

**City Council Meeting
Agenda Packet
Tuesday, January 3, 2012
7:00 pm**



City of Gulfport Florida
Regular City Council Meeting
Tuesday, January 3, 2012

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. Public Session.
2. City Manager Report.
3. City Attorney Report.
4. City Clerk Report.
5. Consent: None
6. Ordinances:
 - a. 2011-28, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 14, Offenses, Section 14-30, Hawking, Peddlers, Solicitors, etc., entering private premises - restricted; amending section to address distribution of pamphlets, flyers, etc.; 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. 2011-29, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 11, Garbage, Trash, Sewers and Water, Article I, Garbage, Section 11-4, Litter; providing for enforcement, remedies and penalties; 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.
 - c. 2012-01, First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 11, Garbage, Trash, Sewers and Water, Article I, Garbage, Section 11-15, Location of Containers; providing for concealment; 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.

- d. 2012-02, First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 12, Health and Sanitation, Article I, Nuisances, Section 12-2, Specific Nuisances; establishing Subsection (u) Exterior Storage; providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.
7. Resolutions:
- a. 2012-01, A resolution of the City of Gulfport, Florida, adopting a Comprehensive Fund Balance Policy; and providing for an effective date.
- b. 2012-02, A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a five-year Interlocal Agreement for Joint Pollution Control with the twenty-three cities of Pinellas County, the Florida Department of Transportation and Pinellas County; and providing for an effective date.
- c. 2012-03, A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a Memorandum of Understanding between the City of Gulfport and the Fraternal Order of Police Pinellas Lodge #43; and providing for an effective date.
- d. 2012-04, A resolution of the City of Gulfport, Florida, approving Application #OSD 11-01; a request for an outdoor sales and display permit for an existing vehicle business at 5102 Gulfport Boulevard South, Gulfport, Florida; and providing for an effective date.
8. Conduct a lot to determine name placement of qualified candidates on the March 13, 2012 General Municipal Election Ballot.
9. Old Business.
10. New Business.
11. Council Reports.
12. Adjournment.

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 893-1000 or fax a written request to (727) 893-1008. Posted: December 22, 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 – None

**Agenda Item No. 6-a
Ordinance No. 2011-28**



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 3, 2012

AGENDA ITEM: 6-a

ORDINANCE NO: 2011-28

SUBJECT: Distribution of Pamphlets/Handbills Ordinance

RECOMMENDATION: Staff requests City Council approve Ordinance 2011-28 amending Chapter 14 of the City of Gulfport Code of Ordinances on 2nd Reading. Ordinance 2011-28 would require the permission of the owner or occupant of a private residence within the City of Gulfport before distributing pamphlets used to promote the sale of goods or services to their property.

BACKGROUND:

Councilmember Henderson requested that the City Attorney and staff develop an ordinance for City Council's consideration – that would manage the distribution or placement of materials on unoccupied residences.

In response to the request, the City Attorney prepared the accompanying ordinance for consideration. On December 6, 2011 City Council approved Ordinance 2011-28 amending Chapter 14 of the City of Gulfport Code of Ordinances on 1st Reading.

ANALYSIS:

Councilmember Henderson has received public comment and resident's expressions of concern in regards to the growing number of unsolicited materials being placed or left at unattended homes within the community.

The detail of the proposed ordinance amendment provides that an individual placing such materials must be granted permission by the resident to present materials promoting the sale of goods, wares merchandise, or services.

This requirement would be in addition to the present requirements of Section 14-30.1 and 14-30.2 that requires solicitors or peddlers must be registered with the police department and can

only perform this activity between the hours of 9:00 AM and 6:00 PM, Monday through Saturday.

FINANCIAL IMPACT:

No financial impact at this time.

MOTION:

Move to approve/deny Ordinance 2011-28 amending Chapter 14 of the City of Gulfport Code of Ordinances on 2nd Reading.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2011-28**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 14, OFFENSES, SECTION 14-30, HAWKING, PEDDLERS, SOLICITORS, ETC., ENTERING PRIVATE PREMISES - RESTRICTED; AMENDING SECTION TO ADDRESS DISTRIBUTION OF PAMPHLETS, FLYERS, ETC.; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gulfport seeks to require hawkers, peddlers, solicitors, and the like to seek permission or an invitation from the owner or occupant of a private residence before distributing pamphlets, flyers, newsletters, etc. used to promote the sale of goods, wares, merchandise, or services;

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

Section 1. Chapter 14, Offenses, Section 14-30 is hereby amended as follows:

It shall be unlawful for any person, whether acting in his or her own name, or for another, or for any business, corporation, firm, partnership or other entity, to go from door to door or in or upon a private residence, not having been invited to do so by the owner or occupant of such residence, for the purpose of selling goods, wares or merchandise, or offering same for sale, or taking orders from same, or offering to purchase such items, without first complying with the requirements of sections 14-30.1 and 14-30.2. In addition to complying with this section, as well as sections 14-30.1 and 14-30.2, persons acting under this section must seek and receive permission or an invitation from the owner or occupant of such private residence in order to distribute flyers, pamphlets, samples, or similar items being used to promote the sale of goods, wares, merchandise, or services.

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

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

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

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

Michael J. Yakes, Mayor

FIRST READING : December 6, 2011
PUBLISHED : December 21, 2011
SECOND READING/
PUBLIC HEARING : January 3, 2012

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 _____, 2012.

Lesley DeMuth, City Clerk

Agenda Item No. 6-b
Ordinance No. 2011-29



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 3, 2012

AGENDA ITEM: 6-b

ORDINANCE NO: 2011-29

SUBJECT: Enhancement of Litter Penalty

RECOMMENDATION: Staff requests City Council consider and approve Ordinance 2011-29 that amends Chapter 11 of the City of Gulfport Code of Ordinances on 2nd Reading. Ordinance 2011-29 would enhance litter enforcement remedies and penalties, increasing the fine amount to a schedule III offense.

BACKGROUND:

Councilmember Henderson requested that the City Attorney and staff develop an ordinance for City Council's consideration – that would increase the fine for an individual receiving a citation for violating the City's Code of Ordinances in regards to litter.

In response to the request, the City Attorney prepared the accompanying ordinance for consideration. On December 6, 2011 City Council approved Ordinance 2011-28 amending Chapter 11 of the City of Gulfport Code of Ordinances on 1st Reading. Vice Mayor Hastings asked for the inclusion of the term cigarettes or cigarette butts in the ordinance's language for additional consideration.

At present the associated fine process is one where the City of Gulfport utilizes the Pinellas County Court as the venue for the prosecution of Local Ordinance Violations/Notice to Appear with the associated assessment of the Pinellas County Court Uniform Fine Schedule. Presently, the City deems littering as a schedule V violation with an uncontested fine of 93.00 or if found guilty of a contested violation, a fine of \$138.00.

ANALYSIS:

Councilmember Henderson has stated his concern in regards to the methods available to further penalize those individuals littering within the City.

The proposed ordinance amendment provides for a schedule III fine, where an individual violator may receive a fine in an amount of \$143.00 if uncontested, if they were to contest the violation and are found guilty of the citation the amount would be \$188.00.

FINANCIAL IMPACT:

No financial impact at this time.

MOTION:

Move to approve/deny Ordinance 2011-29 that amends Chapter 11 of the City of Gulfport Code of Ordinances on 2nd Reading.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2011-29**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 11, GARBAGE, TRASH, SEWERS AND WATER, ARTICLE I, GARBAGE, SECTION 11-4, LITTER; PROVIDING FOR ENFORCEMENT; REMEDIES AND PENALTIES; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gulfport desires to enhance enforcement, remedies and penalties for failure to comply with any provisions of Section 11-4, "Litter."

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

Section 1. Chapter 11, Garbage, Trash, Sewers and Water, Article I, Garbage, Section 11-4 is hereby amended by establishing Section 11-4 (d), which shall read as follows:

- (a) It shall be unlawful for any person to sweep, throw, or otherwise deposit or cause to be swept, thrown, or otherwise deposited, any garbage, trash, waste or other refuse into or on any public or private street, alley, sidewalk or park, or the property of another person, or property which is in the possession of another person, within the city, or to permit any garbage, trash or other refuse to accumulate in such manner that it may be carried or deposited into or on any of the above places by action of the weather or wind.
- (b) It shall be unlawful for any person to throw, cast or otherwise deposit any garbage, trash, waste and other refuse of any kind in or upon any curb, gutter, street, avenue, highway, tunnel, sidewalk, park, parkway, lot or body of water, whether vacant or occupied.
- (c) Garbage receptacles shall be removed from the curb or right-of-way as soon as practical after collection. Garbage receptacles not removed on the scheduled collection day shall be considered litter.
- (d) Any person who violates or fails to comply with any provisions of this section shall be subject to the following:
 - (1) The issuance of a Class III citation in accordance with the provisions of City Code of Ordinances Chapter 1 and Pinellas County; or,

- (2) Enforcement by other means including, but not limited to: a summons; a notice to appear in the county or circuit court; an arrest; an action before the code enforcement board; or a civil action for injunctive relief; or.
- (3) Punished in accordance with the general penalty set forth in Chapter 1, Section 1-6 of this Code.

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

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

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

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

Michael J. Yakes, Mayor

FIRST READING : December 6, 2011
 PUBLISHED : December 21, 2011
 SECOND READING/
 PUBLIC HEARING : January 3, 2012

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 _____, 2012.

Lesley DeMuth, City Clerk

Agenda Item No. 6-c
Ordinance No. 2012-01



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 3, 2012

AGENDA ITEM: 6-c

ORDINANCE NO: 2012 - 01

SUBJECT: Location of residential garbage and trash containers.

RECOMMENDATION: Staff requests City Council consider and approve Ordinance 2012-01 amending Chapter 11 Section 11-15 "Location of Containers" of the City of Gulfport Code of Ordinances on 1st reading, an ordinance that would limit the visibility of residential garbage and trash containers in the City of Gulfport.

BACKGROUND:

City Council has been discussing issues generated by public concerns in regards to more strident Code Enforcement within the community.

In response to community concerns expressed to City Council, staff has articulated to City Council of the need to enact specific ordinances targeting unwanted violations. Without doing this, other options are unlikely to address some of the issues with code enforcement. Often time's complaints cannot be addressed or prosecuted because there is no violation of an existing local ordinance. Staff advised that some changes will require minimal changes to the City Code of Ordinances, where as others will require extensive changes or the creation of specific new ordinances.

As outlined by staff on September 22, 2011, with public input garnered at the City Council workshop of October 18, 2011 and the City Council's "Town Hall" meeting of November 14, 2011, staff is bringing forth for consideration, the first of a series of City Code of Ordinance amendments. The initial proposed ordinances address issues that appear to staff to be some of the most common complaints that are now limited in means of enforcement.

A common thread being addressed and subsequently brought forward for consideration is that many concerns identified are not ordinance violations – but nuisance or quality of life issues, where no regulatory authority presently exists.

ANALYSIS:

In response to the discussions, the City Attorney has prepared the first (1st) accompanying ordinance amendment for consideration. Ordinance 2012-01 amends Chapter 11 Section 11-15 of the City of Code of Ordinances to provide that all containers must be removed from curbside of the property on the day of collection and placed in the side or rear yard and behind the front of the primary structure.

Presently, Chapter 11 Section 11-15 of the City's Ordinance only requires that all containers must be removed from the curbside or City Right of Way (ROW) of the property on the day of collection and does not require being taken out of the front yard area. Under the present Ordinance trash containers can be left anywhere in the yard.

Ideally, this change would increase the aesthetic appearance and curb appeal of the property.

In short, the property owner would be required to remove trash containers from their front yard in a timely manner after they have been serviced.

FINANCIAL IMPACT:

No financial impact at this time.

MOTION:

Move to approve/deny Ordinance 2012-01 amending Chapter 11 Section 11-15 "Location of Containers" of the City of Gulfport Code of Ordinances.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2012-01**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 11, GARBAGE, TRASH, SEWERS AND WATER, ARTICLE I, GARBAGE, SECTION 11-15, LOCATION OF CONTAINERS; PROVIDING FOR CONCEALMENT; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport desires to limit the visibility of garbage and trash containers in the City of Gulfport.

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

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

Section 11-15. Location of containers

Garbage and trash containers shall be placed where easily accessible to the city's solid waste collector. Such containers shall not be kept upon neighboring property not owned or leased by the person by whom the garbage and trash was accumulated, whether such neighboring property be vacant or improved. Garbage and trash containers shall be placed ~~in~~ at the edge of the property adjacent to the alley for all properties adjacent to an alley. If alley pickup is impractical, containers shall be placed at curbside on the day the garbage and trash is to be collected. In no case shall the containers or garbage be placed on the street before 5:00 p.m. of the day preceding collection. All containers must be removed from curbside of the property on the day of collection and placed in the side or rear yard and behind the front of the primary structure.

Section 2. This Ordinance shall be published in accordance with the law.

Section 3. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. 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 5. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : _____

PUBLISHED : _____

SECOND READING/
PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this ____ day of _____, 2012.

Lesley DeMuth, City Clerk

Agenda Item No. 6-d
Ordinance No. 2012-02



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 3, 2012

AGENDA ITEM: 6-d

ORDINANCE NO: 2012 - 02

SUBJECT: Exterior storage.

RECOMMENDATION: Staff requests City Council consider and approve Ordinance 2012-02 amending Chapter 12 Article I, Nuisances, Section 12-2 "Specific Nuisances" of the City of Gulfport Code of Ordinances on 1st reading, an ordinance that would regulate outdoor storage in the City of Gulfport.

BACKGROUND:

City Council has been discussing issues generated by public concerns in regards to more strident Code Enforcement within the community.

In response to community concerns expressed to City Council, staff has articulated to City Council of the need to enact specific ordinances targeting unwanted violations. Without doing this, other options are unlikely to address some of the issues with code enforcement. Often time's complaints cannot be addressed or prosecuted because there is no violation of an existing local ordinance. Staff advised that some changes will require minimal changes to the City Code of Ordinances, where as others will require extensive changes or the creation of specific new ordinances.

As outlined by staff on September 22, 2011, with public input garnered at the City Council workshop of October 18, 2011 and the City Council's "Town Hall" meeting of November 14, 2011, staff is bringing forth for consideration, the first of a series of City Code of Ordinance amendments. The initial proposed ordinances address issues that appear to staff to be some of the most common complaints that are now limited in means of enforcement.

A common thread being addressed and subsequently brought forward for consideration is that many concerns identified are not ordinance violations – but nuisance or quality of life issues, where no regulatory authority presently exists.

ANALYSIS:

In response to the discussions, the City Attorney has prepared the accompanying ordinance amendment for consideration. Ordinance 2012-02 amends Chapter 12 Article I, Nuisances, Section 12-2 "Specific Nuisances" of the City of Code of Ordinances creating sub-section (u) to provide that the storage of equipment, materials or furnishings not designed for use outdoors, such as automobile parts and tires, building materials, and interior furniture, may not be stored outdoors.

Presently, Chapter 12 Section 12-2 of the City's Ordinances does not prohibit the placement of indoor furniture in ones yard. Under the present Ordinance the materials identified can be left anywhere on the property.

Ideally, this change would increase the aesthetic appearance and curb appeal of the property.

In short, the property owner would be prohibited from placing ifems such as couches or indoor furniture in their yard for use as lawn furniture. The ordinance would also prohibit the storage or accumulation of auto parts and building materials outside of the home.

FINANCIAL IMPACT:

No financial impact at this time.

MOTION:

Move to approve/deny Ordinance 2012-02 amending Chapter 12 Article I, Nuisances, Section 12-2 "Specific Nuisances" of the City of Gulfport Code of Ordinances, creating subsection (u).

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2012-02**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 12, HEALTH AND SANITATION, ARTICLE I, NUISANCES, SECTION 12-2, SPECIFIC NUISANCES; ESTABLISHING SUBSECTION (U) EXTERIOR STORAGE; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport has determined that in order to effectuate code enforcement within the City of Gulfport, specific nuisances need to be clarified.

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

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

Section 12-2. Specific nuisances

(u) Equipment, materials or furnishings not designed for use outdoors, such as automobile parts and tires, building materials, and interior furniture, may not be stored outdoors. Construction materials, unless such materials are related to an active building permit related to the property at which the materials are located, shall not be stored outdoors on a residentially zoned property.

Section 2: This Ordinance shall be published in accordance with the law.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall take effect immediately upon its passage and adoption. The referendum shall take effect only upon the approval of a majority of the City electors voting at the referendum election voting on this issue.

Section 5. 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 6. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

Michael J. Yakes, Mayor

FIRST READING : _____

PUBLISHED : _____

SECOND READING/
PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this ____ day of _____, 2012.

Lesley DeMuth, City Clerk

Agenda Item No. 7-a
Resolution No. 2012-01



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Dan Carpenter, Administrative Services Director

DATE: January 3, 2012

AGENDA ITEM: 7-a

RESOLUTION NO: 2012 - 01

SUBJECT: Comprehensive Fund Balance Policy

RECOMMENDATION: Approve Resolution

BACKGROUND:

On September 16, 2003, City Council moved to approve and authorize Resolution 2003-116, a resolution establishing a reserve fund in the General Fund ensuring financial stability and recognizing the potential for natural disasters with Gulfport being located at the gateway to the Gulf. Resolution 2003-16 requires the City maintain reserve funds in the General Fund an amount equal to twenty-five (25) percent of the City's General Fund Budget previous year balance. Additionally, these funds can only be used for an emergency as authorized in Section 310 and 311 of the City Charter.

ANALYSIS:

The Governmental Accounting Standards Board ("GASB") issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* ("GASB-54"). One objective of this standard was to improve, including the understandability, the usefulness of fund balance information by providing clear classifications. GASB-54 abandoned the reserved, unreserved, and designated classifications of fund balance and replaced them with five classifications: nonspendable, restricted, committed, assigned, and unassigned. The requirements of this statement are effective for the City of Gulfport's financial statements for the fiscal year ending September 30, 2011.

The adoption of the attached Comprehensive Fund Balance Policy will complete two objectives. First, it will meet all requirements outlined in the Governmental Accounting Standards Board ("GASB") issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* ("GASB-54") requiring formal adoption by Council of a Fund Balance Policy which contains the provisions within Statement No. 54. Second, and most importantly, the adoption of the Comprehensive Fund Balance Policy will continue to identify and maintain an unassigned General Fund balance equal to 25% of the City's General Fund Budget previous year balance that can only be used for an emergency as authorized in Section 310 and 311 of the City Charter.

FINANCIAL IMPACT:

There are no financial impacts related to this action. The previous Council adopted required balance amount of twenty-five (25) percent General Fund reserve funds under Resolution 2003-16 will be maintained in the same manner and reclassified as unassigned General Fund balance equal to 25%.

MOTION:

I move to approve/deny this resolution adopting the Comprehensive Fund Balance Policy which meets the criteria and provisions as defined in the Governmental Accounting Standards Board ("GASB") issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* ("GASB-54").

RESOLUTION NO. 2012-01

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, ADOPTING A COMPREHENSIVE FUND BALANCE POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On September 16, 2003, City Council approved Resolution 2003-116; a resolution establishing a reserve fund in the General Fund to ensure financial stability and recognize the potential for natural disasters; and

WHEREAS, The Governmental Accounting Standards Board ("GASB") issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* ("GASB-54") and the requirements of this statement are effective for the City of Gulfport's financial statements for the Fiscal Year ending September 30, 2011; and

WHEREAS, The adoption of the Comprehensive Fund Balance Policy will meet all the requirements as outlined in the Governmental Accounting Standards Board ("GASB") issued Statement No. 54, and will continue to identify and maintain an unassigned General Fund balance equal to 25% of the City's General Fund Budget previous year balance that can only be used for an emergency as authorized in Section 310 and 311 of the City Charter.

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

Section 1. The City Council hereby adopts the Fund Balance Policy, as attached hereto and made a part hereof; which meets the criteria and provisions as defined in the Governmental Accounting Standards Board (GASB) issued Statement No. 54; *Fund Balance Reporting and Governmental Fund Type Definitions* (GASB-54).

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

PASSED AND ADOPTED this 3rd day of January, 2012 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

CITY OF GULFPORT, FLORIDA
COMPREHENSIVE FUND BALANCE POLICY

BACKGROUND

The City of Gulfport (“City”) believes that sound financial management principles require that sufficient funds be retained by the City to provide a stable financial base at all times. To retain this stable financial base, the City needs to maintain a General Fund balance sufficient to fund all cash flows of the City, to provide financial reserves for unanticipated expenditures and/or revenue shortfalls of an emergency nature, to provide funds for the disparity in timing between property tax collection and expenditures, and to secure and maintain investment grade bond ratings. The purpose of this policy is to specify the size and composition of the City’s financial reserves and to identify certain requirements for replenishing any fund balance reserves utilized.

The Governmental Accounting Standards Board (“GASB”) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions (“GASB-54”)*. One objective of this standard was to improve, including the understandability, the usefulness of fund balance information by providing clear fund balance classifications. GASB-54 abandoned the reserved, unreserved, and designated classifications of fund balance and replaced them with five classifications: nonspendable, restricted, committed, assigned, and unassigned. The requirements of this statement are effective for the City of Gulfport’s financial statements for the fiscal year ending September 30, 2011.

GASB-54 requires local governments to focus on the constraints imposed upon resources when reporting fund balance in governmental funds. The fund balance classifications indicate the level of constraints placed upon how resources can be spent and identify the sources of those constraints. The following five classifications serve to inform readers of the financial statements of the extent to which the City is bound to honor constraints on specific purposes for which resources in a fund can be spent.

DEFINITIONS

Nonspendable Fund Balance - Fund balance reported as “nonspendable” represents fund balance that is (a) not in a spendable form such as prepaid items or (b) legally or contractually required to be maintained intact such as an endowment.

Restricted Fund Balance - Fund balance reported as “restricted” consists of amounts that can be spent only on the specific purposes stipulated by law or by the external providers of those resources.

Committed Fund Balance - Fund balance reported as “committed” are self-imposed limitations set in place prior to the end of the fiscal period. These amounts can be used only for the specific purposes determined by a formal action of the City Council, which is the highest level of decision-making authority, and that require the same level of formal action to remove the constraint.

Assigned Fund Balance - Fund balance reported as “assigned” consists of amounts that are subject to a purpose constraint that represents an intended use established by the City Council or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund. Formal action is *not* necessary to impose, remove, or modify a constraint in Assigned Fund Balance. Additionally, this category is used to reflect the appropriation of a portion of existing fund balance to eliminate a projected deficit in the subsequent year’s budget.

Unassigned Fund Balance - Fund balance reported as “unassigned” represents the residual classification or fund balance and includes all spendable amounts not contained within the other classifications of the General Fund.

COMPREHENSIVE FUND BALANCE POLICIES

1.0 Policy on committing funds

In accordance with GASB-54, it is the policy of the City of Gulfport (“City”) that fund balance amounts will be reported as “Committed Fund Balance” only after formal action (by Ordinance or Resolution) and approval by City Council. The action to constrain amounts in such a manner must occur prior to year end; however, the actual dollar amount may be determined in the subsequent period.

For example, the City Council may approve a motion prior to year end to report within the year-end financial statements, if available, up to a specific dollar amount as Committed Fund Balance for capital projects. The exact dollar amount to be reported as Committed Fund Balance for capital projects may not be known at the time of approval due to the annual financial audit not yet being completed. This amount can be determined at a later date when known and appropriately reported within the year-end financial statements due to the governing body approving this action before year-end.

It is the policy of the City that the City Council may commit fund balance for any reason that is consistent with the definition of Committed Fund Balance contained within GASB-54. Examples of reasons fund balance would be committed are to display intentions to use portions of fund balance for future capital projects, stabilization funds, or to earmark special General Fund revenue streams unspent at year-end that are intended to be used for specific purposes.

After approval by the City Council, the amount reported as Committed Fund Balance cannot be reversed without utilizing the same process required to commit the funds. Therefore, in accordance with GASB-54, it is the policy of the City that funds can only be removed from the Committed Fund Balance category after motion and approval by the City Council.

2.0 Policy on assigned funds

In accordance with GASB-54, funds that are *intended* to be used for a specific purpose but have not received the formal approval action at the governing body level may be recorded as Assigned Fund Balance. Likewise, redeploying assigned resources to an alternative use does not require formal action by the governing body.

GASB-54 states that resources can be assigned by the governing body or by another internal body or person whom the governing body gives the authority to do so, such as a committee or employee of the City.

Therefore, having considered the requirements to assign fund balance, it is the policy of the City that the City Manager will have the authority to assign fund balance of this organization based on intentions for use of fund balance communicated by the City Council.

3.0 Policy on Unassigned General Fund fund balance

It is the goal of the City to achieve and maintain an unassigned General Fund balance equal to 25% of the City's General Fund Budget previous year balance. The reserves can only be used for an emergency as authorized in section 310 and 311 of the City Charter. If during any year, money is appropriated out of the unassigned fund and is spent in an amount that results in the unassigned funds being depleted below the required twenty five (25) percent budget minimum, then the City Council shall in subsequent years add to the unassigned funds the lesser of a total of two hundred fifty thousand dollars (\$250,000) per year or whatever amount is necessary to achieve unassigned funds that are twenty five (25) percent of the previous fiscal year. These additions shall continue until funds in the unassigned fund have been increased to equal at least twenty five (25) percent of the City's General Fund budget for the previous year. The reserve requirements established in this section shall not apply to any portion of the City budget which results from extraordinary, non-recurring sources of revenue such as grants or sale of property and/or equipment.

4.0 Policy on Spending Order of Fund Balances

The City intends that restricted amounts to be spent first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that would prohibit doing this, such as grant agreements with dollar-for-dollar spending. Additionally, the City would first use committed fund balance, followed by assigned fund balance, and then unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

5.0 Annual Review of Fund Balance Policy

Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process. All components of this fund balance policy will be reviewed annually for appropriateness and effectiveness, and recommendations for improvement will be presented to the City Council if and when found.

Agenda Item No. 7-b
Resolution No. 2012-02



GULFPORT CITY COUNCIL

AGENDA MEMORANDUM

FROM: Don Sopak, Public Works Director

DATE: January 3, 2012

AGENDA ITEM: 7-b

RESOLUTION NO: 2012-02

SUBJECT: Interlocal Agreement for Joint Pollution Control

RECOMMENDATION: That the City Council authorize the City Manager to enter into a five-year Interlocal Agreement for Joint Pollution Control with twenty-three Cities of Pinellas County, the Florida Department of Transportation and Pinellas County.

BACKGROUND:

Part 40 of the Code of Federal Regulations (CFR) Section 122.26(d)(1)(ii) required all Municipalities, FDOT, and Pinellas County to control through interagency agreement the contribution of pollutants from one portion of the municipal separate storm sewer system (MS4) to another portion of the municipal separate storm sewer system; this initial agreement was entered into on March 29, 1994. All municipalities within Pinellas County mutually agreed to amend and extend the original agreement for a term of six years to March 29, 2000, March 29, 2006 and December 31, 2011.

ANALYSIS:

The new agreement includes the same language as the previous ones, which makes all parties accountable for their respective separate storm sewer systems that outfall from one system to another or to waters of the State. Each party shall be solely responsible for implementation of the National Pollutant Discharge Elimination System (NPDES) permit conditions within the boundaries of its respective jurisdiction. This proposed new agreement shall remain in effect until January 31, 2016.

FINANCIAL IMPACT:

No significant impact.

MOTION:

I move to approve/deny this resolution authorizing the City Manager to enter into a five-year Interlocal Agreement for Joint Pollution Control with twenty-three Cities of Pinellas County, the Florida Department of Transportation and Pinellas County.

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE-YEAR INTERLOCAL AGREEMENT FOR JOINT POLLUTION CONTROL WITH THE TWENTY-THREE CITIES OF PINELLAS COUNTY, THE FLORIDA DEPARTMENT OF TRANSPORTATION AND PINELLAS COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Part 40 of the Code of Federal Regulations (CFR) Section 122.26(d)(1)(ii) required all Municipalities, the Florida Department of Transportation, and Pinellas County to control through interagency agreement the contribution of pollutants from one portion of the municipal separate storm sewer system (MS4) to another portion of the municipal separate storm sewer system; and

WHEREAS, An initial agreement was entered into on March 29, 1994, and all municipalities within Pinellas County mutually agreed to amend and extend the original agreement for a term of six years to March 29, 2000, March 29, 2006 and December 31, 2011; and

WHEREAS, The City of Gulfport is desirous of entering into a new Joint Pollution Control Agreement which shall remain in effect until January 31, 2016.

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

Section 1. The City Council of the City of Gulfport, Florida, hereby authorizes the City Manager to enter into a five-year Interlocal Agreement for Joint Pollution Control with the twenty-three cities of Pinellas County, the Florida Department of Transportation and Pinellas County.

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

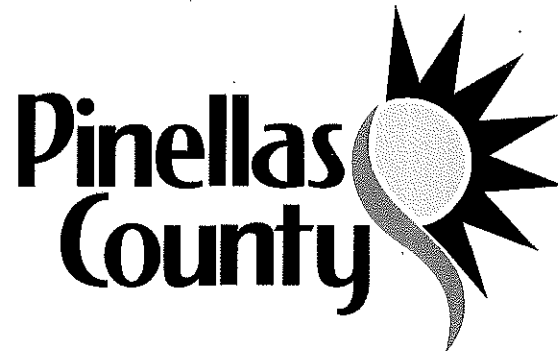
PASSED AND ADOPTED this 3rd day of January, 2012 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

**PINELLAS COUNTY GOVERNMENT IS COMMITTED TO PROGRESSIVE PUBLIC POLICY,
SUPERIOR PUBLIC SERVICE, COURTEOUS PUBLIC CONTACT, JUDICIOUS EXERCISE
OF AUTHORITY AND SOUND MANAGEMENT OF PUBLIC RESOURCES, TO MEET THE
NEEDS AND CONCERNS OF OUR CITIZENS TODAY AND TOMORROW**



**INTERLOCAL AGREEMENT PROVIDING JOINT CONTROL OF POLLUTANTS WITHIN
PINELLAS COUNTY**

AGREEMENT PREPARED BY
PINELLAS COUNTY DEPARTMENT OF ENVIRONMENT AND INFRASTRUCTURE
WATERSHED MANAGEMENT

NOVEMBER 2011

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SECTION 1, INTENT OF AGREEMENT

**INTERLOCAL AGREEMENT PROVIDING JOINT CONTROL OF POLLUTANTS WITHIN
PINELLAS COUNTY**

THIS AGREEMENT, by and among the Cities of Pinellas County, Florida, including the Town of Belleair, City of Belleair Beach, City of Belleair Bluffs, City of Clearwater, City of Dunedin, Town of Kenneth City, City of Gulfport, City of Indian Rocks Beach, Town of Indian Shores, City of Largo, City of Madeira Beach, Town of North Redington Beach, City of Oldsmar, City of Pinellas Park, Town of Redington Beach, Town of Redington Shores, City of St. Petersburg, City of St. Pete Beach, City of Safety Harbor, City of Seminole, City of South Pasadena, City of Tarpon Springs, City of Treasure Island, all of which are municipal corporations of the State of Florida, hereinafter collectively referred to as CITIES, the Florida Department of Transportation, an agency of the State of Florida, hereinafter referred to as FDOT, and Pinellas County, a political subdivision of the State of Florida, hereinafter referred to as the COUNTY, is entered into this ____ day of _____ 201_.

WITNESSETH, That:

WHEREAS, pursuant to the Clean Water Act (CWA), and the regulations promulgated thereunder, the United States Environmental Protection Agency (EPA) has developed regulations under the National Pollutant Discharge Elimination System (NPDES) permit program published as 40 C.F.R. § 122.26; and

WHEREAS, 40 C.F.R. § 122.26 requires that, based on the 1990 census, the COUNTY and the City of St Petersburg each require a NPDES permit; and

WHEREAS, the EPA, Region IV notified FDOT and the remaining CITIES, except the Town of Indian Shores, by letter dated December 16, 1993 that FDOT and the remaining CITIES except the Town of Indian Shores, are designated as part of the COUNTY municipal separate storm sewer system (MS4) for the purposes of NPDES permitting; and

WHEREAS, NPDES permits in Florida were delegated from the Environmental Protection agency's jurisdiction to the Florida Department of Environmental Protection (FDEP) in October 2000 as set forth in Section 403.0885, F.S.; and

WHEREAS, the Town of Indian Shores obtained a phase II NPDES permit in 2008; and

WHEREAS, stormwater discharges from medium and large MS4's are regulated under Chapter 62-624, F.A.C.;

WHEREAS, the CITIES, FDOT, and COUNTY desire to protect and promote the public health, safety and general welfare through the management of stormwater runoff; and

WHEREAS, the CITIES, FDOT, and COUNTY desire to maintain and assist in the improvement of water quality and to preserve and enhance the environmental quality of receiving waters; and

WHEREAS, the CITIES, FDOT, and COUNTY are accountable for their respective separate storm sewer systems which outfall from one system to another or to Waters of the State; and

WHEREAS, the individual CITIES, FDOT, and the COUNTY have approved the concept of intergovernmental cooperation to effectively manage and control discharge into separate storm sewer systems;

NOW THEREFORE, in consideration of the mutual covenants hereafter set forth, the parties hereto mutually agree as follows:

SECTION 2, PURPOSE

The purpose of this Agreement is to set forth the relationship of the CITIES, FDOT and COUNTY with respect to their general responsibilities to control the contribution of pollutants from one identified system to another or to Waters of the State.

SECTION 3, GENERAL RESPONSIBILITIES

The CITIES, FDOT, and COUNTY, as parties to this agreement, recognize that unless otherwise established through a separate agreement, each party is responsible for controlling pollutants in discharges from public or privately owned lands within its territorial jurisdiction to separate storm sewer systems owned and/or maintained by that party, or to a system owned and/or maintained by another party to this agreement, or to Waters of the State. The CITIES, FDOT, and COUNTY shall be independently and separately responsible for controlling the contribution of pollutants as necessary to meet the requirements of Chapter 62-624, F.A.C, from their respective separate storm sewer system to another system, or to Waters of the State.

SECTION 4, COPIES

Upon final execution of this document, one (1) certified copy will be provided to each party.

SECTION 5, PERMIT IMPLEMENTATION

Unless otherwise established in separate agreement, the CITIES, FDOT, and COUNTY shall each be solely responsible for implementation of the NPDES permit conditions within the boundaries of its respective jurisdiction. Each party shall be responsible for ensuring the terms of the permit are acceptable.

SECTION 6, LEGAL AUTHORITY

The CITIES, FDOT and COUNTY agree that each party will consider, if it is determined that such action is lawful and in the best interest of the parties, taking action necessary to adopt, modify or amend any ordinances, resolutions, rules, regulations or policies which in accordance with Chapter 62-624, F.A.C allow the contents of this Agreement to be enforced.

SECTION 7, NOTICES

All written notices to CITIES, FDOT and the COUNTY under this agreement shall be directed to the following addresses:

FDOT:

Ms. Sue Moore
Maintenance / Environmental Coordinator
FDOT District VII
11201 N. McKinley Drive M.S. 1200
Tampa, FL 33612-6456

Belleair Bluffs:

Mr. Robert David
Public Works Director
City of Belleair Bluffs
2747 Sunset Blvd.
Belleair Bluffs, FL 33770

Clearwater:

Ms. Sarah Josuns
Engineering Department
City of Clearwater
P.O. Box 4748
Clearwater, FL 33758-4748

Gulfport:

Mr. Don Sopak
Public Works Director
City of Gulfport
2401-53rd St. South
Gulfport, FL 33707

Indian Shores

Ms. Marcia Grantham
Town Clerk
Town of Indian Shores
19305 Gulf Blvd
Indian Shores, FL 33785

Belleair:

Mr. Perry Lopez
Public Works Director
City of Belleair
901 Ponce De Leon Blvd.
Belleair, FL 33756-1096

Belleair Beach:

Mr. Allen Godfrey
Community Services Director
City of Belleair Beach
444 Causeway Boulevard,
Belleair Beach, Florida 33786

Dunedin:

Mr. Keith Fogarty
Director of Maintenance
City of Dunedin
750 Milwaukee Avenue
Dunedin, FL 34698

Indian Rocks Beach:

Mr. Dean Scharmen
Public Services Director
City of Indian Rocks Beach
1507 Bay Palm Blvd.
Indian Rocks Beach, FL 33785-2899

Kenneth City:

Mr. John Dutton
Director of Public Works
Town of Kenneth City
6000 54th Ave. N.
Kenneth City, FL 33709-1800

Largo:

Mr. Troy Tinch
Stormwater Program Coordinator
City of Largo
P.O. Box 296
Largo, FL 33779-0296

North Redington Beach:

Ms. Mari Campbell
Town Clerk
Town of N. Redington Beach
190 173rd Avenue
North Redington Beach, FL 33708-1397

Pinellas Park:

Mr. Randal Roberts
Streets & Drainage Division Director
City of Pinellas Park
6051 78th Ave. N.
Pinellas Park, FL 33781

Redington Shores:

Ms. Patti Herr
Deputy Town Clerk
Town of Redington Shores
17425 Gulf Blvd.
Redington Shores, FL 33708-1299

South Pasadena:

Mr. Gary Anderson
Public Works Director
City of South Pasadena
7047 Sunset Dr. S.
South Pasadena, FL 33707-2895

Madeira Beach:

Mr. Bill Mallory
Interim City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708-1996

Oldsmar:

Ms. Lisa R. Rhea
Public Works Director
City of Oldsmar
100 State Street West
Oldsmar, FL 34677-3756

Redington Beach:

Mr. Mark Davis
Public Works Director
Town of Redington Beach
105-164th Ave.
Redington Beach, FL 33708-1519

Safety Harbor:

Ms. Debbie Drees
Engineering Department
City of Safety Harbor
750 Main Street
Safety Harbor, FL 34695

Seminole:

Mr. Jeremy Hockenbury
Public Works Director
City of Seminole
7464 Ridge Road
Seminole, FL 33772-5226

St Petersburg:

Mr. Carlos Frey
Engineering Department
City of St. Petersburg
PO Box 2842
St. Petersburg, Florida 33731

St. Pete Beach:

Mr. Michael Maxemow
Public Works Director
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706-1839

Treasure Island:

Mr. James Newton
Water Pollution Control Supervisor
City of Treasure Island
120 108th Ave.
Treasure Island, FL 33706

Tarpon Springs:

Ms. Roni Barrow
NPDES Coordinator
City of Tarpon Springs
323 E. Pine Street
Tarpon Springs, FL 34688

Pinellas County:

Ms. Kelli Hammer Levy
Pinellas County Dept. of Environment and
Infrastructure - Watershed
300 S. Garden Avenue
Clearwater, FL 33756

SECTION 8, AGREEMENT TERM

This Agreement shall remain in effect until January 31st, 2016, unless renewed in writing by mutual agreement of all parties hereto for an additional length of time.

SECTION 9, TERMINATION

This Agreement may be terminated without cause by giving thirty (30) days written notice to each of the other parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands and seals
as the day and year first above written.

PINELLAS COUNTY, by and through its Board of County Commissioners

By: _____
Susan Latvala, Commission Chair

ATTEST: Ken Burke, Clerk

By: _____

APPROVED AS TO FORM:

By: _____
Office of County Attorney

**INTERLOCAL AGREEMENT PROVIDING JOINT CONTROL OF POLLUTANTS
WITHIN PINELLAS COUNTY**

FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

Attest: _____

Legal Review:

By: _____ Date: _____

**INTERLOCAL AGREEMENT PROVIDING JOINT CONTROL OF POLLUTANTS
WITHIN PINELLAS COUNTY**

CITY OF GULFPORT

Countersigned:

Michael J. Yakes, Mayor

By:

James E. O'Reilly, City Manager

Approved as to form:

Attest:

Andrew Salzman, City Attorney

Lesley DeMuth, City Clerk

Agenda Item No. 7-c
Resolution No. 2012-03



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 3, 2012

AGENDA ITEM: 7-c

RESOLUTION NO: 2012 - 03

SUBJECT: FOP (Police Sergeants Union) Collective Bargaining Agreement - MOU

RECOMMENDATION: Staff requests City Council approve a resolution authorizing the City Manager to enter into a Memorandum Of Understanding (MOU) between the City of Gulfport ("Gulfport") and Fraternal Order of Police Pinellas Lodge #43 ("FOP") representing the City of Gulfport's police sergeants.

BACKGROUND:

The Pinellas Lodge 43 of the Fraternal Order of Police represents the City of Gulfport Police Department's Patrol Sergeants, Detective Sergeant and Policy Compliance Sergeant. The Sergeants previously were not unionized, but in an effort to bring consistency to their benefit packages with the rank and file officers' contract that had previously been approved by City Council, they elected to be represented by a bargaining unit.

Subsequently, City Council approved Resolution 2011-41 on August 16, 2011, approving a three (3) year Collective Bargaining Unit Agreement with the Pinellas Lodge 43 of the Fraternal Order of Police, the union representing the City of Gulfport's Police Sergeants.

Due to the economic conditions the City Manager at that time negotiated a very limited contract proposal with the union's representatives. The most important aspect of the approved contract was the foregoing of the negotiation of a salary increase or enhancement.

Consequently, the bargaining unit members in reviewing the actual language contained within the contract following the ratification process found that a significant number of their members would be adversely impacted by the included structure of vacation benefits accrual and holiday pay. The overlooked contract language ratified by the bargaining unit actually reduced the employees' leave benefits as they are provided for Supervisory Personnel in the General Employees' Personal Rules and Regulations that the sergeants had previously worked under prior to forming their collective bargaining unit. This issue would have necessitated members of the bargaining unit being required to pay back accumulated leave or holiday pay.

ANALYSIS:

The request from the City of Gulfport's police sergeants, does not generate any additional issues for management. The uniqueness of such a request is supported by the time line that the new bargaining unit was consigned to as they had to wait until the new Police Benevolent Association (PBA) certified bargaining unit had completed its negotiations.

Management believes that there should be a correlation between the Supervisory Personnel in the General Employees' Personal Rules and Regulations and the actual benefits provided the group. The significant issue being addressed is the vacation leave accruals allowed for supervisory personnel. Based upon tenure the rate on such accruals is higher for supervisory personnel. The bargaining unit has submitted this request for the MOU and management has no opposition to the request and MOU.

FINANCIAL IMPACT:

No additional financial impact at this time. Due to the timeline for procedural aspects following the contract approval, the City's approved FY 2011-2012 budget utilized the existing structure provided for within the General Employees' Personal Rules and Regulations to provide for the structure of vacation benefits and holiday pay for all Supervisors.

MOTION:

Move to approve/deny a resolution authorizing the City Manager to enter into a Memorandum Of Understanding (MOU) with the Pinellas Lodge 43 of the Fraternal Order of Police.

RESOLUTION NO. 2012-03

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GULFPORT AND THE FRATERNAL ORDER OF POLICE PINELLAS LODGE #43; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council approved Resolution 2011-41 on August 16, 2011, approving a three (3) year Collective Bargaining Unit Agreement with the Pinellas Lodge #43 of the Fraternal Order of Police, the union representing the City of Gulfport's Police Sergeants; and

WHEREAS, The bargaining unit members in reviewing the actual language contained within the contract following the ratification process, found that a significant number of their members would be adversely impacted by the included structure of vacation benefits accrual and holiday pay; and

WHEREAS, The overlooked contract language ratified by the bargaining unit actually reduced the employees' leave benefits as they are provided for Supervisory Personnel in the General Employees' Personal Rules and Regulations that the sergeants had previously worked under prior to forming their collective bargaining unit.

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 enter into a Memorandum of Understanding between the City of Gulfport and the Fraternal Order of Police Pinellas Lodge #43 representing the City of Gulfport's police sergeants.

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

PASSED AND ADOPTED this 3rd day of January, 2012 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Memorandum

GULFPORT POLICE DEPARTMENT

To: James O'Reilly
From: Sgt. Joshua Stone
Date: 12/19/11
Re: Request to Add MOU to Sgt's Contract

This memo is to request adding the Memorandum of Understanding to the next council agenda to correct the issues in the Sergeant's Collective Bargaining Agreement. Upon initial ratification, several issues came up where members would have to pay back accumulated leave or already paid holidays due to the approved effective date and because of language that was overlooked by the members. We would respectfully request that we add the MOU to correct these problems. We thank you for your assistance in this matter.

MEMORANDUM OF UNDERSTANDING

The following Memorandum of Understanding (hereinafter referred to as "MOU" between the City of Gulfport ("Gulfport") and Fraternal Order of Police Pinellas Lodge #43 ("FOP") is agreed to by the parties, and reflects the current status of the Collective Bargaining Agreement currently in force between the parties.

The following shall be the Vacation Plan in effect pursuant to the Agreement between Gulfport and the FOP and shall remain in effect through September 30, 2013.

Vacation Plan

- A. Vacation periods requested by the employee will be reviewed by the immediate supervisor and the Chief of Police. The Department will make every effort to meet the desires of the employee and will give priority in scheduling vacation requests based on classification seniority.
- B. Police Sergeants working a 40 hour per week schedule shall accrue paid vacation credit during active pay status on the following basis:

Supervisors and salaried employees with less than five (5) years of continuous service shall earn Annual Leave with full pay, computed upon the basis of one hundred-twelve (112) hours annually.

Supervisors and salaried employees with more than five (5) years, but less than ten (10) years of continuous service shall earn Annual Leave with full pay, computed on the basis of one hundred twenty-eight (128) hours annually.

Supervisors and salaried employees with more than ten (10) years, but less than fifteen (15) years of continuous service shall earn Annual Leave with full pay, computed on the basis of one hundred forty-four (144) hours annually.

Supervisors and salaried employees with more than fifteen (15) years of continuous service shall earn eight (8) hours of Annual Leave for each full year of continuous service in excess of fifteen (15) years in addition to the one hundred forty-four (144) hours provided for in subparagraph C above.

Two hundred (200) hours of Annual Leave in any one (1) year is the maximum that may be earned by an employee.

Police Sergeants assigned to a 12-hour, 2184 yearly shift schedule, shall accrue paid vacation credit during active pay status on the following basis:

Police Sergeants assigned to a 2184 yearly shift schedule with less than five (5) years of continuous service shall earn Annual Leave with full pay, computed upon the basis of one hundred seventeen (117) hours annually.

Police Sergeants assigned to a 2184 yearly shift schedule, with more than five (5) years, but less than ten (10) years of continuous service shall earn Annual Leave with full pay, computed on the basis of one hundred thirty-four (134) hours annually.

Police Sergeants assigned to a 2184 yearly shift schedule, with more than ten (10) years, but less than fifteen (15) years of continuous service shall earn Annual Leave with full pay, computed on the basis of one hundred fifty-one (151) hours annually.

Police Sergeants assigned to a 2184 yearly shift schedule with more than fifteen (15) years of continuous service shall earn eight (8) hours of Annual Leave for each full year of continuous service in excess of fifteen (15) years in addition to the one hundred fifty-one (151) hours provided in subparagraph above.

Two hundred and eighty (280) hours of Annual Leave in any one (1) year is the maximum that may be earned by an employee.

C. Eligibility for Holiday Pay

1. All holidays earned must be taken as time off or paid on the same day that it is earned.
2. Employees on vacation, annual military leave, jury duty, sick leave, bereavement leave or other absences from duty but on active pay status on the day the holiday is observed, must use the holiday on the same day that it is earned.
3. An employee must be on authorized leave or work his/her normal schedule of hours, on his/her regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the holiday time or pay.
4. Employees who are scheduled and required, by their supervisor, to work on the day observed as a holiday, must work that day to be eligible to receive holiday pay.
5. Employees assigned and scheduled to work on a holiday, and who in fact do work the entire day, shall be paid for hours actually worked and will receive twelve (12) hours for Police Sergeants assigned to a 2184 yearly shift schedule, eight (8) hours for Police Sergeant's assigned to a forty (40) hour work week. (Personal Holiday for Police employees assigned to a 2184 yearly shift schedule will be twelve (12) hours)

D. Accrual

1. It is the intent of this MOU to have employees take their vacation yearly for the period in which it was earned. Employees carrying over excess Annual Leave should be afforded the opportunity to use the excess leave prior to the end of each anniversary year. The anniversary year begins the date the employee is hired.
2. Overtime, holiday pay, and vacation days shall be calculated as days actually worked.

E. Request for Leave

1. Request for Annual Leave shall be made in advance of use. A minimum of two (2) weeks advance notice is required. The Police Chief may waive this requirement where an employee has available days to use and the departmental schedule will permit.
2. When a written request for vacation is denied, the employee will be notified in writing of the reason for the denial.
3. All vacations must be scheduled in advance, and approved by the Police Chief. Vacations will be approved on a first come first serve basis with preference given to senior employees where there is a conflict in dates requested; however, once approved by the Police Chief, a junior officer's vacation will not be rescheduled. It is understood that the Chief will approve vacation leave consistent with the needs of the City.

F. Payment – Unused Leave

1. Payment of Annual Leave Time in lieu of actually taking vacation shall not be permitted except in three (3) special cases:
 - a) Employees entering military service.
 - b) Separation from City employment.
 - c) Layoff
2. Upon separation from City employment, employees shall be entitled to compensation for any earned but unused vacation to their credit on the effective date of termination.
3. All earned Annual Leave of employees who die while in the service of the City shall be paid to the spouse or estate of the employee.

G. Charging Leave

1. Annual Leave time shall be scheduled and charged to the employee.
 2. Annual Leave will be charged in 15-minute increments.
- H. There may be an advancement of vacation payment if requested by the employee. The advancement must be requested in the pay period prior to commencement of the Annual Leave.
- I. Employees may donate up to twelve (12) hours per year from their accrued Annual Leave to a specific employee because of a serious illness of an employee who has completely depleted their Sick Leave and Annual Leave Accounts.
- J. Assignment pay for Detective Sergeants shall not be effective until October 1, 2011.

The parties agree that all terms and conditions which have previously been bargained for and contained in the Agreement between Gulfport and the FOP dated October 1, 2010, through September 30, 2013, shall remain in effect.

This MOU constitutes the complete agreement between the parties hereto and incorporates all prior discussions, agreements, and representations made in regard to the matters set forth herein. This MOU may not be amended, modified, or changed, except in writing, signed by the parties.

FOP

CITY OF GULFPORT

By: _____
Printed Name: _____
Its: _____

By: _____
James E. O'Reilly, City Manager

Approved: _____
Andrew Salzman, City Attorney

Date: _____

Date: _____

Attest: _____
Lesley DeMuth, City Clerk

Agenda Item No. 7-d
Resolution No. 2012-04



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Fred Metcalf, AICP, Community Development Department Director
Submitted by: Michael Taylor, AICP, Principal Planner

DATE: January 3, 2012

AGENDA ITEM: 7-d

RESOLUTION NO.: 2012 - 04

SUBJECT: Application # OSD 11-01; Request for an Outdoor Sales and Display permit for an existing vehicle business.

Applicant: James Quin

Subject Address: 5102 Gulfport Boulevard South

Property ID Number: 33/31/16/00000/120/0100

RECOMMENDATION:

Approval of an Outdoor Sales and Display permit for an existing vehicle business should be subject to the following condition:

1. Outdoor Sales and Display at 5102 Gulfport Boulevard South will be permitted for a period of fifteen (15 years) and will expire on September 30, 2026.

BACKGROUND:

The current business owner opened "Scooter Rescue Repair" in November 2010. The business included scooter sales, the sale of scooter parts, and a business office. The business office use also included the operation of mobile repairs. The repair of scooters for this business is to take place off-site from the business location. The office use is for making and receiving phone calls, sending and receiving mail, and keeping and generating business records in connection with the on-site sales, and mobile repair of scooters. Currently, the applicant wishes to place scooters for sale in front of the store for outdoor sales and display during store hours.

ANALYSIS:

The subject site lies within the Commercial Limited (CL) land use district, and is zoned Commercial Retail (CL-2). Retail sales is a permitted use.

The applicant proposes to designate an area in front of the business for the display and sales of scooters. The designated area is approximately 20'x 45', or 900 square feet. The proposal is to have the outdoor sales and display of scooters seven days a week during the times of 10 a.m to 6 p.m.

The applicant must meet the following outdoor sales and display section of Chapter 22 of the City's Code of Ordinances:

Sec. 22-5.10. CL-2 (commercial retail) zoning district.

(j) Outdoor sales and displays. There shall be no outdoor sales or displays in the CL-2 (Commercial Retail) zoning district unless a special permit for the same has been approved by city council. A special permit may be approved by city council after conducting a public hearing as provided herein. The special permit shall be granted only upon a finding that the proposed use is compatible with surrounding uses and does not create any adverse effect on any surrounding property. The permit may be approved with conditions found necessary by city council. The permit issued hereunder shall be valid for any period deemed appropriate by city council. Nothing contained herein shall be construed to create any right to any property owner for the issuance or renewal of any special permit provided hereby. No notice and public hearing shall be required for special events organized or sponsored by the city.

The purpose of the Commercial Limited land use category includes the recognition of areas as primarily well-suited for limited commercial use consistent with the need, and the relationship to the surrounding uses. Likewise, the purpose of the CL-2 zoning district is to locate and establish areas within the City of Gulfport which are suited for the development and maintenance of general retail, business, and personal service uses intended to serve the daily shopping and business needs of community requirements; to designate those uses and services appropriate for location and development within said zoning district; and to establish such development standards and provisions as are necessary to ensure proper development and functioning of uses within the district.

Visioning for the commercial areas within the City is established through the Comprehensive Land Use Plan. Appropriate types and intensities of commercial uses to be found within the designated commercial areas are established through the Future Land Use Element and Commercial Retail zoning district. Existing businesses located along Gulfport Boulevard South presently meet conditions established in the purpose stated above. These surrounding business uses along Gulfport Boulevard South include retail commercial and office uses. Few outside sales and displays exist in the proximity of 5102 Gulfport Boulevard South. These businesses are less intensive in use and are appropriate for the location where they exist. Outside sales and displays of scooters is a more intense use and will have a visual impact on the immediate area.

MOTION:

An appropriate motion would be for City Council to move to approve/deny the permit request for outdoor sales and display for the property located at 5102 Gulfport Boulevard South, subject to the recommended condition.

RESOLUTION 2012-04

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, APPROVING APPLICATION #OSD 11-01; A REQUEST FOR AN OUTDOOR SALES AND DISPLAY PERMIT FOR AN EXISTING VEHICLE BUSINESS AT 5102 GULFPORT BOULEVARD SOUTH, GULFPORT, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application has been received for an Outdoor Sales and Display Permit for an existing vehicle business at 5102 Gulfport Boulevard South; and

WHEREAS, the City Council conducted a Public Hearing, following notice to affected property owners in accordance with the City of Gulfport Code of Ordinances.

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

Section 1. The City Council hereby approves Application #OSD 11-01; a request for an Outdoor Sales and Display Permit for an existing vehicle business at 5102 Gulfport Boulevard South, Gulfport, Florida, for a period of fifteen years (15 years) expiring September 30, 2026.

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

PASSED AND ADOPTED this 3rd day of January, 2012, by the City Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk



Permit # OSD 11-01

CITY of GULFPORT, FLORIDA
Community Development Department

Outdoor Sales & Displays Permit
(Zoning Districts CL-1 and CL-2)

Applicant Name: JAMES QUIN
Business Name: SCOOTER RESCUE REPAIR INC
Business Address: 5102 GULFPORT BLVD
Business Phone: 727-520-2787 Occupational License # 03529
Zoning District: CL-2

Additional Information:

Applicant must provide a diagram showing where the sales and display areas will be setup.

Application Fee:

Include fee by cash, check or money order payable to the City of Gulfport for \$35.00

Permit valid for the following dates & times only:

10 AM/PM to 6 AM/PM
Sunday Monday Tuesday Wednesday Thursday Friday
Saturday

City Council Meeting Date:

Date 01/03/12

Certification:
I have read and understand Chapter 22, Section 22-5.09 or 22-5.10(g) of the City of Gulfport Code of Ordinances and will comply with all requirements set forth therein. I understand that failure to meet the conditions outlined in the specified sections may result in immediate revocation of this permit.

Applicant Signature James W. Quin

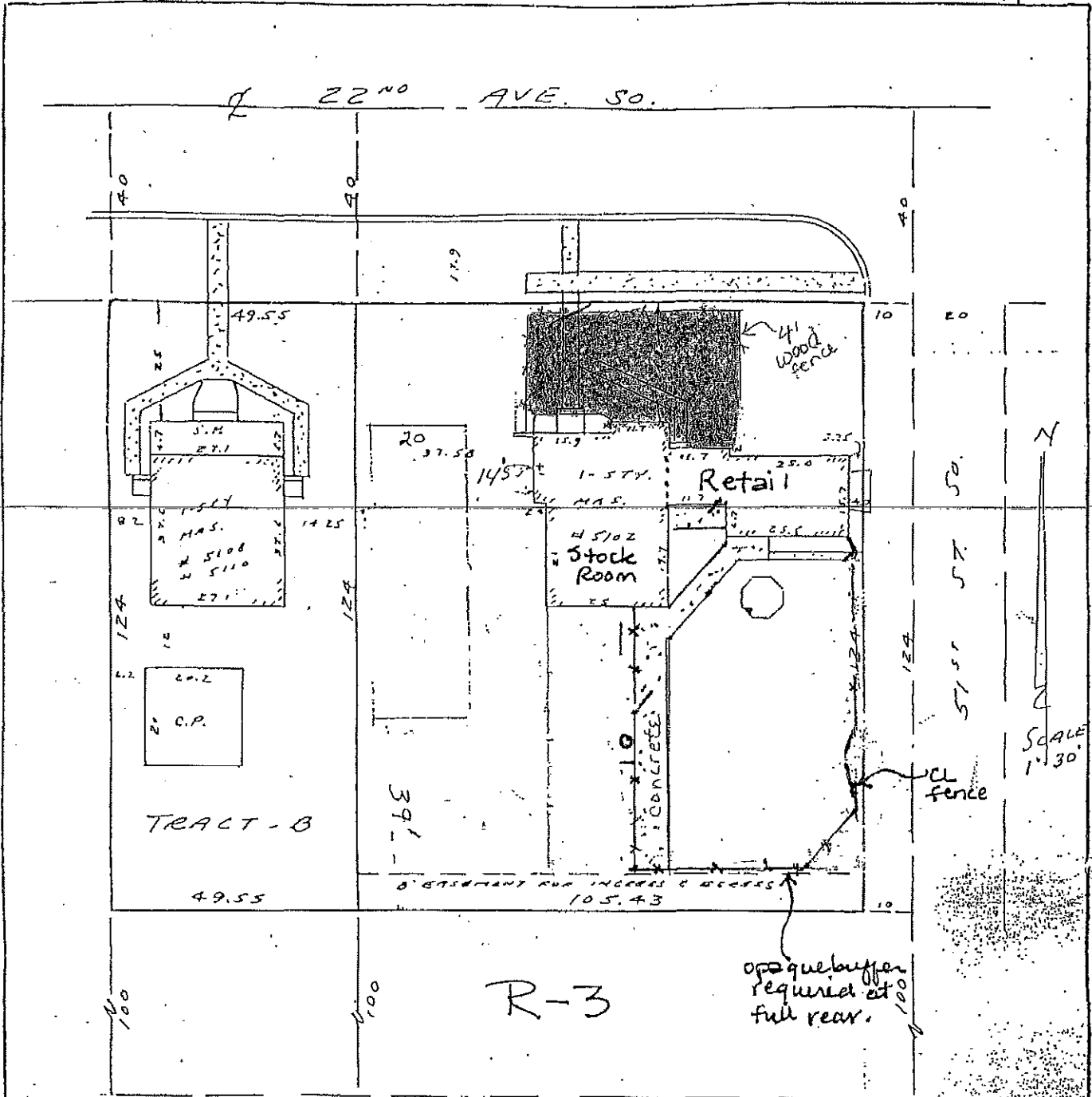
Planning & Development Official Signature Michael D. Taylor, AICP

Date Permit Approved by City Council _____

D. FLEMING

5102 Gulfport Blvd.

Scooter Rescue Repair



MAP SHOWING

TRACT A: The East $\frac{1}{4}$ of the North $\frac{4}{5}$ -of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33, Township 31 South, Range 16 East, less the South 100.00 feet and the West 49.55 feet thereof; and less the East 10.00 feet and the North 40.00 feet for street purposes. Subject to an 8 foot easement over and across the South 8.00 feet thereof for Ingress and Egress for the use and benefit of adjacent property owners,

TRACT B: The West 49.55 feet of the East $\frac{1}{4}$ of the North $\frac{4}{5}$ of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of

Agenda Item No. 8
Election Ballot – Drawing of a Lot



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Lesley DeMuth, City Clerk

DATE: January 3, 2012

AGENDA ITEM: 8

SUBJECT: General Municipal Election Ballot

RECOMMENDATION:

The City Clerk will conduct a lot to determine name placement of qualified candidates on the March 13, 2012 General Municipal Election Ballot.

BACKGROUND:

Section 506 (b) of the City Charter provides that the names of candidates shall appear on the ballot by their surnames arranged in the order determined by lot conducted by the City Clerk, and that the Council may adopt rules of procedure for the conduct of such lot.

ANALYSIS:

Qualifying to run for office in the March 13, 2012 General Municipal Election ended on Monday, December 12, 2011 at Noon. The City Clerk is required to notify the Pinellas County Supervisor of Elections Office of the names of the qualified candidates to be placed on the March 13, 2012 General Municipal Election Ballot. As required by Section 506 (b) of the City Charter, the City Clerk will need to conduct a lot to determine the name placement of those qualified candidates on the election ballot. City Council's rules of procedure for the conduct of this lot have been that this be a drawing of a paper lot, of identical size and which is conducted during a public meeting.

The tentative mailing schedule for military/overseas absentee ballots is the week of January 23, 2012 and the mailing of domestic ballots will be no earlier than February 7, 2012 nor later than February 14, 2012.

FINANCIAL IMPACT: None

MOTION: None

Agenda Item No. 9
Old Business

Agenda Item No. 10
New Business

Agenda Item No. 11
Council Reports

Agenda Item No. 12
Adjournment