

**City Council Meeting
Agenda Packet
Tuesday, January 4, 2011
7:00 pm**



City of Gulfport Florida
Regular City Council Meeting Agenda
Tuesday, January 4, 2011

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

7:00 p.m.

Call to Order

Invocation given by Vice Mayor Michele King.

Pledge of Allegiance

Roll Call:

Presentations:

Retirements:

Sgt. Terry Taylor – Gulfport Police Department

Louis Distasio – Gulfport Fire Department

Spirit of Gulfport Awards:

Joe and Maddy Guenther

Judy Ryerson

Robert Worthington

Brownfields:

Miles Ballogg, Brownfields & Economic Development

Director - CardnoTBE

1. Public Session.

2. City Manager Report.

3. City Attorney Report.

4. City Clerk Report.

5. Consent:

2011-01, A resolution of the City of Gulfport, Florida, authorizing the City Manager to purchase a new standby generator and automatic transfer switch from Tradewinds Powers Corporation; and providing for an effective date.

6. Ordinances:

a. 2010-15, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally; amending Section 15-51, Definitions; amending Section 15-53, Board of Trustees; amending Section 15-54, Finances and Fund Management; amending Section 15-56, Benefit Amounts and Eligibility; amending Section 15-58, Disability; amending Section 15-68, Repeal or Termination of System; amending Section 15-69, Domestic Relations Orders, Retiree Directed Payments, Exemption

from Execution, Non-assignability; amending section 15-75, Prior Police Service; providing for severability of provisions; repealing all ordinances in conflict herewith; and providing an effective date.

- b. 2010-21, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 6, Beaches, Boats, Boating and Waterfront Structures, by amending Article I, Section 6-1, Definitions, by resetting the position of the beginning point of the beach as described in Subsection (3); 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.

7. Resolution:

2011-02, A resolution of the City of Gulfport, Florida, in support of the recommendations of the Joint Land Use and Transportation Committee, including amendment to the Pinellas Planning Council's Special Act; and providing for an effective date.

8. Discuss sponsoring a Meet the Candidates forum.

9. Old Business.

10. New Business.

11. Council Reports.

12. 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: December 29, 2010.

Presentations

**Agenda Item No. 1
Public Session**

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

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

**Agenda Item No. 4
City Clerk Report**



GULFPORT CITY COUNCIL

AGENDA MEMORANDUM

FROM: Robert Vincent, Chief of Police

DATE: January 4, 2011

PRESENTATION

SUBJECT: Sgt. Terry Taylor retirement recognition

RECOMMENDATION: (or)

DIRECTION REQUESTED: N/A

BACKGROUND:

Terry Taylor is currently the longest-serving member of the Gulfport Police Department, and he is retiring this month after twenty-five years of employment. Before coming to Gulfport, Terry completed an enlistment in the United States Navy, and then he worked briefly as a deputy in the Pinellas County Jail.

When he started with Gulfport in 1986, Terry quickly made a reputation as a no-nonsense patrol officer. He got to know the people of this small city, and those who knew him would say he was firm but fair. Soon he was transferred to the detective bureau, where his skills were put to use investigating burglaries and robberies. After a few years, Terry accepted an assignment for which he is perhaps most well-known. From 1988 to 1996, he served as the school resource officer at Boca Ciega High School. Even today, former students often recall how Terry's guidance helped them through the most defining years of their lives. In 2005, Terry was honored with a promotion to the rank of sergeant, where he applied his talents mentoring and training new police officers.

Now Terry has decided to move onto the next phase of his life. Before he goes, it is appropriate that his service be formally recognized.

ANALYSIS: N/A

FINANCIAL IMPACT: N/A

MOTION: N/A



GULFPORT CITY COUNCIL

AGENDA MEMORANDUM

FROM: James V. Marenkovic Fire Chief

DATE: 1/4/2011

PRESENTATION

SUBJECT: Louis Distasio - 25 Year Retirement

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

Presentation only—no action required

BACKGROUND:

Louis Distasio started his fire service career with Hurricane Elena, when the Fire Department was an all volunteer department. He had worked with many fine officers and firefighters. As a volunteer firefighter he was a driver operator, firefighter and helped on medical calls. Louis went on to complete the Fire Academy in May 1999 and he received his Certificate of Compliance from the Bureau of Fire Standards and Training, earning his yellow helmet.

Louis took over the Fire Explorers Post program from Captain Bob Worthington and ran it for over 12 years. They ran ReHab-17 for the entire county helping other fire departments. As Fire Explorer Advisor, he nurtured future firefighters, took field trips to E-One, Pierce, Ten-8, and the Florida Fire Chief Conventions. Louis also participated in July 4th parades, car shows, and Rib Fest security.

Louis has worked with the Gulfport Historical Society on the City of Gulfport Birthday Bashes; pulling the trolley for the City tours, and driving the old open air trolley, Operation Santa Claus delivering toys and smoke detectors to needy city families on Christmas Eve, and is a past member of the Gulfport Fire Department Pension Board. Louis is currently involved with the CERT program.

ANALYSIS: N/A

FINANCIAL IMPACT: N/A

MOTION: N/A

Consent
Agenda Item No. 5
Resolution No. 2011-01



GULFPORT CITY COUNCIL

AGENDA MEMORANDUM

FROM: Don Sopak, Public Works Director

DATE: January 4, 2011

AGENDA ITEM: 5

RESOLUTION NO: 2011-01

SUBJECT: Replacement Standby Generator - Lift Station # 2

RECOMMENDATION:

That City Council consider approving this resolution authorizing the City Manger to purchase a new 80KW standby generator and new automatic transfer switch for Lift Station #2 from the Tradewinds Power Corporation for \$49,890.

BACKGROUND:

The City budgeted for a new 80KW standby generator with a new automatic transfer switch for Lift Station #2 this fiscal year. This will replace the existing standby generator purchased in 1986. Due to the age of this generator it is requiring additional maintenance and repairs which are resulting in extended down time and expense to the City.

ANALYSIS:

The purchase is a contract Tradewinds Power Corporation has with the Florida Sheriffs Association / Florida Association of Counties. They were awarded the low bid for the generator on bid #10-18-0907 specification #82. The new Tradewinds generator model TP80-11 UL 2200 will be powered a by a Perkins tier 3 diesel engine with a 400 gallon fuel tank.

Tradewinds Power Corporation was also awarded the specification #84 bid for the transfer switch model TT87SS-250-FS. The generator and transfer switch will be assembled and installed by Tradewinds Power Corporation.

FINANCIAL IMPACT:

Funds are available in the Public Works Sewer Division's account # 410-5172-536.64. These items were budgeted for FY 10-11 at \$50,000 and will be purchased \$110 under budget.

MOTION:

I move to approve/deny this resolution that authorizes the City Manager to purchase a new 80 KW standby generator and new automatic transfer switch for Lift Station #2 from the Tradewinds Power Corporation for \$49,890.

RESOLUTION NO. 2011-01

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW STANDBY GENERATOR AND AUTOMATIC TRANSFER SWITCH FROM TRADEWINDS POWER CORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City budgeted for a new 80KW standby generator with a new automatic transfer switch for Lift Station #2 this fiscal year; and

WHEREAS, The generator will replace the existing standby generator purchased in 1986.

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

Section 1. The City Manager is hereby authorized to purchase a new 80 KW standby generator and new automatic transfer switch for Lift Station #2 from Tradewinds Power Corporation for \$49,890 using the Florida Sheriffs Association/Florida Association of Counties bid #10-18-0907 specifications #82 and #84.

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

PASSED AND ADOPTED this 4th day of January, 2011 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Agenda Item No. 6-a
Ordinance No. 2010-15



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 4, 2011

AGENDA ITEM: 6-a

ORDINANCE NO.: 2010-15

SUBJECT: City of Gulfport Police Officers' Trust Fund Ordinance 2nd Reading

RECOMMENDATION:

The Board of Trustees of the City of Gulfport Police Officers' Trust Fund, recommends approval of the requested changes to the ordinance. The changes include updating language to be in compliance with the Internal Revenue Code and Florida Statutes. Also being proposed and recommended are two optional provisions to increase the length of the terms of trustees and to allow no-cost buy-backs of out of state police service.

Additionally proposed is an increase in the multiplier or benefit accrual rate from 2.75% to 2.88% for all years of service. Please see attached summary for all proposed changes.

BACKGROUND:

The Board of Trustees have reviewed various changes to state and federal law including changes to the Florida Statutes which require certain amendments and allow the optional provisions described in the attached summary.

In addition, the Board reviewed various benefit option enhancements utilizing the state monies they receive, that are statutorily required to be used for benefit improvements to the police pension plan. The plan receives monies on an annual basis from the state, and a portion of this money must be used to fund additional benefits for police officers. The recommendation to increase the multiplier was voted on by both the pension board members, as well as by the police officers, both union and non-union. A majority of the plan membership voted in favor of this proposed benefit improvement.

City Council previously directed a revision to a proposed improvement to the firefighters' pension plan to include a clause providing that if the state monies were reduced, that the multiplier enhanced benefit would be reduced to offset the reduction in the state revenue amount. This same clause has been included in the proposed ordinance.

City Council approved Ordinance 2010-15 on first reading on December 21, 2010.

ANALYSIS:

After a review of all of the data and in consideration of the vote of the membership, the Board is proposing an increase to the multiplier from 2.75%% to 2.88%. An increase in the multiplier will increase the amount that is received at the time of retirement. As explained above, the increase being proposed would be funded by the state monies that the plan has been receiving. The plan's attorney has reviewed all the legal changes, and has submitted a proposed ordinance that has been approved by the pension board.

FINANCIAL IMPACT:

The costs associated with the proposed change to the plan are to be completely funded by the monies that the plan receives from the state, which are specifically earmarked for benefit improvements to the police officer pension plan.

MOTION:

I move to adopt/deny Ordinance No. 2010-15 on Second Reading.

ORDINANCE NO. 2010-15

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 15, PENSIONS, ARTICLE V, POLICE OFFICERS' TRUST FUND, DIVISION 1, GENERALLY; AMENDING SECTION 15-51, DEFINITIONS; AMENDING SECTION 15-53, BOARD OF TRUSTEES; AMENDING SECTION 15-54, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 15-56, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 15-58, DISABILITY; AMENDING SECTION 15-68, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 15-69, DOMESTIC RELATIONS ORDERS, RETIREE DIRECTED PAYMENTS, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; AMENDING SECTION 15-75, PRIOR POLICE SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-51, Definitions, by amending the definition of *Actuarial Equivalent*, to read as follows:

Actuarial equivalent means a benefit or amount of equal value, based upon the RP2000- Sex Distinct Mortality Table and an interest rate of eight (8) percent per annum. This definition may only be amended by the city pursuant to the recommendation of the board using the assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

* * * * *

SECTION 2: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-53, Board of Trustees, subsection (a), to read as follows:

(a) The sole and exclusive administration of and responsibilities for the proper operation of the system and for making effective the provisions of this article is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city council, and two (2) of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board of trustees as its fifth trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a four-year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of years, unless

he sooner vacates the office or is sooner replaced by the city council at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of years, unless he sooner leaves the employment of the city as a police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

* * * * *

SECTION 3: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-54, Finances and Fund Management, subsection (f)(2)d.2., to read as follows:

* * * * *

(f)(2) d 2. Up to twenty-five (25) percent of the assets of the fund at market value may be invested in foreign securities.

* * * * *

SECTION 4: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-56, Benefit amounts and eligibility, subsection (b), Normal retirement benefit, to read as follows:

(b) *Normal retirement benefit.* A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal two and eighty-eight hundredths (2.88) percent of average final compensation, for each year of credited service.

In the event that the total insurance premium tax rebates in any year are reduced such that the original dollar amount attributable to pay for the increase in the benefit accrual rate from 2.75% to 2.88% is not available, the accrual rate in this Section 15-56 and accrual rates in subsections (a) and (c) of Section 15-58, Disability, shall be reduced proportionally to reflect the reduction in the premium tax rebates. This reduction shall not reduce the benefit accrual rate below 2.75%. This reduction shall apply to all active and retired members who have received the benefit of the increased benefit accrual rate and benefit adjustments to those receiving benefits shall become effective on the January 1st immediately following receipt of premium tax rebates for the calendar year. In the event that the total amount of the insurance premium tax rebates are subsequently increased, the benefit accrual rate shall be proportionately, prospectively increased, but not to an amount greater than 2.88% per year of credited service.

SECTION 5: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-58, Disability, subsection (a), *Disability benefits in line of duty*, and subsection (c), *Disability benefits off-duty*, to read as follows:

(a) *Disability benefits in line of duty.* Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer, which disability was directly caused by the performance of his duty as a police officer, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to two and eighty-eight hundredths (2.88) percent of his average final compensation multiplied by the total years of credited service, but in any event the minimum amount paid to the member shall be forty-two (42) percent of the average final compensation of the member. Terminated persons, either vested or nonvested, are not eligible for disability benefits, except that those terminated by the city for medical reasons may apply for a disability within thirty (30) days after termination

* * *

(c) *Disability benefits off-duty.* Any member with ten (10) years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer, which disability is not directly caused by the performance of his duties as a police officer shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to two and eighty-eight hundredths (2.88) percent of his average final compensation multiplied by the total years of credited service. Terminated persons, either vested or nonvested, are not eligible for disability benefits except that those terminated by the city for medical reasons may apply for a disability within thirty (30) days after termination.

SECTION 6: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-68, Repeal or Termination of System, to read as follows:

Sec. 15-68. Repeal or termination of system.

(a) This article establishing the system and fund, and subsequent ordinances pertaining to said system and fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby.

(b) If this article shall be repealed, or if contributions to the system are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in chapter 121, Florida Statutes, the board shall continue to administer the system in accordance with the provisions of this article, for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this article who are designated by any of said members. In the event of repeal, discontinuance

of contributions, or transfer, merger or consolidation of government units, services or functions, there shall be full vesting (one hundred (100) percent) of benefits accrued to date of repeal and such benefits shall be nonforfeitable.

- (c) The fund shall be distributed in accordance with the following procedures:
 - (1) The board shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the city if additional assets are required, in which event the city shall continue to financially support the plan until all nonforfeitable benefits have been funded.
 - (2) The board shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each police officer entitled to benefits under the plan as specified in subsection (3).
 - (3) The board shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the police officer's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the police officer.
 - (4) If there is asset value remaining after the full distribution specified in subsection (3), and after the payment of any expenses incurred with such distribution, such excess shall be returned to the city, less return to the State of the State's contributions, provided that, if the excess is less than the total contributions made by the city and the State to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the city and the State.
 - (5) The board shall distribute, in accordance with subsection (2), the amounts determined under subsection (3).

If, after twenty-four (24) months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued, the city or the board of the fund affected has not complied with all the provisions in this section, the Florida Department of Management Services will effect the termination of the fund in accordance with this section.

SECTION 7: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-69, Domestic Relations Orders, Retiree Directed Payments, Exemption from Execution, Non-assignability, subsection (b), *Retiree directed payments*, to read as follows:

(b) *Retiree directed payments.* The board may, upon written request by a retiree or by a dependent, when authorized by a retiree or the retiree's beneficiary, authorize the system to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, to make payment to insurance companies for insurance premiums if as permitted by F.S. Chapter 185 and to make any payments for child support or alimony.

* * * * *

SECTION 8: That Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally, is hereby amended by amending Section 15-75, Prior Police Service, to read as follows:

Sec. 15-75. Prior police service.

Unless otherwise prohibited by law, and except as provided for in section 15-51, the years or fractional parts of years that a member previously served as a full-time police officer with the city during a period of previous employment and for which period accumulated contributions were withdrawn from the fund, or the years and fractional parts of years that member served as a full-time police officer for any other municipal, county or state law enforcement department in the State of Florida shall be added to his or her years of credited service, provided that:

- (1) The member contributes to the fund the sum that he or she would have contributed, based on his or her salary, and the member contribution rate in effect at the time that the credited service is requested, had he or she been a member of the system for the years or fractional parts of years for which he or she is requesting credit, plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund, plus payment of costs for all professional services rendered to the board in connection with the purchase of year of credited service.
- (2) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.
- (3) Payment by the member of the required amount shall be made within six (6) months of his or her request for credit, but not later than the retirement date, and shall be made in one (1) lump sum payment upon receipt of which credited service shall be given.
- (4) The maximum credit under this section for service other than with the city shall be five (5) years of credited service and shall count for all purposes, except vesting and eligibility for not-in-line of duty disability benefits. There shall be no maximum purchase of credit for prior service with the city and such credit shall count for all purposes, including vesting.
- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or state law enforcement department, if such prior service forms or will form the basis of a retirement benefit or pension from another retirement system or plan as set forth in section 15-65 (k)(2).

- (6) For purposes of determining credit for prior service as a police officer as provided for in this section, in addition to service as a police officer in this state, credit may be purchased by the member in the same manner as provided for above for federal, other state, county or municipal service if the prior service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement, as provided under Chapter 943, Florida Statutes, or the police officer provides proof to the board that such service is equivalent to the service required to meet the definition of a police officer under Sec. 15-51, Definitions.

SECTION 9: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 10: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 11: That this Ordinance shall become effective upon its adoption.

MICHAEL J. YAKES, MAYOR

FIRST READING : September 21, 2010 TABLED

FIRST READING : December 21, 2010

PUBLISHED : December 25, 2010

SECOND READING/
PUBLIC HEARING : January 4, 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 applicable law, this _____ day of _____, 2011.

LESLEY DEMUTH, CITY CLERK

Agenda Item No. 6-b
Ordinance No. 2010-21



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 4, 2011

AGENDA ITEM: 6-b

ORDINANCE NO: 2010 - 21

SUBJECT: 2nd Reading of Ordinance 2010 – 21 providing for the amendment of Chapter 6, Beaches, Boats, Boating and Waterfront Structures*; Article I, In General, Section 1, Definitions; of the City of Gulfport Code of Ordinances - addressing the delineation of beach and park areas.

RECOMMENDATION:

Staff recommends City Council approve Ordinance 2010 – 21; amending Chapter 6 “Beaches, Boats, Boating and Waterfront Structures”, Section 1, of the City of Gulfport Code of Ordinances on second reading.

BACKGROUND:

City Council had received a series of inquiries relating to the feasibility of expanding the public areas available for an individual to walk their dog. From a simple perspective, presently by ordinance domesticated dogs may be walked in city parks but are prohibited on the public beach area. Within existing ordinances the area behind the Recreation Center is presently defined/delineated as public beach area, Subsequent to the creation of the definition, the City has enhanced the area with park improvements, such as a walkway, exercise stationed equipment and park benches, inviting the public to utilize area in more passive manner along the existing seawall. The area serves as park or children’s play area and also is utilized to host concerts and the City’s “Movies on the Bay.”

Following discussion of the City Council in regards to where dogs are presently allowed in relationship to the public beach area and the park walking area located to the rear of the City’s Recreation Center, City Council directed staff to prepare an ordinance amending Chapter 6 for consideration on first reading. The intent of the amendment of Chapter 6 is to clarify the issue of where the beach area technically begins for enforcement purposes.

City Council approved Ordinance 2010 - 21 on first reading on December 21, 2010.

ANALYSIS:

The amendment presented would re-establish the definition of public beach within the City of Gulfport Code of Ordinances. Presently the code provides the following;

Municipal Beach: All lands and water area being particularly described and designated as follows: Beginning at a point where the south line of Shore Boulevard intersects with the west line of 58th Street South in the City of Gulfport, Florida; thence running east along the south line of Shore Boulevard one thousand ninety-eight feet, more or less, to the point of the west wall of the casino building, if produced northerly, [thence] in a southerly direction along the west wall of said casino, if produced northerly, into the waters of Boca Ciega Bay, four hundred fifty feet; thence at right angles in a westerly direction, one thousand two hundred ninety-eight feet; thence north four hundred fifty feet to the point of beginning.

The recommended change would establish the west line of the beach concurrent of the existing seawall at the rear of the Recreation Center or 250 feet more or less east of the existing point of beginning within the definition. Dogs would then be allowed in the area to the rear of the Recreation Center; however they will continue to be prohibited on the public beach area. Additionally, there is no change to the briefly discussed prohibitions related to the City's Municipal Pier.

FINANCIAL IMPACT:

Financial impact of \$300.00 for new regulatory signs; funds for ongoing park signage placement or replacement provided/budgeted for within the Parks division's operating budget.

MOTON:

A motion to adopt/deny Ordinance 2010 -21; amending Chapter 6 "Beaches, Boats, Boating and Waterfront Structures", Section 1, of the City of Gulfport Code of Ordinances on second reading would be appropriate.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2010-21**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 6, BEACHES, BOATS, BOATING AND WATERFRONT STRUCTURES, BY AMENDING ARTICLE I, SECTION 6-1, DEFINITIONS, BY RESETTING THE POSITION OF THE BEGINNING POINT OF THE BEACH AS DESCRIBED IN SUBSECTION (3); 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 Council for the City of Gulfport desires to establish the boundaries by definition of the public beach area within the boundaries of the City; and

WHEREAS, with the City Council of the City of Gulfport desires to simplify the delineation between City park area and adjacent beach area.

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

Section 1. Subsection (3) of Section 6-1 of Chapter 6, Beaches, Boats, Boating and Waterfront Structures of the City Code of Ordinance is hereby amended as follows:

ARTICLE I. IN GENERAL

Section. 6-1. Definitions.

(3) *Municipal Beach*: All lands and water area being particularly described and designated as follows: Beginning at a point where the south line of Shore Boulevard intersects with the west line of 58th Street South in the City of Gulfport, Florida; thence running east along the south line of Shore Boulevard ~~one thousand ninety-eight~~ **eight hundred and forty eight** feet, more or less, to the point of the west wall of the casino building, if produced northerly, [thence] in a southerly direction along the west wall of said casino, if produced northerly, into the waters of Boca Ciega Bay, four hundred fifty feet; thence at right angles in a westerly direction, one thousand two hundred ninety-eight feet; thence north four hundred fifty feet to the point of beginning.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This ordinance shall take effect immediately upon its passage and approval, consistent with all requirements of general law.

Section 4. The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of this ordinance may be renumbered and codified to accomplish this end.

Section 5. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

Michael J. Yakes, Mayor

FIRST READING : December 21, 2010
PUBLISHED : December 25, 2010
SECOND READING/
PUBLIC HEARING : January 4, 2011

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 _____, 2011.

Lesley DeMuth, City Clerk

Agenda Item No. 7
Resolution No. 2011-02



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Frederick J. Metcalf, Community Development Director

DATE: January 4, 2011

AGENDA ITEM: 7

RESOLUTION NO: 2011-02

SUBJECT: Amendment of the Special Act Establishing the Pinellas Planning Council and Countywide Planning Authority for Pinellas County, herein referred to as the special act.

RECOMMENDATION: Staff recommends approval of the resolution in support of the Joint Land Use and Transportation Committee recommendations.

BACKGROUND:

Several months ago, a Transportation/Land Use Committee comprised of board members from the MPO, the Pinellas Planning Council, and the Board of County Commissioners was established to look at ways to better integrate countywide transportation and land use planning. Among other things, the Committee recommended that a single board be established to serve as the policy board for both the Pinellas County Metropolitan Planning Organization (MPO) and Pinellas Planning Council (PPC).

Part of that recommendation was reapportionment of the MPO to provide for better representation of cities like Gulfport on the MPO board. This issue was addressed with a separate resolution.

The Joint Land Use and Transportation Committee also made recommendations to amend the PPC special act. The special act originally established the PPC and set forth their powers and duties. The main change proposed involved the merging of the PPC with the MPO to better integrate land use planning with transportation issues in Pinellas County. The PPC would be under the reapportioned MPO board. The new unified board would be supported by an independent executive director and staff.

ANALYSIS:

The major proposed changes to the Special Act are summarized as follows:

- Provides that the PPC shall coordinate the functions of both the Council and the Pinellas County Metropolitan Planning Organization (MPO), and that the Council membership shall be composed of the voting membership of the MPO;
- Provides for annual strategic planning meetings with the Countywide Planning Authority;
- Removes the requirement for the PPC to prepare "ability to serve" reports for annexations over 10 acres;
- Provides for additional advisory committees, consisting of either staff or elected officials, to be appointed as deemed necessary;

- Provides that the Council shall be funded, at a minimum, at a level that supports its enumerated powers and duties;
- Provides that a new Countywide Plan, inclusive of the Countywide Plan Map, Countywide Rules, and Countywide Plan Strategies, shall be adopted that conforms to the intent of the revised Special Act;
- Provides a timeframe for local government comprehensive plans and land development regulations to be made consistent with the new Countywide Plan Map and Rules;
- Provides that the Council may initiate Countywide Plan Map amendments under certain circumstances; and
- Revises public notice requirements, using guidance provided by Chapter 166.041, Florida Statutes.

FINANCIAL IMPACT:

There should be no financial impact to the City with this proposal.

MOTION:

A motion to approve/deny the resolution supporting the Joint Land Use and Transportation Committee recommendations.

RESOLUTION NO. 2011-02

A RESOLUTION OF THE CITY OF THE CITY OF GULFPORT, FLORIDA, IN SUPPORT OF THE RECOMMENDATIONS OF THE JOINT LAND USE AND TRANSPORTATION COMMITTEE, INCLUDING AMENDMENT TO THE PINELLAS PLANNING COUNCIL'S SPECIAL ACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Joint Land Use and Transportation Committee ("Joint Committee"), consisting of three (3) representatives from the Pinellas Planning Council ("PPC"), three (3) representatives from the Board of County Commissioners ("BCC"), and three (3) representatives from the Metropolitan Planning Organization ("MPO") was convened in April of 2010 to study the potential for integrating of transportation and future land use planning at the countywide level; and

WHEREAS, the Joint Committee deliberated for several months, reaching its conclusions in a consensus driven manner; and

WHEREAS, the Joint Committee has recommended that the MPO and PPC functions be more closely aligned on transportation and land use issues to create a more streamlined and integrated process, which should identify and eliminate any redundancies, disconnects, or inefficiencies in the current system; and

WHEREAS, the Joint Committee recommended that this integrated process include a new Countywide Future Land Use Plan, which establishes a broad, forward-looking land use planning framework, incorporates and guides multimodal transportation planning, and allows sufficient flexibility to accommodate the redevelopment needs of Pinellas County; and

WHEREAS, the Joint Committee determined that the most effective way to achieve these goals would be to unify the membership of the boards of the MPO and the PPC into a single consolidated board that would be empowered to carry out the functions of both the MPO and PPC; and

WHEREAS, the establishment of the new consolidated board will require reapportionment of the MPO membership, which must be done in conformance with Section 339.175, Florida Statutes; and

WHEREAS, the establishment of the new consolidated board will require amendment of the PPC's Special Act.

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

Section 1. The City Council hereby declares its support for the recommendations of the Joint Committee, including:

1. The boards of the MPO and the PPC should be consolidated and empowered to carry out the functions of both the MPO and the PPC;
2. The new consolidated board should consist of elected officials and ensure representation for all municipalities;
3. The countywide plan should be reconstituted into a forward-looking plan that is policy driven and broad based;
4. The new consolidated board will be supported by a consolidated, independent staff;
5. The Special Act that created the PPC should be amended to provide the necessary framework to accomplish these recommendations; and
6. The Reapportionment Plan be prepared and approved consistent with these amendments to the Special Act and these recommendations.

Section 2. The Council of the City of Gulfport encourages the Pinellas County Legislative Delegation to support the legislation necessary to accomplish the recommendations of the Joint Committee, as set forth herein.

Section 3. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 4th day of January, 2011 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Agenda Item No. 8
Discuss Sponsoring a Meet the
Candidates Forum

Agenda Item No. 9
Old Business

Agenda Item No. 10
New Business

Agenda Item No. 11
Council Reports

Agenda Item No. 12
Adjournment