

Special Council Meeting
Agenda Packet
Wednesday, September 21, 2011
7:00 pm



City of Gulfport Florida
Special City Council Meeting
Wednesday, September 21, 2011

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

7:00 p.m.

Agenda

Call to Order.

Invocation given by Councilmember Barbara Banno.

Pledge of Allegiance

Roll Call.

1. Ordinances:

- a. 2011-15, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, providing for the Ad Valorem Tax Levy for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012; and providing for an effective date.
- b. 2011-16, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, adopting the Operating Budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012; and providing for an effective date.
- c. 2011-17, Second Reading: An ordinance of the City of Gulfport, Florida amending Article IV of Chapter 11 of the Code of Ordinances pertaining to Water Service; providing for amendment of Section 11-44, pertaining to Meters–Cost of Installing, Connection Charges; providing for amendment of Subsection (a) of Section 11-46, Deposit Required Prior to Turning on Meter; providing for amendment of Section 11-47, Tampering with Meter or Meter Seal; providing for amendment of Subsections (1) and (2) of Subsection (c) and Subsection (d) of Section 11-48, Water Service Rates–Established, Responsibility for Payment; providing for the amendment of Section 11-65 Penalties; 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.
- d. 2011-18, Second Reading: An ordinance of the City of Gulfport, Florida amending Article III of Chapter 11 of the Code of Ordinances pertaining to Sewage Disposal; providing for amendment of Subsection (1) of Section 11-37, pertaining to Sewer Rates; providing for amendment of Subsection (b) of Section 11-39, pertaining to Billing, Collection and Standby Charges; providing for amendment of Subsections (1) and (3) of Section 11-40, pertaining to Sewer Service Connection Fees; providing for amendment of Subsection (b) (1) thru (3) of Section 11-40.01 pertaining to New Renovated Buildings and Structures; providing for amendment of Section 11-40.26 pertaining to Penalty and Costs; 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.

- e. 2011-19, Second Reading: An ordinance of the City of Gulfport, Florida providing for amendment of Chapter 11 of the Code of Ordinances, pertaining to Garbage; providing for amendment of Article I thereof, pertaining to Section 11-21 Service Charges; Section 11-22 Billing; and Section 11-24 Special Pick-up; 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.

2. 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: September 16, 2011

Agenda Item No. 1-a
Ordinance No. 2011-15



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Dan Carpenter, Administrative Services Director

DATE: September 21, 2011

AGENDA ITEM: 1-a

ORDINANCE NO: 2011-15

SUBJECT: Second Reading: Establishment of the Millage Rate for Fiscal Year 2012

RECOMMENDATION: Adopt an ordinance establishing the millage rate for Fiscal Year 2012.

BACKGROUND:

The millage rate for fiscal year 2012 is proposed to be set at 4.0000 mills. This represents a 4.78 percent increase above the rolled-back rate of 3.8176 mills for fiscal year 2011. The rolled-back rate is the millage rate that will provide the same property tax revenue as was levied the prior tax year.

ANALYSIS:

Property values decreased on average 9.4 percent within the city of Gulfport over previous year's valuations. As in previous years, the portion of tax revenue received from properties located within the waterfront district are required to remain within the district and cannot be used for general operating purposes.

FINANCIAL IMPACT:

The proposed millage rate will generate approximately \$110,843 more revenue for the general fund and \$3,673 more revenue for the waterfront redevelopment district fund.

MOTION:

Move to adopt/deny the ordinance establishing the millage rate for the City of Gulfport for Fiscal Year 2012.

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, PROVIDING FOR THE AD VALOREM TAX LEVY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport, Florida, has conducted Public Hearings on the final millage rate for the Fiscal Year beginning October 1, 2011, and ending September 30, 2012, in accordance with Florida Statutes; and

WHEREAS, the City Council is desirous of adopting the final millage rate of 4.0000.

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

Section 1. That a levy of 4.0000 operating mills be placed upon the total assessed valuation of real and personal property lying within the City of Gulfport, Florida, and said monies raised by the 4.0000 mills shall be used for the general operation of the City of Gulfport for the aforementioned fiscal period. The operating mills reflect a 4.78% increase from the 3.8176 rolled-back rate.

Section 2. That a certified copy of this ordinance shall be forwarded to the Property Appraiser and Tax Collector of Pinellas County, Florida, together with a request that the aforementioned levy be made by his/her Office on behalf of the City of Gulfport for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012.

Section 3. This ordinance shall become effective immediately upon final passage.

PASSED AND ADOPTED this 21st day of September, 2011, by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

PUBLISHED: : TRIM Notice
FIRST READING
AND PUBLIC HEARING : September 8, 2011
PUBLISHED : September 18, 2011
SECOND READING AND
PUBLIC HEARING : September 21, 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 applicable law this 21st day of September, 2011.

Lesley DeMuth, City Clerk

Agenda Item No. 1-b
Ordinance No. 2011-16



GULFPORT CITY COUNCIL

AGENDA MEMORANDUM

FROM: Dan Carpenter, Administrative Services Director

DATE: September 21, 2011

AGENDA ITEM: 1-b

ORDINANCE NO: 2011-16

SUBJECT: Budget Ordinance for Fiscal Year 2012

RECOMMENDATION: Adopt Ordinance Establishing the Budget for fiscal year 2012.

BACKGROUND:

As required by the City Charter, the City Manager proposed a balanced budget to City Council on July 15th for its consideration and adoption prior to September 30th. The City Manager's FY 2012 proposed budget also fulfilled the requirements of Florida Statute 166.241 that stipulates that the amount available from taxation and other sources, including amounts carried over from prior fiscal years, must equal the total appropriations for expenditures and reserves. Since that time, two (2) budget workshops have been held to review the budget as it had been initially proposed.

The continued annual sharp declines in revenue collections from property taxes resulting in compounding lost revenues since FY 2007 continues to contribute to an operating shortfall.

The City Managers proposed balanced general fund budget was in amount of \$10,253,038.

Based upon direction provided at the June 23rd workshop and the inclusion of the previously included revenue enhancements and to continue to provide service levels in their present format and service delivery model; the City Manager had proposed to make use of non-recurring revenues of \$622,359 in General Fund reserves.

On July 28th City Council work shopped the City Manager's proposed budget. Following discussion and subsequent questions of the City Manager in regards to the budget, Vice-Mayor Hastings proposed the following for City Council's consideration for application to the City of Gulfport's proposed Fiscal Year 2011 – 2012 Budget.

- Adoption of a millage rate of 4.0
- A 10% Increase in Water and Sewer rates
- Outsourcing of the City's Police Dispatch
- Outsourcing of Park's mowing

Further discussion was held at the August 16th City Council meeting, following this discussion, the City Manager was directed by a majority of City Council to include the Vice-Mayor's recommendations in the final budget proposal to be considered on September 8th, 2011.

The proposed budget for fiscal year 2012 was prepared using revenue and expenditure estimates that were available at that time. The City is required by law to pass a balanced budget. If there is a projected revenue shortfall to fund the budgeted expenditures the difference is made up through a draw on the fund balance (reserves) for that particular fund. If revenues exceed expenditures, the fund balance for that fund increases.

ANALYSIS:

The continued annual sharp declines in revenue collections from property taxes resulting in compounding lost revenues since FY 2007 continues to contribute to an operating shortfall.

Based upon direction provided at the June 23rd workshop and the inclusion of the previously approved revenue enhancements and to continue to provide the desired level of services in their present format and service delivery models; the City Manager had proposed to make use of non-recurring revenues of \$622,359 in General Fund reserves.

Subsequently, the City of Gulfport's revised budget was revised to incorporate the further direction provided on August 16th with the related effects.

Summary of Budget Adjustments to City Manager's Proposed Budget

- Estimated Revenues increase of \$110,843 to reflect 4.0000 mils.
- Estimated Revenue increase of \$437,300 additional PILOT, utility tax and Administrative Overhead.
- Reduction to Police Services Appropriations of \$93,975 & Information Technology Appropriations of \$53,702 to account for estimated savings with a January 2012 contract for Dispatch Services with Pinellas County.
- Reduction to Leisure Services Appropriations of \$47,877 to account for estimated savings in Parks Dept. from contracting mowing services. City Manager had proposed the budget include the transfer of two (2) Parks Dept. employees to Sanitation, these positions have also been removed and detailed in the increased Sanitation Fund balance.

FINANCIAL IMPACT:

General Fund appropriations of \$10,253,038 have been reduced from City Manager’s proposed budget of July 15th to \$10,057,484 as of September 8th submitted budget.

The financial impact to offset the use of \$622,359 in General Fund Reserves through the implementation of recommendations:

\$622,359 Revenue Shortfall
- \$110,843 Additional Revenue from 4.0 mils
\$511,516
- \$437,300 10% Water and Sewer Rate Increase
\$ 74,216
- \$ 47,877 Outsourcing of Parks Mowing – (Portion that is General Fund savings)
\$ 26,339
- \$147,677 Outsourcing of Police Dispatch

+ \$121,338 Available to Increase General Fund Reserves

Beginning Fund Balance **\$4,640,633**

Ending Fund Balance **\$4,761,971**

General Fund Balance Reserves Total is projected to Increase by \$121,338

Attached is a summary of the proposed budget for fiscal year 2012 including details of revenues, expenditures and fund balances.

MOTION:

Move to adopt/deny the Ordinance establishing the City of Gulfport budget for the fiscal year beginning October 1, 2011 through September 30, 2012.

ORDINANCE NO. 2011-16

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, ADOPTING THE OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport has conducted Public Hearings on the Operating Budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012, in accordance with Florida Statutes; and

WHEREAS, the City Council is desirous of adopting the Operating Budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012.

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

Section 1. The City Council has reviewed and considered the budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012.

Section 2. The City Council has determined that the following will be estimated revenues and expenditures by fund for the forthcoming Fiscal Year:

2012 FUND ANALYSIS
General Fund

Beginning Fund Balance **\$ 4,640,633**

Funding Sources:

Estimated Revenues	8,135,824
Transfers from Other Funds	
<i>Marina PILOT</i>	375,000
<i>Sanitation PILOT</i>	350,000
<i>Utilities PILOT</i>	546,715
<i>Enterprise Funds 10% Overhead</i>	771,283

Total – All Funding Sources **\$ 10,178,822**

Appropriations:

Police Services	3,447,704
Fire & EMS Services	1,351,252
Council and Clerk	274,357
Legal	87,500
City Manager	205,519
Administrative Services/Personnel	487,970
Information Technology	260,890
Community Development	364,591

Leisure Services	1,786,844	
Public Works	1,380,857	
Transfer to Other Funds		
<i>Cultural Facilities Subsidy</i>	100,000	
<i>GEMS Subsidy</i>	210,000	
<i>49th Street Subsidy</i>	100,000	
Total Appropriations		<u>\$ 10,057,484</u>

Ending Fund Balance \$ 4,761,971

Waterfront Redevelopment Fund

Beginning Fund Balance \$ 60,536

Funding Sources:

 Estimated Revenue 175,817

Total All Funding Sources \$ 175,817

Appropriations:

 Expenditures 166,094

 Transfer to Casino/Theater 60,000

Total Appropriations \$ 226,094

Ending Fund Balance \$ 10,259

49th Street Corridor Fund

Beginning Fund Balance \$ (\$38,924)

Funding Sources:

 Estimated Revenue 300,000

 Transfer from General Fund 100,000

Total All Funding Sources \$ 400,000

Appropriations:

 Expenditures 359,915

Total Appropriations \$ 359,915

Ending Fund Balance \$ 1,161

GEMS Fund

Beginning Fund Balance		<u>\$ (\$56,000)</u>
Funding Sources:		
Estimated Revenue	82,189	
Transfers from General Fund	210,000	
Total All Funding Sources		<u>\$ 292,189</u>
Appropriations:		
Expenditures	228,793	
Total Appropriations		<u>\$ 228,793</u>
Ending Fund Balance		<u>\$ 7,396</u>

Cultural Facilities Fund

Beginning Fund Balance		<u>\$ (115,534)</u>
Funding Sources:		
Estimated Revenue	363,469	
Transfer from General Fund	100,000	
Transfer from WRD	60,000	
Total All Funding Sources		<u>\$ 523,469</u>
Appropriations:		
Expenditures	407,794	
Total Appropriations		<u>\$ 407,794</u>
Ending Fund Balance		<u>\$ 141</u>

Capital Projects Fund

Beginning Fund Balance		<u>\$ 368,578</u>
Funding Sources:		
Estimated Revenue	5,367,310	
Total All Funding Sources		<u>\$ 5,367,310</u>
Appropriations:		
Capital Projects	5,225,310	
Transfer to Utilities	50,000	

Transfer to Marina	50,000	
Total Appropriations		<u>\$ 5,325,310</u>
Ending Fund Balance		<u>\$ 410,578</u>

Sanitation Fund

Beginning Fund Balance		<u>\$ 210,601</u>
Funding Sources:		
Estimated Revenue	1,969,760	
Total All Funding Sources		<u>\$ 1,969,760</u>

Appropriations:		
Expenditures	1,439,335	
Transfer to General Fund		
10% Administrative Overhead	196,976	
PILOT Transfer	350,000	
Total Appropriations		<u>\$ 1,986,311</u>
Ending Fund Balance		<u>\$ 194,050</u>

Utilities Fund

Beginning Fund Balance		<u>\$ 163,975</u>
Funding Sources:		
Estimated Revenue	4,190,670	
Transfer from Capital Projects Fund	50,000	
Total All Funding Sources		<u>\$ 4,240,670</u>

Appropriations:		
Expenditures	3,195,118	
Transfer to General Fund		
10% Administrative Overhead	419,013	
PILOT Transfer	546,715	
Total Appropriations		<u>\$ 4,160,846</u>
Ending Fund Balance		<u>\$ 243,799</u>

Marina Fund

Beginning Fund Balance		<u>\$ 10,000</u>
Funding Sources:		
Estimated Revenue	1,552,944	

Transfer from Capital Projects Fund	50,000	
Total All Funding Sources		<u>\$ 1,602,944</u>
Appropriations:		
Expenditures	1,079,373	
Transfer to General Fund		
10% Administrative Overhead	155,294	
Pilot Transfer	375,000	
Total Appropriations		<u>\$ 1,609,667</u>
Ending Fund Balance		<u>\$ 3,277</u>

Section 3. Purchase orders and contracts that remain open at the end of Fiscal Year 2010/2011 shall become supplemental appropriations in the respective departmental accounts for the Fiscal Year ending September 30, 2012.

Section 4. This ordinance shall become effective immediately upon final passage.

PASSED AND ADOPTED this 21st day of September, 2011 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

PUBLISHED : TRIM NOTICE

FIRST READING
AND PUBLIC HEARING : SEPTEMBER 8, 2011

PUBLISHED : SEPTEMBER 18, 2011

SECOND READING
AND PUBLIC HEARING : SEPTEMBER 21, 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 applicable law this 21st day of September, 2011.

Lesley DeMuth, City Clerk

Agenda Item No. 1-c
Ordinance No. 2011-17



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: September 21, 2011

AGENDA ITEM: 1 c & d

ORDINANCES NO: 2011-17 & 18

SUBJECT: Rate Increase – Utility Rates

RECOMMENDATION: Staff requests that City Council adopt the Water and Sewer rate increases within the City's Utility Fund.

BACKGROUND:

The Utilities Fund is an enterprise fund used to account for the financial activity associated with the operation of the City's water, sewer and stormwater utility. The City's water system supplies potable water to homes and business located within the boundaries of the City as well as a portion of the unincorporated area of Pinellas County. Water is obtained from the City of St. Petersburg through the Tampa Bay Water Authority, via a long-term wholesale water and sewer inter-local agreement. The City of Gulfport maintains mains, service lines, valves, hydrants, meters and backflow devices. The City also reads water meters and performs water quality inspections. The City's sanitary sewer system is a wastewater collection system composed of laterals, mains, and two lift stations. A lift station at 58th Street South and Shore Boulevard South runs a force main to the station located at the City Marina that then pumps to the City of St. Petersburg's wastewater treatment plant. Wastewater is treated by the City of St. Petersburg under an inter-local agreement. The Stormwater Division plans and constructs drainage systems and structures and provides maintenance of storm drains, storm lines, grates and culverts.

This fund is under significant financial pressure. Many costs, heretofore assigned to the General Fund have been reallocated to this fund. This includes the cost of customer service staff at City Hall, the street sweeping contract with St. Petersburg that is required under NPDES (National Pollutant Discharge Elimination Systems), and other related costs. Moreover, renewal and replacement work is necessary on sewer and water lines. The fund's annual operating profitability is subject to change at any notice because wholesale rates are established by the supplier - West Coast Regional Water Supply Authority. Currently, neither Gulfport nor St. Petersburg has any choice in the matter as West Coast Regional Water Supply Authority is the only available water source for all Pinellas County providers.

Another significant factor that can affect the Utilities Fund is the amount charged by the City of St. Petersburg for supplying potable water and for the treatment of the City's wastewater. It is anticipated that when the present agreement expires in 2016, a sizable increase in St. Petersburg's wholesale water/sewer costs will be passed on to the City of Gulfport, in the form of a State statute allowable surcharge of up to as much as 25%. Other wholesale customers of the City of St. Petersburg whose contracts have expired have been charged the 25% surcharge upon contract renewal. In the past the City of Gulfport has subsidized the rate increase to its residents. This subsidization was achieved by not passing on the total water/sewer cost increases from St. Petersburg via not adopting or implementing City of Gulfport rate increases. Funds to facilitate this were also realized by deferring the previously discussed Capital Improvements to the system.

Prior to this fiscal year there has been an annual \$800,000 transfer from the Capital Projects Fund (*exclusively from Penny for Pinellas revenues*) to the Utilities Fund to help fund renewal and replacement of sewer and water pipes. The proceeds come from the Local Option Sales Tax (LOST) and with a recession continuing, total collections have diminished over \$200,000 below fiscal year 2007 amounts. This sizable transfer limited the possibility of the planning and development of other qualified *Penny for Pinellas* projects or purchases.

ANALYSIS:

Rate increases of 10% for both the Water Utility and Sewer Utility have been included in the FY 2012 budget. An additional \$366,629 in utility revenues is projected for fiscal year 2012 with the proposed 10% increase to water and sewer rates. All of this additional projected revenue will be added on top of existing "Payment-in-Lieu-of-Taxes" (PILOT) amounts already assessed on recurring revenues of the City's Utility Fund. PILOT transfers were reinstated in FY 2008, continued into FY 2009 and FY 2011 and have effectively been utilized to subsidize the ad-valorem property tax based revenues in support of the General Fund. Since the reinstatement of the PILOT program in FY 2008 a total of \$1,616,288 in PILOT transfers have been moved from the utility fund to the general fund to help offset the deficit revenue position within the general fund and subsidize the ad-valorem property tax based revenues. For the FY 2012 budget, a total of \$546,715 in PILOT transfers from the utility fund to the general fund is included.

Gulfport has maintained consistently low water and sewer rates for its residents throughout the past several fiscal years. We have been able to keep these rates fixed at such low amounts partly at the expense of fund balance. Excess funds balance within the utility fund has been utilized to offset both operating and capital expenditures. In addition to the utilization of fund balance, we have also utilized Penny for Pinellas revenues over the past several fiscal years from the City's Capital projects fund to assist with water and sewer infrastructure replacement capital project costs.

The effect of the proposed increases to both water and sewer rates will have a financial impact upon the utility bill of Gulfport residents. An additional \$2.29 for water and \$2.53 for sewer or a total increase of \$4.82 to an average Gulfport utility bill with consumption of 4000 gallons is expected. Two ordinance readings to obtain Council approval for any such proposed or budgeted rate increases are necessary. A total of \$366,629 of additional revenue to the utility

fund is expected to be generated from the proposed rate increases to water and sewer in a full fiscal year. Continued high level transfers to the general fund including any PILOT amounts coupled with substantial long term capital infrastructure projects for the replacement of water and sewer lines will inevitably require future additional rate increases. Future annual increases beyond September 2012 that are passed onto the City from St. Petersburg may necessitate the need to again raise water and sewer rates to maintain contractual compliance.

FINANCIAL IMPACT:

An additional \$366,629 in utility revenues is projected for fiscal year 2012 with the proposed 10% increase to water and sewer rates. All of this additional projected revenue is to be included within the total Utility Fund "Payment-in-Lieu-of-Taxes" (PILOT) transfer for fiscal year 2012.

MOTION:

Move to adopt/deny the appropriate ordinances adopting utility rates increases.

ORDINANCE NO. 2011-17

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING ARTICLE IV OF CHAPTER 11 OF THE CODE OF ORDINANCES PERTAINING TO WATER SERVICE; PROVIDING FOR AMENDMENT OF SECTION 11-44, PERTAINING TO METERS –COST OF INSTALLING, CONNECTION CHARGES; PROVIDING FOR AMENDMENT OF SUBSECTION (a) OF SECTION 11-46, DEPOSIT REQUIRED PRIOR TO TURNING ON METER; PROVIDING FOR AMENDMENT OF SECTION 11-47, TAMPERING WITH METER OR METER SEAL; PROVIDING FOR AMENDMENT OF SUBSECTIONS (1) AND (2) OF SUBSECTION (c) AND SUBSECTION (d) OF SECTION 11-48, WATER SERVICE RATES-ESTABLISHED, RESPONSIBILITY FOR PAYMENT; PROVIDING FOR THE AMENDMENT OF SECTION 11-65 PENALTIES; 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 finds it necessary to increase the utility rates to offset additional costs of providing utility services; and

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

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

Section 1. Section 11-44, of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to meters – cost of installing, connection charges is hereby amended as follows:

The City shall charge for the installation of water meters according to the following schedule, based on the size of the meter:

Meter Size (inches)	Amount
5/8	\$126.50
1	\$297.00
1 ½	\$440.00
2	\$605.00
3	\$1,567.50
4	\$2,420.00
Larger than 4	Established by City Manager

Section 2. Section 11-46, of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to deposits required to turning on water is hereby amended as follows:

- (a) *Non-property owners.* Any person who is not the owner of the living unit to be serviced by water shall deposit with the city the sum of one hundred twenty one dollars (\$121.00), upon making application for the water meter to be turned on to service such living unity with water. Any person who is not the owner of the business property or multi-residential property to be serviced by water shall deposit with the city a sum equal to twice the estimated monthly utility bill for such property, upon making application for the water meter to be turned on to service such business with water. If any multi-unit business or residential property to which this subsection applies is serviced by separate water meters for each dwelling or business unit, the deposit required shall be one hundred twenty one dollars (\$121.00) per dwelling or business unit. Such deposit shall be held by the city to guarantee the payment of all utility charges, including without limitation, water, sewer, garbage, stormwater and recycling service. When the holder of the deposit slip presents the same to the city, requesting the discontinuance of further water service at such premises, there shall be deducted from such deposit, and any accrued interest, all indebtedness to the city for all utility charges, including delinquency charges, if any, and the balance thereof shall then be returned to the person named in and surrendering such deposit slip.

Section 3. Section 11-47, of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to tampering with meter or meter seal is hereby amended as follows:

If a meter or curb stop has been broken, or where a curb stop has been found to have been turned on after it has been turned off by the city, or the city has placed a lock on the curb stop and it is found to be broken or removed, the city shall charge the owner of the property upon which the same is located, or the tenant if the utility account is in the name of the tenant, a fee of twenty two dollars (\$22.00). Water service shall not be restored until all past due and current charges are completely paid. In addition to the aforesaid charge, the tampering with any meter or device measuring the quantity of water consumed is strictly prohibited, and any person found guilty of such offense shall be punished as provided in section 1-6 of this Code.

Section 4. Subsection (1) and (2) of Subsection (c) Section 11-48, of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to water service rates, is hereby amended, as follows:

- (1) A water service charge of eleven dollars and four cents (\$11.04) minimum charge per living unit, plus an additional charge at the following rate per one thousand (1,000) gallons or fraction thereof of water consumed in excess of two thousand (2,000) gallons per month as shown by the water meter reading:

Water

Water consumption	Water rate/1,000 gallons of water usage
2,100 -- 3,000	\$5.52
3,100 -- 5,000	\$6.24
5,100 -- 10,000	\$6.99
10,100 -- 15,000	\$7.71
15,100 +	\$8.45

(2) Other fees shall be as follows:

Turn-on fee (During Working Hours)	\$11.00
Turn-on fee (After Working Hours)	\$33.00
Delinquent customer with water meter replacement	\$33.00
Service trip for purposes of checking the meter reading when requested by the customer and the meter is found to be correct.	\$16.50
Pool Reading (Includes Before and After)	\$16.50
Turn-off Charge (During Working Hours)	\$11.00
Turn-off Charge (After Working Hours)	\$33.00
Testing accuracy of meter when requested by customer when the meter is found to be registering within industry standards	\$22.00

Section 5. Subsection (d) of Section 11-48, of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to standby charges is hereby amended as follows:

- (d) Standby charges. If the water is turned-off by request of the owner or if the city discontinues service for past due billings, the city shall charge a standby charge. Standby charges for a single-family residence shall be twenty four dollars and five cents (\$24.05) and include ten dollars and eighty four cents (\$10.84) for sewer (section 11-39(d)), eight dollars and sixty ninety cents (\$8.69) for garbage (section 11-29(b)), two dollars and eighty seven cents (\$2.87) for stormwater and one dollar and sixty fifty cents (\$1.65) for recycling. Standby charges for other service categories (duplex, multi-units, commercial, etc.) shall be based on the applicable rates. When a tenant terminates utility services, the owner of the subject property shall be responsible for standby charges until an active account is established.

Section 6. Section 11-65, of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to penalties is hereby amended as follows:

Violation of any provision of this division shall be subject to the following penalties.

First Violation \$27.50
Second and subsequent violations Fine not to exceed \$550.00 and/or imprisonment in the county jail not to exceed 60 days.

Each day in violation of this division shall constitute a separate offense. In the initial stages of a water shortage, law enforcement officials may attempt to provide violators with no more than one (1) written warning.

Section 7. If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 8. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 9. All utility rate increases provided by this ordinance shall be applicable to the charges billed hereafter, commencing with the charges billed on the first utility bill rendered that includes an entire service period after September 30, 2011.

Section 10. This ordinance shall become effective immediately upon final passage as required by law.

Michael J. Yakes, Mayor

FIRST READING: September 8, 2011
PUBLISHED: September 11, 2011
SECOND READING AND
PUBLIC HEARING: September 21, 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 applicable law this ___ day of _____ 2011.

Lesley DeMuth, City Clerk

Agenda Item No. 1-d
Ordinance No. 2011-18

ORDINANCE NO. 2011-18

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING ARTICLE III OF CHAPTER 11 OF THE CODE OF ORDINANCES PERTAINING TO SEWAGE DISPOSAL; PROVIDING FOR AMENDMENT OF SUBSECTION (1) OF SECTION 11-37, PERTAINING TO SEWER RATES; PROVIDING FOR AMENDMENT OF SUBSECTION (b) OF SECTION 11-39, PERTAINING TO BILLING, COLLECTION AND STANDBY CHARGES; PROVIDING FOR AMENDMENT OF SUBSECTIONS (1) AND (3) OF SECTION 11-40, PERTAINING TO SEWER SERVICE CONNECTION FEES; PROVIDING FOR AMENDMENT OF SUBSECTION (b) (1) THRU (3) OF SECTION 11-40.01 PERTAINING TO NEW RENOVATED BUILDINGS AND STRUCTURES; PROVIDING FOR AMENDMENT OF SECTION 11-40.26 PERTAINING TO PENALTY AND COSTS; 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 finds it necessary to increase the utility rates to offset additional costs of providing utility services; 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. Subsection (1) of Section 11-37, of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to sewer service charges, is hereby amended, as follows:

- (1) Thirteen dollars and seventy-two cents (\$13.72) minimum charge per living unit, plus an additional charge at the following rate per one thousand (1,000) gallons or fraction thereof of water consumed in excess of two thousand (2,000) gallons per month as shown by the water meter reading:

Sewer

Water consumption (gallons)	Sewer rate/1,000 gallons of water usage
2,100 -- 3,000	\$6.86
3,100 -- 5,000	\$7.22
5,100 -- 10,000	\$7.57
10,100 -- 15,000	\$7.95
15,100 +	\$8.31

Section 2. Subsection (b) of Section 11-39, of Chapter 11, of the Code of Ordinances of the City of Gulfport pertaining to billing, collection, and standby charges is hereby

amended as follows:

- (b) When the water service is discontinued at the request of the owner, the charge shall be ten dollars and eighty four cents (\$10.84) per month for each living unit. The sewer service standby charges as set forth herein shall be billed and become payable on the same dates as regular water billing; if sewer service standby charges become delinquent, water service shall not be restored until such delinquent charges are paid in full.

Section 3. Subsections (1) and (3) of Section 11-40, of Chapter 11, of the Code of Ordinances of the City of Gulfport pertaining to sewer service connection fees are hereby amended as follows:

- (1) Where the size of said service line is six (6) inches or less, the service connection fee shall be one hundred sixty five dollars (\$165.00).
- (3) Where no service line has been provided, the service connection fee shall be one hundred sixty five (\$165.00) plus the cost of installing the required service line.

Section 4. Sections (1) thru (3) of Subsection (b) of Section 11-40.01 of the Code of Ordinance of the City of Gulfport pertaining to new renovated buildings and structures are hereby amended as follows:

- (1) Residential or dwelling units, whether single-family, multiple-family, apartment, condominium, or mobile home and motels: two hundred forty-seven dollars and fifty cents (\$247.50) per water closet.
- (2) Commercial usage, buildings or structures: two hundred forty-seven dollars and fifty cents (\$247.50) per water closet, excluding restaurants, theaters, car washes, laundries and other commercial enterprises making more than a normal demand on the sewer system, all of which shall be treated under the industrial category.
- (3) Industrial usage, buildings or structures: the city manager shall establish a fee for this category based upon gallons used and the demand on the sewer system, but in no event shall the fee be less than five hundred fifty dollars (\$550.00) per water closet.

Section 5. Section 11-40.26 of Chapter 11, of the Code of Ordinances of the City of Gulfport, pertaining to penalty and cost is hereby amended as follows:

- (a) *Civil penalties.* Any user who is found to have violated an order of the city council or who willfully or negligently failed to comply with any provision of this division, and the order, rules, regulations and permits issued hereunder, shall be fined not less than one hundred ten dollars (\$110.00) nor more than one thousand one hundred dollars (\$1,100.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees,

court costs, court reporters' fees and other expenses of litigation by appropriate suit against the person found to have violated this division or the order, rules, regulations, and permits issued hereunder.

- (b) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or waste water contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be punished by a fine of not more than one thousand one hundred dollars (\$1,100.00) or by imprisonment for not more than six (6) months or by both.

Section 6. If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 7. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 8. All utility rate increases provided by this ordinance shall be applicable to the charges billed hereafter, commencing with the charges billed on the first utility bill rendered that includes an entire service period after September 30, 2011.

Section 9. This ordinance shall become effective immediately upon final passage as required by law.

Michael J. Yakes, Mayor

FIRST READING: September 8, 2011
PUBLISHED: September 11, 2011
SECOND READING AND
PUBLIC HEARING: September 21, 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 applicable law this ___ day of _____ 2011.

Lesley DeMuth, City Clerk

Agenda Item No. 1-e
Ordinance No. 2011-19



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: September 21, 2011

AGENDA ITEM: 1-e

ORDINANCE NO: 2011-19

SUBJECT: Rate Increase – Sanitation Rates

RECOMMENDATION: Staff requests that City Council adopt Garbage and Recycling rate increases within the City's Sanitation Fund.

BACKGROUND:

Sanitation rate increases for garbage and recycling were first proposed by the City Manager to Council in April of 2011 as a means to generate new recurring revenue for the fiscal year 2012 budget and years beyond. Consensus of City Council to include rate increases for sanitation services including garbage and recycling was obtained throughout several budget workshops this summer. Garbage and recycling rates were last increased in September 2002 and Gulfport currently maintains a low competitive rate with the other Municipal and private collectors operating within Pinellas County. Gulfport has maintained consistently low garbage and recycling rates for its residents throughout the past several decades. Several factors have aided in maintaining low garbage and recycling rates including the introduction and expansion of the side loader garbage program allowing for the reduction of the work force needed to provide garbage collection in several areas of the community. This program coupled with Public Work's efforts to secure better pricing on the sale of recyclables in past years has helped to mitigate and control operating profits within the fund. Finally, in the past fifteen years Pinellas County has maintained current tipping rates at the facility where garbage is dumped.

ANALYSIS:

Rate increases of 12.5% for both the Garbage and Recycling have been included in the FY 2012 budget. An additional \$170,000 in sanitation revenues is projected for fiscal year 2012 with the proposed 12.5% increase. All of this additional projected revenue is to be added on top of existing "Payment-in-Lieu-of-Taxes" (PILOT) amounts already assessed on recurring revenues of the City's Sanitation Fund. PILOT transfers were reinstated in FY 2008 and have continued into FY 2012 and have effectively been utilized to subsidize the ad-valorem property tax based revenues in support of the General Fund. Since the reinstatement of the PILOT program in FY

2008 a total of \$413,620 in PILOT transfers have been moved from the sanitation fund to the general fund to help offset the deficit revenue position within the general fund and subsidize the ad-valorem property tax based revenues. For the FY 2012 budget, a total of \$350,000 in PILOT transfers from the sanitation fund to the general fund is included.

The effect of the proposed increases to both garbage and recycling rates will have a financial impact upon the utility bill of Gulfport residents. An additional \$2.04 for garbage and \$.19 for recycling or a total increase of \$2.23 to an average Gulfport utility bill is expected. Two ordinance readings to obtain Council approval for any such proposed or budgeted rate increases are necessary. A total of \$170,000 of additional revenue to the sanitation fund is expected to be generated from the proposed rate increases to garbage and recycling in a full fiscal year.

FINANCIAL IMPACT:

An additional \$170,000 in sanitation revenues is projected for fiscal year 2012 with the proposed 12.5% increase to garbage and recycling rates. All of this additional projected revenue is to be included within the total Sanitation Fund "Payment-in-Lieu-of-Taxes" (PILOT) transfer for fiscal year 2012.

MOTION:

Move to adopt/deny Ordinance No. 2011-19.

ORDINANCE NO. 2011-19

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 11 OF THE CODE OF ORDINANCES, PERTAINING TO GARBAGE; PROVIDING FOR AMENDMENT OF ARTICLE I THEREOF, PERTAINING TO SECTION 11-21 SERVICE CHARGES; SECTION 11-22 BILLING; AND SECTION 11-24 SPECIAL PICK-UP; 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 wishes to amend the garbage collection regulations of the City; and

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

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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

Section 1. Article I of Chapter 11 of the Code of Ordinances, pertaining to garbage in general, is hereby amended as follows:

Sec. 11-21. Service Charges.

- (b) The foregoing garbage and trash collection and disposal service charge shall be according to the following:
- (1) Eighteen dollars and thirty-nine cents (\$18.39) per month for each commercial business not utilizing bulk containers;
 - (2) For multiple-dwelling units (duplexes, apartments, condominiums, etc.), for each unit not utilizing bulk containers, the monthly charge shall be eighteen dollars and thirty-nine cents (\$18.39) per dwelling unit;
 - (3) For multiple-residential dwelling units the rate where mechanical loading containers are used shall be eleven dollars and three cents (\$11.03) per month for each dwelling unit;
 - (5) If more than three (3) thirty-two gallon containers per collection of garbage and trash per living unit or business require collection, the person or business responsible for the same shall be assessed upon his or her water bill, or otherwise, and shall pay an additional six dollars and thirteen cents (\$6.13) per container or bag per pick-up;

- (7) For commercial entities utilizing three hundred gallon bulk container rates:
 - a. Once per week, per month, per container \$66.10
 - b. Each additional pick-up, per month \$66.10
 - c. Extra one time pick-up, each \$16.87

- (8) For commercial entities utilizing ninety gallon bulk container rates:
 - a. Once per week, per month, per container \$19.83
 - b. Each additional pick up, per month \$19.83
 - c. Extra one time pickup, each \$16.87

(9) For a single residential dwelling unit the monthly charge shall be eighteen dollars and thirty-nine cents (\$18.39);

(10) For mobile home parks, the rate shall be eleven dollars and three cents (\$11.03) per month for each dwelling unit;

(11) All private properties within the city shall be assessed a recycling fee, whether or not the owner or tenant thereof participates in the city's recycling program, which fee shall be due and payable monthly as invoiced by the city at the following:

Mobile homes, duplexes, multi-family, per unit	\$1.01
Single-family households	\$1.68
Commercial, other not utilizing bulk containers	\$1.68
Commercial, schools, other using ninety-gallon Containers (per container)	\$1.78
Commercial, schools, other using three-hundred-gallon containers (per container)	\$6.14
Commercial, schools, other using four-yard dumpster (per dumpster)	\$14.19
Commercial, schools, others using six-yard dumpster (per dumpster)	\$21.30
and	

- (12) For dumpsters, the rates are as follows:
 - a. Four-yard, once a week, per month \$163.12
 - b. Four-yard, additional pick-up, per week, per month \$163.12
 - c. Extra one-time pick-up, each \$ 39.37
 - d. Six-yard, once a week, per month \$239.62
 - e. Six-yard, additional pick-up, per week, per month \$239.62
 - f. Extra one-time pick-up, each \$ 56.25

Sec. 11-22. Billing.

(b) When the water service is discontinued at the request of the owner the charge shall be eight dollars and eighty-eight cents (\$8.88) per month commencing with

the next full billing cycle for each living unit or business. The garbage and trash collection and disposal standby charge, as set forth herein, shall be billed and become payable on the same dates as regular water service billings. If the garbage and trash collection and disposal service charge becomes delinquent, water service shall not be restored until said delinquent charges are paid in full.

Sec. 11-23. Special Pick-up.

- (a.) Any accumulation of trash that cannot be placed in three (3) thirty-two gallon containers twice a week, or equivalent, in accordance with this article, shall be picked up by the city, with or without notification by the owner or occupant of each living unit. An additional fee shall be charged according to the size of the load, which shall be billed as an additional charge on the utility bill. A single pick-up item shall be eleven dollars and twenty-five cents (\$11.25) and a white goods pick-up shall be twenty-two dollars and fifty cents (\$22.50). All white goods doors shall be removed before being set out for collection. Other larger loads, including yard waste exceeding six (6) feet by three (3) feet by three (3) feet (two (2) cubic yards) shall be based on the size and type of equipment required to load and haul the trash. No trash shall be allowed to accumulate for a period of longer than one (1) week. Vehicle tires shall be eleven dollars and twenty-five cents (\$11.25) per tire; car batteries shall be five dollars and sixty-two cents (\$5.62) per battery. Twenty pound bottled gas cylinders shall be eleven dollars and twenty-five cents (\$11.25) and shall not be picked up unless they are empty. Televisions and home computer components shall be sixteen dollars and eighty seven cents (\$16.87) per item.

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. All utility rate increases provided by this ordinance shall be applicable to the charges billed hereafter, commencing with the charges billed on the first utility bill rendered that includes an entire service period after September 30, 2011.

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

Michael J. Yakes, Mayor

FIRST READING : September 8, 2011

PUBLISHED : September 11, 2011

SECOND READING/
PUBLIC HEARING : September 21, 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. 2
Adjournment