



**City of Gulfport Florida**  
**Special City Council Meeting**  
**Monday, February 26, 2007**

City Hall

2:00 p.m.

---

**Minutes**

Mayor Michael J. Yakes called the meeting to order.

Roll Call: Present were Councilmembers Mary Stull, Michele King, Robert E. "Bob" Worthington, Vice Mayor John E. "Ted" Phillips, Mayor Michael J. Yakes, City Manager Thomas E. Brobeil, City Attorney Timothy P. Driscoll and Deputy City Clerk Donna M. Boyd. City Clerk Louise M. Spence asked to be excused.

Mayor Yakes explained that he, along with 16 other mayors that comprise the Pinellas County Mayors' Association attended a meeting and the business at hand was that of the Pinellas County Charter Review issue. He stated citizens cast their votes in September and since then there has been an impasse in trying to negotiate and resolve the litigation between the County and Cities over the recommendations of the CRC. St. Petersburg Mayor, Rick Baker, drafted a resolution, which Council has before them, detailing the position that was adopted by the Pinellas County Mayors' Association. Mayor Yakes stated that he made the motion at the Pinellas County Mayors' Association that this resolution be adopted and forwarded on to each respective City Council / municipality involved and that we move forward. He feels that this particular resolution would resolve the action and litigation between the cities and the County if approved by the Pinellas County Commission. Mayor Yakes explained that he feels this is in the best interest of government and the best interest of the people in this County and he thinks this resolution makes it legal and gives a clear explanation that the elected officials demonstrate the ability to work together for our residents in their best interest. He added that to date there has never been an agreement – and this puts it to rest. He recommended is that Council adopt this as presented and move forward with pride and start representing our citizens the way that they deserve. Mayor Yakes then turned the meeting over to City Attorney Driscoll.

City Attorney Driscoll stated he has reviewed the agreement and has no concerns with it in general, however, he prepared some amendments to it. The agreement, as it is written is a legally enforceable, valid agreement. He would recommend that, if Council is in favor of settling this lawsuit on these terms, that Council go ahead and approve the resolution but he would like Council to add to that a request that the changes he requested be incorporated. The approval would not be contingent upon the request being granted but he would like the request to be made. City Attorney Driscoll explained that this is an attempt to firm up some of the language with respect to the dual vote. He mentioned that additionally it is somewhat

unusual to have a settlement with a "dismissal without prejudice" or where it is not specifically stated that is it with prejudice so he requested that change be made. He explained that this basically means that the parties can't sue each other again over the same issues. If that provision is not included, then technically, anyone could file another suit tomorrow with all the same issues. City Attorney Driscoll stated he feels that the County and all the other cities will feel they same way, but since this was drafted hastily, he does not want to do anything to upset the agreement we already have but he would like to at least request the changes.

Vice Mayor Phillips stated that perhaps instead of using the word "request" we should use the word "suggest."

City Attorney Driscoll stated that would be fine and would make it clear that the approval is not contingent upon that suggestion being accepted.

City Manager Brobeil stated that when he received his copy of the agreement and spoke with the Chief Deputy Mayor of the City of St. Petersburg he was told that Pinellas County was meeting in a shade meeting to review this language and he does not know the status of that meeting. He asked Mayor Yakes if this was discussed at the Mayors' Council Meeting.

Mayor Yakes explained that it is his understanding from the Mayors' Council Meeting that Pinellas County did pass this although it was not quick or simple. They deliberated for two and one half hours in their shade meeting. He explained that while he does not have anything to substantiate this, it is also his understanding that it was a four to three vote. Mayor Yakes also explained that he requests that we do not delay. He asked that the minutes reflect that he appreciates the involvement of the entire community. Mayor Yakes stated he is proud to represent the City of Gulfport and takes this very seriously. When he attends the Pinellas County Mayors' Council, and he has for many years, and was also the President he represents the City and the City is asked to make these votes. He stated that in the beginning he was part of a committee of seven Mayors and that committee was involved in the beginning and has been involved right up to this point. He recognized City Attorney Driscoll for working with the mayor's committee stating he is confident that all eyes have looked at this. Mayor Yakes added that every councilmember and our residents have certainly been involved with this and he believes it is the will of the people to settle this issue.

City Attorney Driscoll stated he understands the County Commission will be considering this formally tomorrow at 2:00 p.m. and it is also his understanding that the rest of the cities are all going to be reviewing this some time this week so it should be finalized by week's end if all the votes are favorable. He also explained that there was supposed to be a status hearing on this today and there was some confusion on whether or not it had been cancelled so he actually went to the courthouse and he was the only one there – even the judge was not aware that it had been cancelled. City Attorney Driscoll added that this is a pretty good indication that this will be approved.

City Manager Brobeil stated he has read the agreement very closely and it achieves all the objectives that we, here in the City of Gulfport, hoped to obtain. Moreover, it contains all of

the objectives that all of the cities that attended the Chapter 164 meeting wanted to obtain. He added that he had an opportunity to read the recently released verbatim minutes of a shade meeting that the County Commission held on this subject. It was their belief at that time that this subject was being dominated by the City Managers, the Mayors and the other elected officials were largely ignorant of the issues, so the County was looking forward to possibly swaying individual Councilmembers at the 164 meeting. The County was very surprised when that did not happen and he feels that is what lead to the ability to negotiate this agreement.

Mayor Yakes commented that we demonstrated that we, as a Council, and all the cities as a whole were united.

Deputy City Clerk Boyd read resolution 2007-20 by title only as follows:

Res. No. 2007-20 A resolution of the City of Gulfport, Florida, accepting the settlement agreement between all the cities of Pinellas County and Pinellas County, Florida, for the resolution of issues related to the Charter Review Committee; and providing for an effective date.

**A Motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to approve Resolution No. 2007-20.**

Councilmember Worthington added that he would like the stated amendments added to the motion.

City Attorney Driscoll stated, for the record, Councilmember Worthington's motion will be with the suggestion to incorporate the revisions he had asked for.

Vice Mayor Phillips stated he feels it is very important that the word "suggest" be used rather than "request".

Councilmember Stull stated she has no questions and is in total agreement with the suggestions that the City Attorney added since they are designed to protect us.

Councilmember King asked if Gulfport is the first to actually see this agreement and City Attorney Driscoll stated he thinks we are. She asked if Gulfport passes this with the suggested changes whether it would have to go back to others a second time.

City Attorney Driscoll stated his changes were sent out to all the City Attorneys last week so all the cities are aware of them and since the agreement was drafted by the City of St. Petersburg City Attorney's Office, he sent it to them specifically and asked them to incorporate the changes. Their position was that it had already been given to the County before being circulated so they were not sure they would be able to incorporate the changes although they agreed they were good. City Attorney Driscoll stated he feels we will have to leave it to the group collectively to get these incorporated and explained that the way Council is approving this – it would not have to come back to Gulfport.

Mayor Yakes added, for clarification, that last Friday there was a special meeting of the Pinellas County Mayors regarding the resolution before City Council. Out of the 23 cities, 16 mayors were there – after the presentation Mayor Yakes made the motion to adopt the resolution, as presented, and requested that each respective City present take this document as passed back to their cities and pass the document as expeditiously as they could. He added that he did not want a lag time and felt it would be in the best interest if all the cities passed this prior to the County, however, that was not possible. That is why he requested this special meeting of City Council.

Councilmember King stated she was concerned that if we made changes and all the other cities made changes that this could go back and forth for some time before it was finalized, but after hearing the information provided, she does not feel that will happen.

Mayor Yakes stated he hopes not and that is a fear of his so that's why he asked that it be adopted as presented and the suggestions be added.

Councilmember King stated her concern has been resolved and she is very pleased with this agreement.

Councilmember Worthington stated he feels this is as good as this is going to get. He then stated many people worked very hard on this issue and he would like to thank them all beginning with our citizens who attended meetings and gave their input. He thanked City Attorney Driscoll and City Manager Brobeil for all their hard work and attendance at the numerous meetings. He stated Mayor Yakes was instrumental and attended more meetings than anyone regarding this issue and has worked through many channels to see this through to fruition. Councilmember Worthington added that City Council has also been very involved and that he feels that we have come up with a something suitable where the citizens will all win.

Vice Mayor Phillips asked City Attorney Driscoll if he had indeed notified all the other City Attorneys and City Attorney Driscoll confirmed that as soon as he received the agreement he sent his comments to all of them within the hour.

Vice Mayor Phillips asked if he had any responses and City Attorney Driscoll stated he had not adding that he has not seen any other proposed changes. Vice Mayor Phillips stated he feels we were very lucky to have Mayor Yakes working on this and we owe much of this success to him. He added that he feels this is a very non-confrontational agreement and thanked everyone for their hard work.

Mayor Yakes stated that by taking his oath of office he was compelled to participate. He hopes that this will eliminate the "line in the sand" and he appreciates the unity that was displayed. He added that he appreciates everyone's hard work and he feels demonstrates our efforts to give the voters of Pinellas County the representation they need and deserve.

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

VOTE:

COUNCILMEMBER STULL	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED.

**2. Adjournment.**

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

UNANIMOUSLY APPROVED BY ACCLAMATION.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Michael J. Yakes, Mayor

\_\_\_\_\_  
Donna M. Boyd, Deputy City Clerk