be conforming should the City determine to allow such an action to occur.

MOTION

Move to approve/deny Agreement.

AGREEMENT

This Agreement is executed and made by and between The City of Gulfport, Florida (herein referred to as the "City") and Angela LePore (herein referred to as "LePore").

RECITALS

- A. The City is a municipal corporation having certain lawful authority to regulate the lawful development and use of real property located within the boundaries of the City of Gulfport.
- B. LePore is the owner, in fee simple, of certain parcels of real property located within the City of Gulfport which are described upon Exhibit "A" attached hereto (herein collectively referred to as the "LePore Property").
- C. The boundaries of parcels of real property owned by LePore which are described above are shown and depicted upon the drawing which is attached to and made a part of this Agreement as Exhibit "B".
- D. LePore desires to cause the LePore Property to be divided into two (2) parts with each separate part to be developed with one single family residential structure.
- E. LePore is not the owner of the parcel of real property described upon Exhibit "C", which is located immediately adjacent to the LePore Property and shall be herein referred to as the "Adjacent Parcel".
- F. The Adjacent Parcel does not have sufficient dimensions and land area to satisfy applicable zoning and land use regulation for development and use as a single family residence. However, the Adjacent Parcel has one existing single family residence located upon it which is deemed to be a lawfully existing non-conforming (grand-fathered) use.
- G. It is the mutual desire of the City and LePore that a portion of the LePore Property be made available to become joined with and become part of the Adjacent Parcel to cause the Adjacent Parcel to conform and comply with the requirements of applicable zoning and land use regulations for lot size (dimension and land area) to lawfully accommodate one single family residence and that the remainder of the LePore Property be divided into two (2) separate parts with each such part being approved by the City for lawful development and use of one single family residence, for a total of two (2) lawful single family residences.

THEREFORE, based upon the Recitals stated above and for and in consideration of the mutual covenants stated in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and LePore mutually agree to the terms stated below:

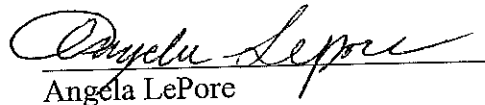
1. The LePore Property shall be separated into two (2) separate parcels herein referred to as "Parcel 1" and "Parcel 2" which are each described upon Exhibit "D" attached hereto for development, occupancy and use.

Parcel 1 and Parcel 2 shall each be approved by the City for lawful development and use as single family residences. The City agrees to grant to LePore such variance(s) as may be necessary and proper to the requirements of the City's Code of Ordinances regarding the minimum lot size for single family residential development to allow Parcel 1 and Parcel 2 to each be developed and used for one single family residence. The terms of this Agreement shall otherwise be deemed to waive any provision of the City's Code of Ordinances applicable to development of Parcel 1 and the development of Parcel 2 by the construction of single family residences, including without limitation applicable provisions of the City's Building Code.

2. LePore will transfer and convey to the City by fee simple deed, that portion of the LePore Property described upon Exhibit "E" attached hereto (herein referred to as the "Transferred Parcel").

The City will not cause or permit the Transferred Parcel to be used for any purpose other than for it to become and a part of the Adjacent Parcel for land use purposes upon such terms and provisions as the City shall determine, at its discretion.

Executed by LePore this 3 day of November, 2009.


Angela LePore

Executed by the City this ___-day of November, 2009.

CITY OF GULFPORT, FLORIDA

By: _____
As its _____

RESOLUTION NO. 2010-11

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPERTY USE RIGHTS AGREEMENT WITH ANGELA LEPORE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gulfport is desirous of entering into a Property Use Rights Agreement with Angela LePore; and

WHEREAS, based on conversation with the City's former City Attorney and David Bacon, Attorney for Ms. LePore, the Property Use Rights Agreement was drafted and has been reviewed by City staff.

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

Section 1. The City Council hereby authorizes the City Manager to execute a Property Use Rights Agreement with Angela LePore as attached hereto and made a part of this resolution.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 2nd day of March, 2010 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

**Agenda Item No. 7
Old Business**

**Agenda Item No. 8
New Business**

**Agenda Item No. 9
Council Reports**

**Agenda Item No. 10
Adjournment**