

**City Council Meeting
Agenda Packet
Tuesday, April 5, 2011
7:00 pm**



City of Gulfport Florida
Regular City Council Meeting Agenda
Tuesday, April 5, 2011

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

7:00 p.m.

Call to Order

Invocation given by Councilmember Jennifer Salmon

Pledge of Allegiance

Roll Call:

Presentation:

Moore Stephens Lovelace, P.A.: Comprehensive Annual Financial Report – Year Ending September 30, 2010.

1. Public Session.

2. City Manager Report.

3. City Attorney Report.

4. City Clerk Report.

5. Consent:

a. Consider approval of the Council Meeting Minutes of March 15, 2011.

b. Resolution No. 2011-10: A resolution of the City of Gulfport, Florida, appointing a city council representative and an alternate representative to the Tampa Bay Regional Planning Council; and providing for an effective date.

6. Ordinance:

2011-06, An ordinance of the City of Gulfport, Florida, amending Chapter 22, Zoning, Article XXIII, Development Agreements, Section 22-23.03 Public Hearings Requirements; 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:

a. 2011-11, A resolution of the City of Gulfport, Florida, authorizing the city manager to sell recycling truck #40 at the Gov Deals Auction; and providing for an effective date.

- b. 2011-12, A resolution of the City of Gulfport, Florida, establishing reasonable rules and policies for city council and for comment at city council meetings; and providing for an effective date.
8. Old Business.
9. New Business.
10. Council Reports.
11. 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: March 31, 2011.

Presentation

**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: Dan Carpenter, Administrative Services Director

DATE: April 5, 2011

AGENDA ITEM: PRESENTATION

PRESENTATION: Comprehensive Annual Financial Report 9/30/10

BACKGROUND:

Attached is the City of Gulfport Comprehensive Annual Financial Report for the fiscal year ended September 30, 2010. The report meets all legal requirements of the City Charter, Florida Statutes and the rules of the Auditor General of the State of Florida. A representative from the audit firm Moore, Stephens & Lovelace will present the report to Council at the April 5th, 2011 regularly scheduled council meeting. A brief presentation covering key points and areas of the report is planned and included under the "presentation" section of the April 5, 2011 agenda.

PRESENTER:

Joel Knopp, CPA
Manager

MOORE STEPHENS LOVELACE, P.A.
Certified Public Accountants

Consent
Agenda Item No. 5-a
Minutes

City of Gulfport Florida
Regular City Council Meeting Agenda
Tuesday, March 15, 2011

The Regular Meeting of the Gulfport City Council was held on Tuesday, March 15, 2011, in the City Hall, City Council Chambers, 2401 53rd Street South, Gulfport, Florida.

Michael J. Yakes, Mayor, called the meeting to order at 7:00 p.m. There was a moment of silence, followed by the Pledge of Allegiance.

Mayor Yakes reviewed the City Council's policy on meeting procedures and public comment.

Oath of Office:

City Clerk DeMuth administered the Oath of Office to the newly elected Councilmembers Barbara Banno, Ward II and Samuel Henderson, Ward IV.

Roll Call:

Present were Councilmembers David Hastings, Barbara Banno, Jennifer Salmon and Samuel Henderson; Mayor Michael J. Yakes; City Manager James O'Reilly; City Attorney Andrew Salzman, and City Clerk Lesley DeMuth.

1. Public Session.

Lori Rosso, 5701 Shore Boulevard, announced the Chamber of Commerce is open at their new location and spoke on the upcoming Pink Flamingo Tour.

Bob Newcomb, 921 Fremont Street S., congratulated the new councilmembers, spoke in favor of opening workshops to public comment in a limited way, and suggested a councilmember ask for reconsideration and workshop the proposed Dollar General Store Development.

Al Davis, 2790 45th Street S., welcomed the new councilmembers, and spoke on the opportunity for a new direction in Gulfport.

2. City Manager Report. City Manager O'Reilly reported:

- He would like to place on the March 24 workshop agenda, discussion of an amendment to the development agreement ordinance. The amendment will provide additional notice requirements. There was no objection from Council.
- Don Sopak, Public Works Director, announced the city has purchased a roll-off container, with a recycling grant from Pinellas County, that has been placed at the Recreation Center to recycling glass: clear, green and brown. In response to questions by council, Public Works Director Sopak explained labels do not have to be removed, information will be available through the website and flyers and notices will be included in the next cycle of utility bills.

3. City Attorney Report. No Report.

4. City Clerk Report. City Clerk DeMuth reported on the items scheduled for discussion during the March 24, workshop. Councilmember Salmon asked if under the Rules of Procedures item, council could have the conversation of allowing public comment at workshops.

5. Consider the appointment of a Vice Mayor.

Mayor Yakes spoke on the responsibilities of the vice mayor.

Councilmember Banno moved to appoint Councilmember Hastings as vice mayor.

Prior to getting a second on the motion, Councilmember Henderson pointed out council's rationalization last year on their choice of an appointment, and that Ward IV has not had a vice mayor appointment since 1993. He asked for council's consideration in giving him the vice mayor position.

Councilmember Salmon seconded the motion and said she appreciated Councilmember Henderson's position and his service on the Metropolitan Planning Organization, but felt there were important roles and responsibilities that she would like to see distributed across all of the councilmembers.

Councilmember Banno said she appreciated what Councilmember Henderson had to say, but she based some of her decision on Councilmember Hastings Certified Public Account (CPA) experience since the city is going into a critical year where they need to focus on the budget.

Mayor Yakes recognized that both Councilmember Henderson and Councilmember Hastings were both qualified and that council's choice of Councilmember Hastings was respected by him. He asked council to serve and work together.

ROLL CALL:	COUNCILMEMBER HENDERSON	NO
	COUNCILMEMBER SALMON	YES
	COUNCILMEMBER BANNO	YES
	COUNCILMEMBER HASTINGS	YES
	MAYOR YAKES	YES

MOTION CARRIED: 4 to 1.

6. Consent:

2011-08, A resolution of the City of Gulfport, Florida, authorizing the City Manager to renew the janitorial services contract with Dazser-TPA dba/Jani-King of Tampa Bay; and providing for an effective date.

City Clerk DeMuth read the Consent Agenda.

Motion by Councilmember Henderson, second by Vice Mayor Hastings to approve the Consent Agenda.

UNANIMOUS APPROVAL BY ACCLAMATION

7. Resolution:

2011-09, A resolution of the City of Gulfport, Florida, authorizing the City Manager to execute a change order with Allied Roofing, Inc., for the Fire Station lower roof re-roofing; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-09 by title only.

City Manager O'Reilly and Public Works Director Sopak explained the resolution.

In response to questions by Vice Mayor Hastings on the pick-up of glass for recycling at commercial businesses, Public Works Director Sopak said the commercial pick-up for glass is in the future; their thoughts are more towards the expansion of businesses participating in the paper, cardboard and container recycling program.

Mayor Yakes opened for public discussion.

Bob Worthington, 5725 13th Avenue S., spoke on the need for this re-roofing.

Neither hearing no seeing anyone else who wished to speak, Mayor Yakes closed the public discussion.

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Resolution No. 2011-09.

ROLL CALL:	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	COUNCILMEMBER BANNO	YES
	VICE MAYOR HASTINGS	YES
	MAYOR YAKES	YES

MOTION CARRIED

8. Old Business.

Councilmember Salmon requested council's consideration of replacing Dr. Bob Brown with former Councilmember Bob Worthington as the city's representative on the Tampa Bay Nitrogen Management Consortium. It was the consensus of council to schedule this item for discussion at the March 24, workshop. Council scheduled the March 24, workshop to begin at 4:00 p.m.

9. New Business.

Councilmember Salmon nominated Steven Karbowski for the Spirit of Gulfport Award. Vice Mayor Hastings said he was not against this individual, but there did not appear to be a set criteria for the Spirit of Gulfport Award. Before he would vote on this award, he would rather someone come up with a set of criteria that council could uniformly apply now and in the future. It was the consensus of council to scheduled discussion of the Spirit of Gulfport Award criteria for the April 28, workshop.

Mayor Yakes thanked Councilmember Henderson for his attendance at the Suncoast League of Cities meeting this weekend.

10. Council Reports.

Councilmember Salmon reported the First United Methodist Church was holding a Gardenfest.

Councilmember Banno thanked those who voted for her and stated she was looking forward to serving the city and its citizens.

Vice Mayor Hastings read a thank you letter from Catherine Hicks whom he provided assistance to on an issue with her ducks.

11. Adjournment.

Motion by Councilmember Henderson, second by Councilmember Salmon to adjourn.

Date Approved: _____

Michael J. Yakes, Mayor

Lesley DeMuth, City Clerk

Consent
Agenda Item No. 5-b
Resolution No. 2011-10

RESOLUTION NO. 2011-10

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, APPOINTING A CITY COUNCIL REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE TAMPA BAY REGIONAL PLANNING COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council must appoint one of its members to serve on the Tampa Bay Regional Planning Council; and

WHEREAS, At the Workshop Meeting of March 24, 2011, City Council discussed the appointment to the Tampa Bay Regional Planning Council.

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

Section 1. The City Council hereby appoints Councilmember Samuel Henderson as the City Council's representative and Councilmember Jennifer Salmon as the alternate representative to the Tampa Bay Regional Planning Council.

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

PASSED AND ADOPTED this 5th day of April, 2011 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Agenda Item No. 6
Ordinance No. 2011-06



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

AGENDA ITEM: 6

DATE: April 5, 2011

ORDINANCE NO: 2011-06

SUBJECT: Amendment of Section 3 Article XXIII, Development Agreements, Section 22-23.03, Public Hearings Requirements.

RECOMMENDATION:

Staff recommends approval of the amendment of Section 3 Article XXIII, Development Agreements, Section 22-23.03, Public Hearings Requirements; providing for language to be incorporated and implemented in the notification process of all future Development Agreement Ordinances and the related process as set forth in Chapter 163 Florida Statutes.

BACKGROUND:

In observation of City Council discussion at the Public Hearing of March 1, 2011 of Ordinance No. 2011-03 (Dollar General Development Agreement) in regards to the notification of surrounding property owners and the subsequent consideration and discussion at the City Council workshop of March 24, 2011; staff is providing the following language for inclusion in the Development Agreement process.

Section 3 Article XXIII, Development Agreements, Section 22-23.03, Public Hearings Requirements is hereby established and shall read as follows:

22-23-.03 PUBLIC HEARINGS REQUIREMENTS

Notice of intent to consider a development agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in Pinellas County. A notice of the first public hearing shall be mailed to the applicant and owners of property located within three hundred (300) feet of any part of the property that is the subject of the application, as determined from the latest county real property records available to the city approximately seven (7) days in advance. A sign providing notice of the hearing shall be posted on the subject property and it shall be unlawful and a violation of this Code of Ordinance, punishable as provided in this Code, for any person to remove or tamper with said sign during the time period as may be established for the maintenance of said notice.

ANALYSIS:

Inclusion of the amended language will provide notification consistency within the City's Land Development Code. The applicant and property owners of record within 300 feet will now be notified by U.S. Mail. The posting of signage will additionally provide information to interested parties in the area of the proposed project.

FINANCIAL IMPACT:

Mail costs will be determined by the number of individual properties within the 300 feet radius.

MOTION:

A motion to approve/deny on first reading an ordinance regarding the amendment of Section 3 Article XXIII, Development Agreements, Section 22-23.03, Public Hearings Requirements; providing for language to be incorporated and implemented in the notification process of all future Development Agreement Ordinances.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2011-06**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 22, ZONING, ARTICLE XXIII, DEVELOPMENT AGREEMENTS, SECTION 22-23.03, PUBLIC HEARINGS REQUIREMENTS; 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 of the City of Gulfport previously adopted a development agreement policy and procedures ordinance; and

WHEREAS, the City Council is concerned that Florida Statutes governing Development Agreements do not provide sufficient notice of public hearings.

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

Section 1. Article XXIII, Development Agreements, Section 22-23.03, Public Hearings Requirements, is hereby amended as follows:

Article XXIII. DEVELOPMENT AGREEMENTS.

Section 22-23.03, Public Hearings Requirements.

Notice of intent to consider a development agreement shall be advertised approximately seven (7) days before each public hearing in a newspaper of general circulation and readership in Pinellas County. A notice of the first public hearing shall be mailed to the applicant and owners of property located within three hundred (300) feet of any part of the property that is the subject of the application, as determined from the latest county real property records available to the city approximately seven (7) days in advance. A sign providing notice of the hearing shall be posted on the subject property and it shall be unlawful and a violation of this Code of Ordinance, punishable as provided in this Code, for any person to remove or tamper with said sign during the time period as may be established for the maintenance of said notice.

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 : _____

PUBLISHED : _____

SECOND READING/
PUBLIC HEARING : _____

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-a
Resolution No. 2011-11



GULFPORT CITY COUNCIL

AGENDA MEMORANDUM

FROM: Don Sopak, Public Works Director

DATE: April 5, 2011

AGENDA ITEM: 7-a

RESOLUTION NO: 2011-11

SUBJECT: Sale of Recycling Truck #40

RECOMMENDATION: That City Council authorize the City Manager to sell Recycling Truck #40 at the Gov Deals auction.

BACKGROUND:

When a Department determines that an asset is no longer operable or has been replaced and in the event an individual item may bring in over \$10,000, the item must be approved by the City Council under Code of Ordinance Section 16-10 before it is auctioned for sale.

On November 3, 2009 City Council authorized the purchase of a 2010 Crane Carrier recycling truck to replace truck #40. The replacement vehicle is in service and the old truck #40 a Crane Carrier recycling truck purchased in 2002 is no longer needed.

ANALYSIS:

Gov Deals provides services to various governmental agencies that allow them to sell surplus and confiscated assets via the Internet. The City has successfully used Gov Deals for the last seven years.

FINANCIAL IMPACT:

All proceeds from the sale will be shown as sale of surplus equipment revenue to Sanitation account # 400-000-364-41.

MOTION:

I move to approve/deny this resolution that authorizes the City Manager to sell Recycling Truck #40 at the Gov Deals auction.

RESOLUTION 2011-11

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO SELL RECYCLING TRUCK #40 AT THE GOV DEALS AUCTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, When a Department determines that an asset is no longer operable or has been replaced and in the event an individual item may bring in over \$10,000, the item must be approved by the City Council before it is auctioned for sale; and

WHEREAS, On November 3, 2009 City Council authorized the purchase of a 2010 Crane Carrier recycling truck to replace truck #40; and

WHEREAS, The replacement vehicle is in service and the old truck #40 a Crane Carrier recycling truck purchased in 2002 is no longer needed; and

WHEREAS, Gov Deals provides services to various governmental agencies that allow them to sell surplus and confiscated assets via the Internet.

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 sell Recycling Truck #40 at the Gov Deals Auction.

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

PASSED AND ADOPTED this 5th day of April, 2011, by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Agenda Item No. 7-b
Resolution No. 2011-12

RESOLUTION NO. 2011-12

**A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, ESTABLISHING
REASONABLE RULES AND POLICIES FOR THE CITY COUNCIL AND FOR COMMENT
AT CITY COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 307 (b) of the Charter of the City of Gulfport, provides that the City Council shall determine its own rules and order of business; and

WHEREAS, the City Council has considered and wishes to adopt an order of business which provides reasonable rules and policies for the City Council and for comment at City Council meetings in order to efficiently and effectively complete city business during the meetings.

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

Section 1. The following reasonable rules and policies are hereby established for the City Council and for comment at City Council meetings:

- A. Balance of Rights and Decorum. Gulfport is afforded the means to insure that the individual's right to participate in a public meeting is balanced with maintaining decorum during that meeting. The right of the individual to express his or her thoughts will generally prevail over restriction on public participation.

- B. Citizens to Be Heard Before the City Council.
 - 1. Public Session. The remarks of each speaker are limited to three (3) minutes. Citizens may discuss any matter, unless the discussion is not appropriate because of a pending bid protest, the matter involves a quasi-judicial hearing or due process considerations, there are other similar limitations relating to the discussion, or the matter is a scheduled agenda item.

The City Council will not attempt to resolve problems nor respond during a City Council Meeting until the matter has been referred to the Administration for review and recommendation.
 - 2. Agenda Items. Citizens' comments will be permitted on agenda items at the time the item is under consideration by the City Council. The remarks of each speaker are limited to three (3) minutes.

- C. Workshops. Workshop meetings of the City Council are held for the purpose of Council being informed on and discussing matters which may come before them for consideration at a regular or special Council meeting. Citizens' comment will be permitted on agenda items at the beginning of the meetings. The remarks of each speaker are limited to three (3) minutes. City Council may request presentations when

appropriate. Workshop meetings shall be held in an informal setting off the City Council Dias unless a scheduled presentation necessitates otherwise.

D. Addressing the City Council.

1. Once recognized by the Mayor/Chair, each person addressing the City Council shall approach the speaker's microphone/podium and shall give the following information in an audible tone of voice for the minutes;

a. Name and complete address.

b. If requested by the Mayor/Chair, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization and whether the person is being compensated by the organization.

2. All remarks shall be addressed to the City Council as a body and not to any member thereof. No personal attacks shall be tolerated.

3. Each person is limited to speak once during public session and once on each agenda item.

4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the City Council to consider. Comments shall be limited to three (3) minutes.

5. Written communications provided to the City Council shall be retained in accordance with the Florida Records Retention Guidelines by the City Clerk.

6. The City Clerk shall indicate by a bell, buzzer or voice when the allotted three (3) minutes time period has expired.

E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in the Council Chambers. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

F. Overhead/Visual Displays. The presenting of information through the City's audio/visual equipment is an allowable use by City Staff, by applicants during Site Plan Review and quasi-judicial proceedings or other applicable situations subject to City Council authorization.

G. Decorum - City Council. While the Council is in session, the members thereof shall preserve order and decorum and shall not, by conversation or otherwise, delay or

interrupt the proceedings nor the peace of the Council and shall obey all orders of the Council or its Mayor/Chair, except as otherwise provided. The Mayor/Chair shall preserve strict order and decorum at all meetings.

Every Councilmember desiring to speak shall address the Mayor/Chair and, upon recognition by the Mayor/Chair, shall confine them self to the question under debate and shall avoid all personalities and inappropriate language.

Generally, a Councilmember having an administrative inquiry shall address his/her question to the City Manager, who may answer or designate a member of the City Staff to answer.

A Councilmember once recognized, shall not be interrupted while speaking unless called to order by the Mayor/Chair, and unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. All members of the Council shall demonstrate the utmost courtesy to each other, to City employees, and to public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilmembers shall confine their remarks to the issues before the Council.

Cellular telephones and audible pagers shall be silenced and/or turned off while the City Council meeting is in order. Text messaging and internet usage shall not be permitted.

H. Decorum - Public. The Mayor/Chair shall preserve decorum and order and decide all questions of order subject to City Council appeal.

1. The public shall be respectful of others' opinions, and refrain from making personal attacks. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Mayor/Chair and given the opportunity to conclude remarks on the subject in a decorous manner and with the designated time limit. Any person failing to comply as cautioned may be barred from making any additional comments during the meeting by the Mayor/Chair, unless permission to continue or again address the City Council is granted by the majority of the City Councilmembers present.
2. If the Mayor/Chair or the City Council declares an individual out of order, he or she may be requested to relinquish the podium. If the person does not do so, he or she may be subject to removal from the Council Chambers or other meeting room.
3. Clapping, applauding, heckling or verbal outburst in support or opposition to a speaker or his or her remarks shall be discouraged.

4. Cellular telephones and audible pagers shall be silenced and/or turned off while the City Council meeting is in order.
 5. Persons exiting the Council Chambers shall do so quietly.
- I. Order of Business. The business of each regular City Council Meeting shall be transacted in the following order unless the City Council suspends the rules and changes the order by consensus and/or majority vote of the members present:
1. Call to Order.
 2. Invocation, followed by the Pledge of Allegiance.
 3. Presentations.
 4. Public Comment. (Limit to 3 minutes on non-agenda and/or consent items)
 5. Reports of City Manager.
 6. Report of City Attorney.
 7. Report of City Clerk.
 8. Consent Agenda.
 9. Ordinances.
 10. Resolutions.
 11. Action Items.
 12. Old Business (status of items previously discussed).
 13. New Business (items to be considered for a future agenda).
 14. Council Reports (comments, updates, etc.).
 15. Adjournment.
- J. Agenda Setting.
1. The City Manager will place administrative or ministerial items on the agenda with the City Clerk. The Mayor will have the ability to review the agenda for clarity and placement, but the Mayor's action will not provide administrative duties.
 2. A member of the City Council who would like to have specific items placed on the agenda will need to clearly state the issue and if the item is to be a discussion or action item. A Councilmember will need to receive a consensus from fellow Councilmembers to place an item on for a future agenda. Items requested for placement on a future agenda must be made during the New Business section of the Council Meeting Agenda.
 3. During the placement of items on the agenda, the City Manager will make the determination for items to be placed on the Consent Agenda. Consent items shall include the minutes, items dealing with the appointment and resignation to boards and committees and items related to the acquisition of goods and services which have already been included in the adopted budget. Variance from this will be in situations that require adoption as required by existing

resolutions or ordinances, other government agencies or the City's purchasing guidelines.

All administrative matters or acts concerning Charter Officials or other items as determined by a majority of Council shall not be placed on the Consent Agenda. Any item placed on the agenda as a consent item may be removed by a motion, second, and majority vote of the City Council. Items removed from Consent will be considered prior to New Business.

4. Items discussed during City Council Workshop Meetings will require a consensus of the majority of the City Council to bring the item forward for placement on a subsequent City Council Meeting Agenda. Substantive decisions shall not be made at workshops.

K. Procedure for City Council actions on the adoption of Ordinances and approval of Resolutions not on the consent agenda, and consideration of agenda items. The City Council shall follow the following process:

1. The Mayor/Chair shall direct the City Clerk to read the Ordinance or Resolution by title unless otherwise provided by law.
2. Comments from the City Manager and/or City staff members.
3. City Council questions to staff.
4. Open public hearing and/or public comment.
5. Close public hearing and/or public comment.
6. Consideration of a motion to adopt, reject or defer the agenda item.
7. Second on the motion.
8. Council debate.
9. Roll call vote.

L. Procedure for Ex-Parte Communications concerning Quasi-Judicial matters. Any person not otherwise prohibited by statute, charter, provision or ordinance may discuss with any public official, the merits of any matter on which action may be taken by the City Council. Such communication shall not raise any presumption of prejudice provided the following process of disclosure occurs:

1. The subject and substance of any ex-parte communication with a member of the City Council relating to a quasi-judicial action pending before them, as well as the identity of the person, group or entity with whom the communication took place, is disclosed and made a part of the record before final action is taken on the matter.
2. A member of the City Council may read a written communication from a person relating to a quasi-judicial action pending before them; however, such communication shall be made a part of the record before final action is taken on the matter.

3. A member of the City Council may conduct investigations, make site visits and receive expert opinions regarding a quasi-judicial action pending before them, provided that such activities and the existence of such investigation, site visit, or expert opinions are made a part of the record before final action is taken on the matter.

M. Procedure for Public Hearings on Quasi-Judicial matters. The City Council shall follow the following process:

1. Mayor/Chair explanation of hearing process.
2. Swearing in of individual wishing to speak.
3. Staff presentation – 10 minutes max.
4. Applicant presentation – 10 minutes max.
5. Proponents:
 - Designated representative – 10 minutes max.
 - Individuals – 3 minutes max.
6. Opponents:
 - Designated representatives – 10 minutes max.
 - Individuals – 3 minutes max.
7. Other citizen comments – 3 minutes max.
8. City Council Disclosure – Ex-Parte Communications.
9. Rebuttal by Applicant – 5 minutes max.
10. Staff Response – 5 minutes max.
11. City Council questions.
12. Close public hearing.
13. City Council action.

Section 2. The rules and policies adopted herein shall be effective until modified, or repealed by the City Council.

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

PASSED AND ADOPTED this 5th day of April, 2011 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

**Agenda Item No. 8
Old Business**

**Agenda Item No. 9
New Business**

**Agenda Item No. 10
Council Reports**

**Agenda Item No. 11
Adjournment**