

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



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

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

7:00 p.m.

Call to Order

Invocation given by Councilmember Samuel Henderson

Pledge of Allegiance

Roll Call:

1. Public Session.
2. City Manager Report.
3. City Attorney Report.
4. City Clerk Report.
5. Consent:

Consider approval of the Council Meeting Minutes of June 7, 2011.

6. Ordinance:

- a. 2011-11, First Reading: An ordinance of the City of Gulfport, Florida, amending the Charter, Section 304. Mayor; Presiding Officer; Section 306. Vacancies; Filling of Vacancies; Section 307. Procedure; Section 309. Ordinance and Resolutions in General; Section 311. Emergency Appropriations; Section 314. Charter Amendment; Article IV. Administrative; Section 403. Acting City Manager; Section 406. Personnel System; Article V. Qualifications and Elections; Section 502. Wards; Section 504. Qualifications; Section 505. Nominations; General Election; Article VII. City Attorney; Section 702. Duties; 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.
- b. 2011-12, First Reading: An ordinance of the City of Gulfport, Florida, amending Article II of Chapter 2 of the Code of Ordinances, pertaining to the city departments; establishing a new Section 2-24.2, providing for a Department of Human Resources/Risk Management; 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.

7. Resolutions:

- a. 2011-29, A resolution of the City of Gulfport, Florida, authorizing the city manager to sign a

Facility Use Agreement with Stetson University, Inc.; and providing for an effective date.

- b. 2011-30, A resolution of the City of Gulfport, Florida, providing for a proposed millage rate for ad valorem tax revenue for Fiscal Year 2011/2012 at a rate not to exceed _____ mills or \$ _____ per \$1,000 of assessed property value; providing for public hearing dates; 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: July 1, 2011.

**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**

**Consent
Agenda Item No. 5
Minutes**

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, June 7, 2011

The Regular Meeting of the Gulfport City Council was held on Tuesday, June 7, 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. The invocation was given by Vice Mayor David Hastings, followed by the Pledge of Allegiance.

Roll Call:

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

Presentation:

Mayor Yakes presented the Spirit of Gulfport Award to Steve Karbowski and Governor's Hurricane Conference Certificates to CERT Members Christine Brown, Michael Worthington and Louis Distasio.

1. Public Session.

Doug Hudson, 5525 Gulfport Boulevard S., spoke on debris and asked council to adopt a proactive policy for both trash pick-up and code enforcement.

Bonnie Bray, 3058 56th Street S., spoke on the need for additional garbage cans and pet disposal bags within the area behind the recreation center and along the waterfront, her feeling that councilmembers should work with committees on workshop items and that Council needed to look into why the marina is empty before venturing into a mooring field project.

Resident, 2310 53rd Street S., asked council to keep the trolley service.

Crea Egan-Romanelli, 2502 Beach Boulevard S., invited council to the upcoming Growing Greener event at the Casino.

Lee Stapella, 3025 York Street S., spoke on how citizens concerns of Charter Officials are to be handled and an allowance for the suspension of the time rule at public meetings so citizen concerns of Charter Officials could be addressed in full. Ms. Stapella provided a copy of the city's Charter Employee Documentation Procedures.

2. City Manager Report.

City Manager O'Reilly reported:

- the marina is at 70% occupancy,
- a letter was submitted to the postal service regarding the 33711 zip code,
- Upton Street residents have requested a road closure from 26th to 27th Avenues during their annual July 4, breakfast; there was no objection by council,

- the Property Appraiser has relooked at the city's loss of property value from the previous year and her new estimate is 8.71 %, and
- In response to a question by Councilmember Salmon, he reported the city does not allow animals on the beach. He will speak to the Parks Department concerning additional receptacles in the green space area behind the recreation center.

3. City Attorney Report.

In response to questions raised at the last meeting regarding golf carts, City Attorney Salzman reported the city could require citizens of Gulfport to have their golf carts inspected in order to guarantee compliance with a potential ordinance and the city has no additional liability by doing the inspection.

Mayor Yakes clarified that an ordinance will be brought back to city council for their consideration.

In response to Councilmember Salmon, City Attorney Salzman said when they did their research; they did not find other cities that are doing inspections.

4. City Clerk Report.

City Clerk DeMuth reported candidates are being interviewed to fill the Deputy City Clerk position.

5. Consent:

Consider approval of the Council Meeting Minutes of April 19, 2011.

City Clerk DeMuth read the consent agenda.

Motion by Councilmember Henderson, second by Councilmember Banno to approve the consent agenda.

UNANIMOUSLY APPROVED BY ACCLAMATION

6. Ordinance:

2011-09, First Reading: An ordinance granting to Florida Power Corporation d/b/a Progress Energy Florida, Inc. a non-exclusive electric utility right of way utilization franchise; prescribing the terms and conditions related to the occupancy of municipal streets and rights-of-way in the City of Gulfport, Florida, for the purpose of providing electric service; providing for severability of provisions; and providing an effective date.

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

City Manager O'Reilly explained the ordinance.

Councilmember Salmon questioned why with a ten year agreement council did not have a workshop or an opportunity to discuss this before it was negotiated. She felt council could have

used that opportunity to negotiate things that are important to them as a city that is going greener. Councilmember Salmon stated as she has pointed out in the past, there is a lot of money coming into the city from this franchise fee, but it is essentially a tax on the residents.

Gail Simpson, Manager of Public Policy – Progress Energy, said this agreement was a right of way utilization agreement and those types of thing like weatherization and energy efficiency are not addressed in any of their franchise agreements. She stated they have many programs that address these things and she would be happy to review those programs with the city. Ms. Simpson said it is true that the franchise fee is collected from customers; it is however not a tax, it is an operating expense to the company and she spoke on that determination by the Public Service Commission. Ms. Simpson also explained the favored nation's provision of the agreement.

Mayor Yakes opened for public discussion. Neither hearing nor seeing anyone who wished to speak, Mayor Yakes closed the public discussion.

Motion by Councilmember Henderson, second by Councilmember Banno to approve Ordinance No. 2011-09 on first reading.

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

MOTION CARRIED: 4 to 1.

7. Resolutions:

- a. 2011-23, A resolution of the City of Gulfport, Florida, authorizing the city manager to renew the city's insurance coverage with Public Risk Management of Florida; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-23 by title only.

City Manager O'Reilly explained the resolution.

Mayor Yakes opened the public discussion. Neither hearing nor seeing anyone who wished to speak, Mayor Yakes closed the public discussion.

Motion by Vice Mayor Hastings, second by Councilmember Henderson to approve Resolution No. 2011-23.

Councilmember Salmon commented that it was great there was no rate increase, but thought the city had a fiduciary responsibility to make sure we rebid and encouraged a pool of applicants - not always going back to the existing contractor.

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

COUNCILMEMBER BANNO	YES
MAYOR YAKES	YES

MOTION CARRIED

- b. 2011-24, A resolution of the City of Gulfport, Florida, authorizing the city manager to renew the sewer system repair contract with J.T.V., Inc., for an additional period of two year; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-24 by title only.

Mayor Yakes opened for public discussion.

In response to a question by Councilmember Henderson, Don Sopak, Public Works Director, advised that after checking the City of Pinellas Park's and the City of St. Petersburg's contract costs, JTV is well below their costs. He stated JTV is very familiar with the city's system and they work very efficiently because of that.

Councilmember Salmon asked why there was not an amount associated with the contract. Public Works Director Sopak explained that no money is budgeted, but he hoped to do some lining in the future; the city has been talking about the state revolving loan funds program.

Mayor Yakes opened for public discussion.

Bonnie Bray, 3058 56th Street S., asked if this company was responsible for the streets flooding during an excessive rain in the downtown area. Mayor Yakes stated they are not responsible for the volume of water the systems handles.

Bob Worthington, 5725 13th Avenue S., spoke on the need for the city to maintain its infrastructure.

Neither hearing nor seeing anyone else who wished to speak, Mayor Yakes closed the public discussion.

Motion by Vice Mayor Hastings, second by Councilmember Salmon to approve Resolution No. 2011-24.

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

MOTION CARRIED

- c. 2011-25, A resolution of the City of Gulfport, Florida, authorizing the city manager to renew the storm sewer system televising, cleaning and repair contract with J.T.V., Inc., for an additional period of two years; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-25 by title only.

Mayor Yakes opened for public discussion. Neither hearing nor seeing anyone who wished to speak, Mayor Yakes closed the public discussion.

Motion by Councilmember Henderson, second by Councilmember Banno to approve Resolution No. 2011-25.

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

MOTION CARRIED

8. Old Business.

Councilmember Salmon asked for the status of the Chamber of Commerce directional sign, and Public Works Director Sopak stated it had been installed.

Mayor Yakes said a member of the Chamber has the sign from the old Southern Regional Baseball Stadium and would like to donate it. City Manager O'Reilly advised he will make an inquiry to the Historical Society to see if they would like it.

9. New Business.

Councilmember Henderson spoke on the "Keep Gulfport Weird" mini-triathlon scheduled for September 24.

Councilmember Salmon spoke on the wiring in the street during Springfest and suggested during July 4th the vendors be moved closer to the side of the streets. City Manager O'Reilly said he would address this issue.

Councilmember Banno pointed out the new city flag and suggested the old flag be donated to the Historical Society; there was no objection from Council. Councilmember Banno asked for a future workshop on goals and objectives and spoke on Gulfport being named a finalist in the Best of Food category in the Rand McNally – Best of the Road competition.

Council discussed and had no objection to holding a workshop on council goals and objectives. City Manager O'Reilly would provide information to council on the availability and cost of an outside facilitator to conduct the workshop.

10. Council Reports.

Vice Mayor Hastings reported he attended a shrub planting at Clam Bayou.

Councilmember Henderson said he felt too often rather than council providing direction to staff they try to micromanage how they did their jobs.

Councilmember Salmon reported on the Culture Builds Communities workshop she attended and reminded everyone that tomorrow is the last day of school.

Mayor Yakes reported June 18, was the closing day ceremonies for Little League and that he attended Boca Ciega High School's graduation.

11. Adjournment.

Motion by Vice Mayor Hastings, second by Councilmember Banno to adjourn.

Date Approved: _____

Michael J. Yakes, Mayor

Lesley DeMuth, City Clerk

Agenda Item No. 6-a
Ordinance No. 2011-11



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Lesley DeMuth, City Clerk

DATE: July 5, 2011

AGENDA ITEM: 6-a

ORDINANCE NO: 2011-11

SUBJECT: First Reading – Ordinance No. 2011-11.

RECOMMENDATION: Staff recommends the City Council approve on first (1st) reading an ordinance amending the City Charter.

BACKGROUND:

City Council has held several workshops to discuss the City Charter. During these workshops, Council has discussed whether certain language within the City Charter should remain the same, whether recommendations of the Charter Review Committee should be accepted or whether alternate language should be consideration.

ANALYSIS:

The proposed Ordinance No. 2011-11, reflects changes to the City Charter, that do not require a referendum election, which were discussed during City Council's final Charter review workshop of January 27, 2011.

FINANCIAL IMPACT:

N/A

MOTION:

Move to approve/deny Ordinance 2011–11 on First Reading.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2011-11**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING THE CHARTER, SECTION 304. MAYOR; PRESIDING OFFICER; SECTION 306. VACANCIES; FILLING OF VACANCIES; SECTION 307. PROCEDURE; SECTION 309. ORDINANCE AND RESOLUTIONS IN GENERAL; SECTION 311. EMERGENCY APPROPRIATIONS; SECTION 314. CHARTER AMENDMENT; ARTICLE IV. ADMINISTRATIVE; SECTION 403. ACTING CITY MANAGER; SECTION 406. PERSONNEL SYSTEM; ARTICLE V. QUALIFICATIONS AND ELECTIONS; SECTION 502. WARDS; SECTION 504. QUALIFICATIONS; SECTION 505. NOMINATIONS; GENERAL ELECTION; ARTICLE VII. CITY ATTORNEY; SECTION 702. DUTIES; 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 Charter Review Committee has met and made suggestions for charter changes to the City Council; and

WHEREAS, the City Council has considered the changes of the Charter Review Committee, along with additional changes as determined by the City Council.

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

Section 1. The Charter of the City of Gulfport is hereby amended as follows:

Article III. LEGISLATIVE.

Section 304, Mayor; Presiding Officer.

The mayor shall preside at meetings of the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The council shall elect a vice-mayor, annually, from among the current council members at the meeting following the general election, or as soon thereafter as practical, who shall act as mayor during the absence or disability of the mayor and if a vacancy should occur, shall become mayor for the completion of the mayor's unexpired term until the next general election as provided in Section 306(e)(b) of

this Article. ~~The vice-mayor shall be elected from among the council members. Upon the vice-mayor becoming mayor, a new vice-mayor shall be elected from among the council members.~~

Section 306. Vacancies; Filling of Vacancies.

(a) Vacancies. A member's seat on the council automatically becomes vacant when such member:

- (1) Fails to attend ~~any portion of~~ three (3) consecutive meetings or a total of six (6) regular meetings in a twelve (12) month period, other than work sessions, unless a majority of the other council members vote to excuse any such absences;

Section 307. Procedure.

(c) Voting. On final passage, voting on ordinances and resolutions shall be by roll call and shall be recorded in the minutes. A majority of the council shall constitute a quorum. The affirmative vote of the majority of the council present shall be necessary to enact any ordinance or adopt any resolution, unless otherwise provided by law or this charter. No action shall be taken unless a quorum is present.

(d) Independent annual audit. Prior to the end of each fiscal year the council shall designate qualified a licensed, certified public accountants in accordance with state law who, at the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government and shall submit their report to the council and to the city manager. ~~Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers.~~ They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city administration and any separate or subordinate accounts kept by any other office, department or agency of the city government.

Section 309. Ordinance and Resolutions in General.

(d) Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the council shall be by ordinance which:

(7) ~~Sale of any property~~ Authorize the Sale of any real property;

(8) ~~Lease of property in excess of ten (10) years~~ Authorize the lease of any real property.

Section 311. Emergency Appropriations.

- (a) No available unappropriated surplus. The council may make emergency appropriations in the manner provided in this section. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency note bonds, as defined by State law, which may be renewed from time to time, but the emergency note bonds and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Section 314. Charter Amendment.

- (a) Amendments to this charter which require a referendum election may be framed and submitted to the electors of the city by the city council or by the registered electors of the city in accordance with applicable state law. Amendments proposed by petition of the registered electors, in accordance with state law, shall be filed with the city clerk no less than one hundred twenty (120) days, nor more than one hundred eighty (180) days prior to the next general municipal election. The city clerk shall submit said petition to the supervisor of elections to verify the signatures thereon, in accordance with state law and at the expense of the person, group or organization submitting the petition. Such person, group or organization shall register as a political ~~action~~ committee, if required to do so by state law. The council shall, in accordance with its regular council meeting schedule, provide by ordinance for submitting such proposed amendment to a vote of the electors at the next general municipal election, so long as the verification of the required petition signatures is provided by the supervisor of elections at least ninety (90) days prior to said election. City council may frame an appropriate ballot question from the petition, as necessary in its discretion. In the event such verification is not timely provided, or such petition is defective in any other manner, the issue framed by said petition shall not be placed on the next general municipal election ballot. If a proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein. The city council may also provide for amendment of this charter by ordinance, without a referendum election, to the extent allowed by law.

Article IV. ADMINISTRATIVE.

Section 403. Acting City Manager.

By letter filed, electronically or otherwise, with the council, city clerk and department of directors, the city manager may, from time to time, designate a qualified administrative officer of the city, ~~other than any employee of the Public Safety Department~~, to perform the city manager's duties during any temporary absence or disability not to exceed thirty (30) days. In the event the city manager fails to make such a designation, the city council may, by resolution, appoint an officer of the city to perform the duties of the city manager until the city manager shall return or the city manager's disability shall cease. The council may appoint an acting city manager in the

event the office of the city manager becomes vacant or in the event the city manager is absent from the office for a continuous thirty (30) day period.

Section 406. Personnel System.

Appointments and promotions in the administrative service of the city shall be made according to merit and fitness, in accordance with the personnel procedures and rules which have been adopted by the council. ~~For this purpose there shall be a Human Resources/Risk Management Officer appointed by the city manager and responsible to and under the direction of the city manager, who shall perform such duties as required by law and as assigned.~~

Article V. QUALIFICATIONS AND ELECTIONS.

Section 502. Wards.

The council shall divide the city into four (4) wards to be designated numerically, which division into wards the council may at any time alter or change as it deems best, provided an equitable population distribution is maintained. This distribution shall be reviewed each year that federal census population data for the city is provided to the city following each federal census conducted, or sooner as the city council may elect.

Section 504. Qualifications.

One council member shall be nominated from each of the four (4) wards within the city. All council members shall be residents of their ward for at least one (1) year prior to the date of qualification in order to be a candidate for council member of that ward. The mayor shall be a resident of the city for at least one (1) year prior to the date of qualification in order to be a candidate for mayor. ~~A council member shall be a qualified elector of the ward of the city from which he or she is nominated and the mayor shall be a qualified elector of the city. All council members shall have been for a period of at least one (1) year continuously next prior to nomination, residents of the city. All council members shall have been for a period of at least one (1) year continuously next prior to nomination, residents of the city.~~ Candidates for the office of mayor or council member shall qualify by filing, within the specified time period, candidate petition cards, and other qualifying forms and fees, and accomplishment of those procedures required by the applicable provisions of the Florida Statutes and the City's election code.

Section 505. Nominations; General Election.

- (a) Any qualified elector desiring to run for the office of mayor or council member shall file with the city clerk at any time after 8:30 a.m. of the first day of qualifying, which shall be the first Monday in December, nor later than 12:00 Noon on the final day of qualifying, which shall be the second Monday of December prior to the election, petition cards signed by no less than ten (10) qualified electors who, in the case of mayor, reside within the city at large and which electors, in the case of council member, reside n and are qualified electors of the ward in which the candidate for council member resides.

~~(a) Any qualified elector of any ward of the City having the qualifications provided for in this article may be nominated for the council from the ward in which he or she resides by petition of any ten (10) such electors residing in the ward in which such nominee shall reside, who shall be designated as sponsors. Any qualified elector of the City having the qualifications provided for in this article may be nominated for mayor by petition of not less than ten (10) nor more than twenty five (25) such electors, who shall be designated as sponsors. No elector shall sign more than one such petition for each office and, should an elector do so, the elector's signature shall be void except as to the petition first filed. The residence address of each person who signs a petition shall be provided with each signature. Nominating petitions shall be signed and filed with the City Clerk not earlier than the first Monday in December, nor later than 12:00 Noon on the second Monday in December prior to the election. The City Clerk shall prescribe the form of such petition. Any signature made earlier than the first Monday in December day of qualifying prior to the election shall be void. If a person other than the candidate collects signatures on the nominating form, he or she must also sign that form attesting to the validity of those signatures. All nominating papers comprising a petition shall be filed as one instrument. The City Clerk shall make a record of the exact time at which each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination, the form of which shall be prescribed by the City Clerk.~~

~~(b) The candidate for each office receiving the highest number of votes cast for said office shall be declared elected. Any unopposed candidates' names shall not be placed on the general election ballot and said unopposed candidates shall be declared elected and no election for that office shall be required. There shall be no provision for write-in candidates.~~

~~(b) If a petition is found to be signed by more persons than the number legally permitted, the last signatures in excess of that number shall be disregarded, even if some of the earlier signatures are void. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. Within two (2) business days after the filing of a nominating petition the City Clerk shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. The petition of each person nominated to be a member of the council shall be preserved by the city clerk in accordance with the standard record retention schedule.~~

~~(d)(c) In the event that one or more candidates who have qualified for office dies, withdraws or is removed from the ballot for any reason, after the qualifying period has expired, leaving fewer than two (2) candidates for any office, the qualifying period shall~~

be re-opened to allow additional candidates to qualify for an additional period of one (1) week. A special election for those positions to which this provision applies shall be conducted, scheduled by City Council, unless only one (1) candidate remains qualified. Any unopposed candidate for such special election shall be deemed elected, even if all other candidates have died, withdraw or have been removed from the ballot for such special election, after the re-opened qualifying period expires.

Article VII. CITY ATTORNEY.

Section 702. Duties.

The city attorney shall:

(d) Approve as to form and legal ~~correctness~~ ~~certain selected agreements of major importance entered into by the city.~~ sufficiency all contract documents, agreements, and other legal instruments affecting or pertaining to the city.

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 : July 5, 2011
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. 6-b
Ordinance No. 2011-12



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Lesley DeMuth, City Clerk

DATE: July 5, 2011

AGENDA ITEM: 6-b

ORDINANCE NO: 2011-12

SUBJECT: First Reading – Ordinance No. 2011-12.

RECOMMENDATION: Staff recommends the City Council approve on first (1st) reading an ordinance amending Article II of Chapter 2 of the Code of Ordinances to include the Department of Human Resources/Risk Management.

BACKGROUND:

City Council has held several workshops to discuss the City Charter. During these workshops, Council has discussed whether certain language within the City Charter should remain the same, whether recommendations of the Charter Review Committee should be accepted or whether alternate language should be consideration.

ANALYSIS:

During City Council's review of the Charter, it was recommended and Council concurred that the Human Resources/Risk Management Department should be removed from Section 406. Personnel System of the City Charter and included in Article II of Chapter 2 of the Code of Ordinances pertaining to City Departments.

FINANCIAL IMPACT:

N/A

MOTION:

Move to approve/deny Ordinance No. 2011-12 on First Reading.

ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING ARTICLE II OF CHAPTER 2 OF THE CODE OF ORDINANCES, PERTAINING TO THE CITY DEPARTMENTS; ESTABLISHING A NEW SECTION 2-24.2, PROVIDING FOR A DEPARTMENT OF HUMAN RESOURCES/RISK MANAGEMENT; 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 Human Resources/Risk Management Department should be included in Article II of Chapter 2 of the Code of Ordinances of the City of Gulfport pertaining to City Departments; 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. Article II of Chapter 2 of the Code of Ordinances, pertaining to City Departments, is hereby amended by adding new Section 2-24.2 thereto, as follows:

Sec. 2-24.2 Human Resources/Risk Management.

There shall be a department of Human Resources/Risk Management. The Human Resources/Risk Management Officer 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 2. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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 4. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : July 5, 2011

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. 2011-29



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James V. Marenkovic, Fire Chief

DATE: July 5, 2011

AGENDA ITEM: 7-a

RESOLUTION NO: 2011-29

SUBJECT: Firefighter's Facility Use Agreement with Stetson University College of Law

RECOMMENDATION:

Staff recommends that City Council approve a resolution authorizing the City Manager to sign a hold harmless/facility use agreement with the Stetson University College of Law allowing for off-duty Gulfport Firefighters to use the school's exercise facility on the local campus.

BACKGROUND:

The City of Gulfport's Fire Fighters are required to maintain a healthy lifestyle and to as necessary, maintain an exercise regime to accomplish this goal. This no cost benefit to the firefighters provides for the opportunity to exercise off duty and maintain their healthy cardiac lifestyles at Stetson's facility. An essential part of this program is the availability of appropriate exercise facilities, which the city currently does not have. The City's Firefighters and Police Officers have conferred with the staff of the Stetson University College of Law, and they have agreed to allow sworn personnel to use their facility and equipment (while off duty). City Council approved a similar agreement for the City's Police Officers at the meeting of June 21, 2011.

ANALYSIS:

The exercise equipment currently owned by the city is outdated and insufficient for a complete fitness program. In addition, the equipment shares an area that is also used as a break and locker room for public works and parks employees. This is an unacceptable arrangement for public safety employees who need access to this equipment 24-hours per day, seven days per week.

Alternatives include the purchase of new equipment and acquisition of a new exercise facility, or purchasing fitness club memberships for the Firefighters. Both of these options are cost prohibitive. The no-cost use of the Stetson facility allows officers to have 24-hour access to a local facility that more than sufficiently meets the department's needs.

FINANCIAL IMPACT: There is no financial impact associated with this agreement.

MOTION: Move to approve or deny a resolution authorizing the City Manager to enter into an agreement with Stetson University College of Law for the use of their fitness facility by (off-duty) Gulfport Firefighters.

RESOLUTION NO. 2011-29

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN A FACILITY USE AGREEMENT WITH STETSON UNIVERSITY, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Gulfport Firefighters are required to maintain a healthy lifestyle; and

WHEREAS, An essential part of this program is the availability of appropriate exercise facilities, which the city currently does not have; and

WHEREAS, The Fire Department has negotiated with staff at Stetson University, and they have agreed to allow sworn personnel to use their facility and equipment (while off duty) subject to the conditions of a Facility Use Agreement.

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 sign a Facility Use Agreement with Stetson University, Inc., for the use of Stetson's gym facilities by sworn Gulfport Fire Department personnel.

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

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

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

CITY OF GULFPORT
HOLD HARMLESS AGREEMENT AND RELEASE

I voluntarily agree to release the City of Gulfport from liability arising out of my participation and use of Stetson College of Law exercise facility. I further agree to indemnify and hold harmless the City of Gulfport from any claim for personal injury or property damage arising out of or related to my participation and use of the Stetson University College of Law exercise facility.

Date: _____

Printed Name

Signature

Agenda Item No. 7-b
Resolution No. 2011-30



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Dan Carpenter, Administrative Services Director

DATE: July 5, 2011

AGENDA ITEM:

RESOLUTION NO:

SUBJECT: Adoption of Proposed Millage

RECOMMENDATION: Staff recommends that Council adopt the roll-back rate of 3.8176 mills as a tentative millage rate for FY 2011/2012.

BACKGROUND:

On July 1, 2011 the City of Gulfport received the City's certified taxable property values from the Pinellas County Property Appraiser. Each year, the Pinellas County Property Appraiser's Office provides the City with a Certification of Taxable Value to be used for computing ad valorem revenue for the upcoming fiscal year. The Property Appraiser requires all taxing authorities to submit to their office no later than July 31, 2011, the proposed millage rate, rolled-back rate and the date, time and meeting place of the first public budget hearing for the coming fiscal year. This information is included on the "TRIM" notice that is mailed to all property owners in the City. The tentative rate cannot be increased without first-class mailing to each taxpayer at the expense of the City, not less than 10 days and not more than 15 days before the final public hearing.

ANALYSIS:

The millage rate submitted to the property appraiser is the maximum rate that may be charged for the upcoming fiscal year. Technically, the City will not have a tax increase as long as the adopted millage rate does not exceed 3.8176 mills, the calculated roll-back rate for tax year 2011. The rolled-back rate is the millage rate that will provide the same property tax revenue as was levied the prior year. The City's current millage rate for this fiscal year is 3.4742 per thousand dollars of net taxable value.

FINANCIAL IMPACT:

In order to generate tax dollars equal to the previous year's amount thru adoption of the rolled-back rate a simple majority or three votes is required. The rolled back rate is 3.8176 for fiscal year 2011/2012. Total taxable property valuations for tax year 2011 or FY 2011/2012 decreased in Gulfport by \$61,768,542 when compared to current year valuations. The decline is attributable to continued declines in the real estate market and subsequent lower property valuations by the Pinellas County Property Appraiser's in conjunction with the impacts of foreclosures and short sales on real estate.

Additionally, by a simple majority vote Council could establish as the tentative millage rate a rate up to 5.0783 mills. State legislation requires 4 votes out of the 5 on the City Council to adopt a millage rate higher than 5.0783 mills. The maximum millage rate that can be adopted with 4 out of 5 City Council votes is 5.5861 mills. The adoption of the rolled-back rate of 3.8176 mills will result in the same revenue as current year. The table below illustrates the millage rate options and revenues for FY 2011/2012 with a simple majority vote of Council:

Adopted FY 2012 Millage Rate	Total Property Tax Revenue	TRIM Votes Required
3.4742	\$2,281,446	3/5
3.8176	\$2,506,951	3/5
5.0783	\$3,334,831	3/5

MOTION:

Adopt a tentative or proposed millage rate of 3.8176 mills for fiscal year 2011/2012 and set public hearing dates on the budget for September 8, 2011 and September 21, 2011 to be held at 7:00 p.m. in Council Chambers.

RESOLUTION NO. 2011-30

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, PROVIDING FOR A PROPOSED MILLAGE RATE FOR AD VALOREM TAX REVENUE FOR FISCAL YEAR 2011/2012 AT A RATE NOT TO EXCEED 3.8176 MILLS OR \$ 3.8176 PER \$1,000 OF ASSESSED PROPERTY VALUE; PROVIDING FOR PUBLIC HEARING DATES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council not to exceed the maximum rate of 3.8176 mills or a millage rate of \$3.8176 per \$1,000 of assessed property value for ad valorem tax revenue for the coming fiscal year; and

WHEREAS, City Council has set the public hearing dates for the proposed 2011/2012 City of Gulfport Budget to be held in City Hall, City Council Chambers on September 8, 2011 at 7:00 and September 21, 2011 at 7:00 p.m.

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

Section 1. The proposed millage rate for ad valorem taxes for the City of Gulfport, Florida for Fiscal Year 2011/2012 shall not exceed 3.8176 mills.

Section 2. The Public Hearings on the Fiscal Year 2011/2012 Budget are hereby established as Thursday, September 8, 2011 and Wednesday, September 21, 2011 at 7:00 p.m. in City Hall, City Council Chambers.

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

PASSED AND ADOPTED this 5th day of July, 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**