



City of Gulfport Florida
Regular Council Meeting
December 4, 2007

City Hall

7:00 p.m.

Minutes

Mayor Michael J. Yakes called the meeting to order.

The Invocation was given by Councilmember King, followed by a Pledge of Allegiance to the Flag of the United States of America.

Roll Call. Present were Councilmembers, Mary Stull, Michele King, Robert E. "Bob" Worthington, Vice Mayor John E. "Ted" Phillips, Mayor Michael Yakes, City Manager Thomas E. Brobeil, Attorney Timothy P. Driscoll and City Clerk Donna M. Spano.

Mayor Yakes spoke about resolution "d" on the agenda this evening. The vote was tied 2-2 due to the absence of one councilmember. The contractor bid was going to expire on December 15, 2007. The City Attorney advised with the tied 2-2 votes at the council meeting no action had been taken, to bring the subject forward it could be discussed by the city council. The City Manager wanted the matter to move forward to see which direction it was taking; it was placed on the agenda for discussion. The Council was in unanimous agreement for discussion of Scout Hall.

1. Update Reports.

- a. City Manager Brobeil recommended the noise demonstration discussed at last meeting take place on a Monday, when most of the Art Village is closed. He suggested the council get together to set a date. The second item to discuss is about the press regarding investments cities make in the SBA, it was essentially a run on the bank. Several cities withdrew their money based on investment portfolios that had a large amount of mortgage-based securities in jeopardy. A bank holiday had to be established to stop deposits and withdrawals. The City has two million in SBA; mortgages backed based securities at 2.5 million, Freddie Mac, Fannie Mae and federal home loan bonds. They have very strict standards, which are good investments. The City has four million dollars in money market pulled cash. Our exposure is very limited and he doesn't expect the City to assume any losses. The last item is Bright House GTV, it is moving to channel 615 as of December 11, without the converter box GTV 615 cannot be seen on television. The

option to watch GTV 615 is available through Internet access on your computer on the City's web page.

- b. City Clerk Spano stated she would work with everyone to obtain a date for the decibel level demonstration. She stated the first meeting in January falls on New Year's Day and the Council might consider canceling or moving to a new date. She thanked Deputy City Clerk Elaine Barclay and Staff Assistant Linda Lucas for helping during an emergency situation while she was stranded in North Florida due to vehicle problems.

2. Resolutions.

- a. 2007-140 A resolution of the City of Gulfport, Florida, authorizing the City Manager to issue a task order, to E.L. Trevena, Inc. for sanitary sewer system repairs in the amount of \$28,690.90; and providing for an effective date.

City Clerk Spano read Resolution 2007-140 by title only.

City Manager Brobeil stated this is a continuing project to improve the sanitary sewer system. This is for pipe replacement.

Mayor Yakes opened public discussion. Seeing no one who wished to speak, Mayor Yakes closed public.

A motion was made by Councilmember Worthington and seconded by Councilmember Stull to approve Resolution 2007-140.

With no further comments, Mayor Yakes asked for roll call.

ROLL CALL:

MS. STULL	YES
MS. KING	YES
MR. WORTHINGTON	YES
MR. PHILLIPS	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED.

- b. 2007-141 A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into a Lease Agreement with Boca Ciega Yacht Club, Inc. for a thirteen(13) year period regarding use of property generally located at 4600, Tifton Drive South; and providing for an effective date.

City Clerk Spano read Resolution 2007-141 by title only.

City Manager Brobeil stated after many months of negotiations an agreement has been reached. It respects the interests and needs of both sides. There are additional changes that need to be made and will be summarized by Leisure Service Director O'Reilly.

Mr. O'Reilly stated the initial difference in the new lease is the fee structure that will be equitable. A non-resident in the Boca Ciega Yacht Club will no longer pay less than a resident in the Gulfport Marina. The dry storage area will now have a segment available to Gulfport residents, the City will manage it and all revenues generated go to the City. An area will be set-aside for the members of the Boca Ciega Yacht Club through a lease agreement with revenues also going to the City. In Section 16A, one of the changes is if non-for profit, which is fully volunteer would change the City gives the Yacht Club an opportunity to rectify. Second is 16B; if building would be totally destroyed by any means the leaser would have the option to rebuild.

The lease is specifically for the building. The City will handle all the paperwork to bring all current members on to new leases that will go into effect February 1st, 2008.

The Boca Ciega Yacht Club spokesman stated this is a win-win situation for the City and the Yacht Club.

City Attorney Driscoll discusses the changes in the contract. The first is if the City receives notice that a member is not in good standing; the member's lease will be terminated. The next change is if for any reason the building would be destroyed and rebuilt by the leaser, at their expense, the City would still own the building. A notice of any default will allow ninety days to rectify problem.

Councilmember King questioned if damage occurred at the Yacht Club and had to be rebuilt or repaired, would it be under the guidelines of the City?

Vice Mayor Phillips asked about the dry storage slips where boats remain tied in the water. It was explained with slip people now paying for dry storage, the three tee docks will remain available for use when boats are washed and need tied up.

Councilmember Worthington stated he would like to thank the Boca Ciega Yacht Club's good Work dealing with the Sea Scouts, youth sailing school, Boy Scouts, and community events.

Mayor Yakes opened public discussion.

Bryan Hilbert, 2526 51st Street S would like to urge the Club to use zeriscape landscaping to reduce pollutants going into the bay.

Arnold Pope 5114 59th Street S stated as a member of Boca Ciega Yacht Club, he will not be using many pesticides this year.

Seeing no one else who wished to speak, Mayor Yakes closed public discussion.

A motion was made by Councilmember Worthington to approve Resolution 2007-141 and was seconded by Vice Mayor Phillips.

Mayor Yakes asked for roll call.

VOTE:

MS. STULL	YES
MS. KING	YES
MR. WORTHINGTON	YES
MR. PHILLIPS	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED

- c. 2007-142 A resolution of the City of Gulfport, Florida, reviewing the City Manager's performance and discussing approval of a merit increase for the City Manager, and providing for an effective date.

Mayor Yakes stated a performance evaluation is annual. The report is self-explanatory and does allow for comment.

Councilmember King stated the need to have a five standard versus three. It would be much easier to rate.

Councilmember Worthington would like to thank the City Manager for all the time and effort put forth.

Mayor Yakes stated the times have been very challenging; he used the resources he had. He stated the City Manager has experienced difficulties, yet meets standards in all categories.

Human Resource Jennifer Valdez announced the summary of scores is a 2.53, which equates to an increase of 3%.

City Manager Brobeil would like to have Human Resources handle this process without any input from his office.

Mayor Yakes opened the public discussion.

Edmond Barry 3049 Dupont Street S stated he thinks City Manager Brobeil does an excellent job.

Al Davis 2790 45th Street S stated he would like to see the Council task the City Manager with the water issues as a goal of management.

Bryan Hilbert 2526 51st Street S stated he is criticizing the City Manager's overspending and his refusal to follow the mission statement. He suggested the City Manager's merit increase go to the library to add more computers. He complained of the way the City handled the recent eviction he was involved in.

City Manager Brobeil stated he did not instruct the police to go there. He issued nothing about terrorism.

Mayor Yakes stated he requested complaints to be looked at. He will come back after with the report on the findings. It will be fair and open.

Mike Arras 2502 56th Street S stated he has worked with City Manager Brobeil and has the utmost respect for him. He has always felt comfortable with his responses.

Lori Russo 5701 Shore Boulevard S expressed her thanks to the City Manager and city staff for being very helpful in assisting with all events.

Seeing no one else who wished to speak, Mayor Yakes closed public discussion.

A motion was made to approve Resolution 2007-142 by Vice Mayor Phillips and was seconded by Councilmember Worthington.

Mayor Yakes asked for a roll call.

UNANIMOUSLY APPROVED

- d. 2007-143 A Resolution of the City of Gulfport, Florida, authorizing the City Manager to award the bid for the Scout Hall Renovation Project to the low bidder Tisdale Construction, Inc., in the amount of \$267,921.00, including contingency; and providing for an effective date

City Manager Brobeil stated this is the request originally brought to Council at last meeting. All bids are still open until December 15th 2007.

Mayor Yakes stated he thought the Scout Hall issue was over when the vote went 2-2, but it's back again. Please recognize this as a sensitive issue, not as a challenging issue of ones feelings.

Mayor Yakes opened the public discussion.

Patricia Melwood, 1518 Gray Street S asked if a provision is in place for the money if the work with the contractor falls through.

Public Services Director Sopak stated a performance bond is held on the job, we also hold a 10% retainage on the job. All draws are approved by the department before released. The contractor was investigated; he is a local contractor and has done many projects.

John Karfonta, 5832 Skimmer Point Boulevard stated he has been a ten year resident of Gulfport and feels Scout Hall is an important part of our heritage. He has produced a petition of names that shares the same thoughts.

Edmond Barry 3049 Dupont Street S stated he would like to see Scout Hall restored for the value of the youth, and the historic value of the City. He believes the bid value should be two separate

resolutions, one resolution, and a second resolution to establish a contingency fund, which would be for work change to the project.

Lee Stepela, 3025 York Street S stated a few cities that use their historical background for a draw seeks financial benefits from visitors that love the old Florida look. She urges the Council to vote for the Scout Hall project.

Bryan Hilbert, 2526 51st Street S stated he would like to see the PVC fence removed and disposed of it properly. He believes bushes and trees could be planted to make the area seem more like the woods for the scouts. The parking inside the parks is not needed; he feels plenty of parking exists on the street. He favors the renovation.

Mark Grantham, 5823 9th Avenue S stated as a Historian he doesn't feel Gulfport has a choice but to restore the Scout Hall.

Art Padula, 2508 50th Street S stated he is pleased Scout Hall is back on the agenda. He asked to please approve this tonight.

Lori Russo, 5701 Shore Boulevard S would like Council to consider letting the Chamber of Commerce have office space in the Scout Hall building.

Beverly Newcomb, 921 Fremont Street S stated if Scout Hall has a use, she would like to see the restorations move forward. being that costs continue to get rise.

Judy Ryerson, 2960 59th Street S stated there are several uses for Scout Hall. She agrees it would be a beautiful setting for the Chamber in the daytime, and the scouts at night.

Bob Newcomb, 921 Fremont Street S stated there are other buildings that could be used for the scout meetings. Tonight is the first time he heard of the Chamber using Scout Hall and he believes it would be a perfect location. He is in favor of the renovation.

Al Davis, 2790 45th Street S stated with all the tax cuts and people struggling, he feels if saving Scout Hall is what everyone wants, instead of going to the public coffers, everyone interested should help by writing a check. He offered a check in the amount of \$500.00.

Jeri Reed, 5213 11th Avenue S stated she agrees we need to make a decision about Scout Hall.

Carol Valdez, 5609 20th Avenue S reads a statement written by Mary Atkinson, who believes preservation of the past, is very important.

Cindi Davis, 2790 45th Street S stated when Councilmember Bob Worthington and Vice Mayor Ted Phillips took a stand at the last meeting with their vote on Scout Hall; it opened the door to finally making a decision about the restoration. If we all agree that the building has a use and the community wants to restore, then we must move forward tonight with a vote.

Mike Arras, 2502 56th Street S stated after hearing all the statements from the citizens with the proposed uses for the building, he feels if all groups would use the Scout Hall he favors restoration.

Seeing no one else wished to speak. Mayor Yakes closed public discussion.

A motion was made to approve Resolution 2007-143 by Councilmember Worthington and seconded by Councilmember King.

Councilmember Stull stated with all the positive comments made tonight in favor of Scout Hall she is in agreement to move forward.

Councilmember King stated a misconception exists that there are general funds going into this program. A grant and the Penny for Pinellas fund are the monies being used. She believes when

it is renovated there will be several groups using the Scout Hall. It is a perfect size for small venues.

Councilmember Worthington stated the people speaking at the last meeting were concerned about taxes, spending money on un-necessary projects, and a contrast to the message in this meeting tonight. He feels it would probably cost less to demolish and rebuild the Scout Hall. He would have liked to suggest having a Town Hall meeting at the site, to give everyone a chance to tour the building, and receive other ideas. He suggests using the recreation center for the scout meetings; it is a wonderful place for the kids to go. He closed in saying, if the community wants to restore the building, he doesn't have a problem with it.

Vice Mayor Phillips stated he is not against Scout Hall, he is glad to hear of the proposed uses for the hall. He has succeeded in getting money for people, several million dollars over the years.

Mayor Yakes stated the use might be there for that building; it takes volunteers to be there for the child that needs assistance, to make a vital and utilized facility. Being conscious of budgets and funding, the money was earmarked for that building. It was not a matched grant, if we fall short, the City will subsidize. The Penny for Pinellas is not just for brick and mortar, rolling fleet emergency vehicles can come into the category of usage, however investment in human capital may lie within that building. We have spent deliberation and time to go after the building. He has been in favor to save the building, it became a political roadblock. For whatever reason the building is still there, it has not fallen down. I'm ready to call the question.

Mayor Yakes asked for a roll call.

VOTE:

MS. STULL	YES
MS. KING	YES
MR. WORTHINGTON	YES
MR. PHILLIPS	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED

- e. 2007-144 A resolution of the City of Gulfport, Florida, authorizing the City Manager to amend the Budget for Fiscal Year 2007/2008 by increasing the Capital Projects Fund Budget to provide funding for the Scout Hall Renovation; providing for funding; and providing for an effective date.

CITY MANAGER Brobeil stated this agenda item is to provide additional funds to enter into a contract to start the project. The amount is \$49,266., which includes the contingency amount of \$35,000. If the project comes in without using the contingency, the over-run is about \$15,000. Without the contingency, if a concealed condition were to come into play, the project would stop, pending Council approval for a change order. Staff recommends approval.

Mayor Yakes opened public discussion, seeing no one wished to speak closed public discussion.

A motion was made to approve Resolution 2007-144 by Vice Mayor Phillips and seconded by Councilmember King.

Mayor Yakes asked for a roll call.

VOTE:

MS. STULL	YES
MS. KING	YES
MR. WORTHINGTON	YES
MR. PHILLIPS	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED

3. Public Session.

Lori Russo, 5701 Shore Boulevard S is very excited about the snow coming to the Gulfport, Florida for The Art Walk on Friday, December 7th. The event includes ribbon cutting for the pavers, Santa, and fifty -three vendors; please celebrate with us at 7:00 pm.

Councilmember Stull announced she would be unable to attend due to her work schedule.

Ed Barry, 3049 Dupont Street S stated as we move ahead with Scout Hall, he has a tennis group that meets Monday, Wednesday and Friday and is concerned about parking in the Scout Hall area.

Mike Arris, 2502 56th Street S stated the Christmas tree lighting is wonderful. He would like to address the staff cuts at the library, he feels the library and education is very important to the children, please reconsider time changes for the library. He stated he lives six blocks from the

downtown, and on Saturday night was entertained by the music until approximately 12:00. He stated there have been numerous complaints; why not study noise on Friday, Saturday or Sunday nights? He feels the citizens need to be heard about the loud music.

Bryan Hilbert stated he doesn't believe in guns. The 49th Street City building needs to be utilized, it was bought for sanitation, and he believes the trucks should be moved to the site. He stated seventy-five parking spaces on the street exist at the tennis court, which should be adequate. He stated that he believed it could be possible for each business to donate a computer for the library where a shortage sometimes exists.

Mike McKee 2820 Beach Boulevard S stated a noise ordinance exists; he would like to invite everyone to the meetings at the Art Village to hear the decibel level that is allowed.

Lee Stapela, 3025 York Street S stated a permit should be required when contractors' machinery exceeds the decibel level where in a factory earplugs may be required. A recommended test for small cities trying to regulate noise is the C rated scale, checking the amplified bass scale, which doesn't kick out the highs and lows of the register, but concentrates on the thumping bass that penetrates for long distances. She has information that can be made available to the Council members.

CITY MANAGER Brobeil stated the decibel level test is going to be done in house. The reason Monday was chosen was because most businesses are closed on that day.

Jo Arras, 2502 56th Street S stated the meetings are getting out of hand; most people are not sticking to the time limit.

Al Davis, 2790 45th Street S stated he wanted to commend the marina district representative for emphasizing the need to restore and preserve places for legacy issue. The effort to restore Clam Bayou is a very important part of Gulfport and we need to bring it back. We have to speak with one voice on the Clam Bayou issue.

Seeing no one else wished to speak, Mayor Yakes closed public session.

4. Any Other Business.

Councilmember Stull stated she would like to see the Council recognize The Astrology Club for faithfully providing equipment for residents on the Art Walks. She would like to know the plan for property at 17th Avenue and 49th Street; pieces of equipment sit there with no activity. She thanked all the teen groups for participation with family activities. She also thanked the police department for having a safety officer at the high school.

Councilmember King stated she would like to see the City of Gulfport website be redone. She made comparisons to other beach communities' websites. We have an agreement with PSTA to have an additional trolley to travel to St Pete Beach and return. We've applied for a transportation grant through the State of Florida that will be received hopefully this winter. She would like to get the Arts Council to call all artists for a contest to do exterior decorating on the

trolleys. She believes it would be great advertisement for Gulfport while the trolley is in route. She agrees with Mike Arras in reference to the library hours, no closing on Saturday.

Councilmember Worthington stated decorations on Beach Boulevard look beautiful.

Vice Mayor Phillips stated the need to be careful on the noise decibel level. He stated that a possible DOA grant might be available to Gulfport in the amount of \$225,000, representatives agreed it's a good idea that Gulfport submitted a wonder list. A small \$20,000 local grant exists that Gulfport maybe able to share.

Mayor Yakes stated he would be coming back with resolutions as a result of the National League of Cities to ask Council for support for part of their involvement with Florida League of Cities. Wetlands, supporting and increasing educational opportunities, and movement of hazardous materials through our towns and stated are important issues to be dealt with. In addressing the sounds of music, people sometimes have a hard time determining what type of noise disturbs each the most. He stated that resolutions have become depended upon, routinely handed out, it's losing its intent and spirit. Lobbyist and a voice cannot be replaced, we need to look at priorities as we go into the challenges we have, the priority is sending a delegate with the message we are not abandoning our job here at home.

5. Adjournment.

A motion to adjourn is made by Vice Mayor Phillips and seconded by Councilmember Worthington.

Date Approved

Michael J. Yakes, Mayor

Donna M. Spano, City Clerk