



City of Gulfport Florida
Regular Council Meeting
February 6, 2007

City Hall

7:00 p.m.

Minutes

The meeting was called to order by Mayor Michael J. Yakes.

The Invocation was given by Vice Mayor John E. "Ted" Phillips, followed by a Pledge of Allegiance to the Flag of the United States of America.

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

Presentations:

A Certificate of Completion was presented to Councilmember Mary Stull from the National League of Cities.

A Penny for Pinellas Presentation was given by County Administrator Steve Spratt He presented a video and stated it was not a staged video, but that they just went out and asked people what they thought about the Penny for Pinellas. This goes to improvements, not operational expenses.

Councilmember Stull asked for some of the business cards with the facts about the Penny for Pinellas.

City Manager Brobeil stated that we use the Penny for matching grant funds for projects in the City.

Vice Mayor Phillips brought out that many of the County projects are those that also benefit the City.

1. Public Session.

Jim Greenwald, 4747 Tradewinds Drive South, stated that he had spoken several months ago about benches being missing at the end of the Pier. He stated that Leisure Services Director Jim O'Reilly had told him they were going to be replaced but that has not yet happened and he asked when this will be done.

City Manager Brobeil stated that we have hired an engineer to look at the structure and have a system designed so that the benches cannot be detached.

Mr. Greenwald also spoke about the restrooms outside the Casino being locked from 11:30 p.m. to 7:00 a.m.

City Manager Brobeil stated that they are open later than they were previously. He stated that there had been some vandalism in the restrooms previously and that is the reason they were locked.

Mayor Yakes spoke about the vandalism of throwing the benches into the bay and that he certainly would like to catch those who are doing such damage.

Dr. Carolyn Needleman, 5940 30th Avenue South, in Town Shores, congratulated those who participated in the recent Clam Bayou tour with the representative from Senator Nelson's office. She spoke about the recent article in the St. Pete Times which stated that the trash does not come from St. Petersburg but comes from boaters in Boca Ciega Bay. She stated that there is no evidence that it comes from the boaters but it does come from the outflow from St. Pete.

Mayor Yakes stated that we have a lot of photos that make the statement ridiculous and that the trash comes from boaters.

Harriett Lewis, 5233 Delette Avenue South, stated that she had read in the Gabber about the lights being put in the dog park and thinks that is good. She stated that humans need lights because the streets get very dark at night and criminals love the dark. She suggested that the wattage be increased or more lampposts be installed.

Al Davis, 2790 45th Street South, stated that he appreciated the representative from Senator Nelson's office and Mark Peterson from the Army Corps of Engineers being here last week. He showed photos of the debris in Clam Bayou. He also stated that he appreciates and supports the Penney for Pinellas.

Bob Phillips, 2959 36 Avenue North, St. Petersburg, stated that he was embarrassed that someone from St. Pete would put such an article in the paper. He thanked the City for their good work.

Linda Ray, St. Petersburg, and a member of the Boca Ciega Yacht Club, thanked Council for the floating dock and the dinghy dock. She spoke about the recent cruise they had and she felt that a boater friendly City will benefit the downtown area.

Vice Mayor Phillips commented about a four-day conference which he attended and they are addressing these problems such as Clam Bayou, but the problems are overwhelming. He stated that he asked someone from the county to come down here to look at this situation and they will be down here in the next week or so and he will take them to Clam Bayou. He stated that we are working hard on this.

2. Update Reports.

City Manager.

City Manager Brobeil stated that there will be a presentation at the next Council meeting by the Public Works Department on the mixed paper recycling.

City Manager Brobeil spoke about the Chapter 164 meeting scheduled for Friday, February 9, and asked the City Attorney to give information on that to Council.

City Attorney Driscoll stated that he had sent a document to Council this morning regarding this meeting which gave general guidelines for the process. Each city will be represented with a quorum of elected officials and his main concern is that we maintain the Sunshine Law and discussions take place on record. One of the proposals made by the County is essentially what this City Council has suggested that would be acceptable. There has to be unanimous approval by other cities and he feels that other cities are not willing to accept this due to the annexation issues.

Mayor Yakes stated that he has a problem since his wife will be going in for surgery on the 9th and they probably will not see him on the 9th. If he knows that he is okay to go, he will go.

City Clerk.

Mayor Yakes stated the City Clerk had been asked for an update on the changes for the Clerk's Department.

City Clerk Spence stated that a written update report had been given to Council on this about three weeks ago. She stated that everything is up-to-date in the department and also that we have set up a training session with the State of Florida in April for City employees to update the Records Retention program. There have been Department staff meetings to provide cross-training and to ensure that responsibilities continue to be handled in an efficient manner.

City Clerk Spence stated that the main recommendation is that communication is kept open so if there are any real issues that come up they are brought to her attention so they can be handled right away. She stated that if there are any questions she will be happy to discuss them.

Vice Mayor Phillips stated that he had noticed an improvement in the running of the department. He asked if it is essential to hold staff meetings every day as he feels this will take away quite a bit of time.

City Clerk Spence stated the meetings were longer at the beginning but they are now very short unless we have many issues to review.

In response to Mayor Yakes, City Clerk Spence stated that the future looks good.

There were no further comments from Council.

3. Consider approval of the January 16, 2007 Regular Council Meeting Minutes.

A motion was made by Vice Mayor Phillips and seconded by Councilmember King to approve the minutes of the January 16, 2007 Regular Council Meeting.

UNANIMOUSLY APPROVED BY ACCLAMATION.

4. Ordinance:

- a. 2007-02 **SECOND READING AND PUBLIC HEARING.** An ordinance of the City of Gulfport, Florida providing for amendment of Article VI of Chapter 22 of the Code of Ordinances, pertaining to supplemental regulations in the zoning code; providing for a new Section 22-6.10; providing for an exemption from State law to allow dogs in outdoor areas of public food service establishments during operating hours; providing for regulations; providing for application and permit procedures; providing for a complaint procedure; providing for amendment of Section 25-301, pertaining to fees for zoning services; providing for a fee for permits for dogs in outdoor dining areas; providing for the repeal of ordinances or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date.

City Clerk Spence read Ordinance No. 2007-02 by title only.

City Manager Brobeil explained the ordinance.

Mayor Yakes opened the Public Hearing.

Seeing no one who wished to speak, Mayor Yakes closed the Public Hearing.

A motion was made by Vice Mayor Phillips and seconded by Councilmember King to adopt Ordinance No. 2007-02 on Second Reading.

VOTE:

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

UNANIMOUSLY APPROVED.

5. Resolutions:

- a. 2007-06 A resolution of the City of Gulfport, Florida, creating a permit fee for dogs in outdoor dining areas, in accordance with Chapter 25 of the Code of Ordinances; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-06.

City Manager Brobeil explained the resolution.

Mayor Yakes opened the Public Discussion.

Seeing no one who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Councilmember Worthington and seconded by Vice Mayor Phillips to adopt Resolution No. 2007-06.

VOTE:

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

UNANIMOUSLY APPROVED.

- b. 2007-07 A resolution of the City of Gulfport, Florida, authorizing the City Manager to purchase three additional software modules for the Community Development Department from Tyler Technologies in the amount of \$36,920.00; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-07.

City Manager Brobeil explained the resolution.

Mayor Yakes opened the Public Discussion.

Seeing no one who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Stull to adopt Resolution No. 2007-07.

In response to Vice Mayor Phillips, Information Technology Director Sam Rivera stated that Vista has nothing to do with this.

Councilmember King asked if we will we have to purchase new computers for the Vista program.

Information Technology Director Sam Rivera stated that some older ones will not run Vista. We replace computers every three to four years and eventually, we will introduce Windows Vista and it will require some training. He stated that it will take three to four years to get all on Vista.

In response to Councilmember Worthington, Information Technology Director Rivera stated that Florida League of Cities has technologies but it will not work with what we have.

VOTE:

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

UNANIMOUSLY APPROVED.

- c. 2007-08 A resolution of the City of Gulfport, Florida, amending Resolution No. 98-18, pertaining to the Economic Development Advisory Committee; providing for membership; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-08.

City Manager Brobeil explained that the resolution opens this up to at-large residents.

Mayor Yakes opened the Public Discussion.

Seeing no one who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Councilmember Stull and seconded by Vice Mayor Phillips to adopt Resolution No. 2007-08.

Councilmember King stated that she thinks this is a good thing.

VOTE:

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

UNANIMOUSLY APPROVED.

- d. 2007-09 A resolution of the City of Gulfport, Florida, authorizing the City Manager to amend the Budget for Fiscal Year 2006/07 by increasing the General Fund and Cultural Facilities Fund budgets for the increase in maintenance costs; providing for funding; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-09.

City Manager Brobeil explained the resolution stated this was to increase the budget for janitorial services and Staff recommends approval.

Mayor Yakes opened the Public Discussion.

Rick Gilbert, 5855 27th Avenue South, asked about where the funds come from when something goes over the budget.

City Manager Brobeil stated it comes from the undesignated fund balance.

Seeing no one else who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to adopt Resolution No. 2007-09.

VOTE:

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

UNANIMOUSLY APPROVED.

- e. 2007-10 A resolution of the city of Gulfport, Florida, amending fees for Leisure Services Facilities in accordance with Chapter 25 of the Code of Ordinances; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-10.

City Manager Brobeil explained the resolution.

Mayor Yakes opened the Public Discussion.

Jim Greenwald, 4747 Tradewinds Drive South, asked if there is a deficit for the Casino.

City Manager Brobeil stated that the Casino has a subsidy of approximately \$100,000.00 and it is an Enterprise Fund so out of that \$100,000.00, \$35,000.00 is contribution overhead indirect costs which is paying the General Fund back for the services it provides for it. If this showed in the General Revenue Fund the deficit would be \$65,000.00 so if we make another \$16,000.00 we're down to \$50,000.00 on a cash basis.

Mr. Greenwald asked if we could make up some of the deficit by raising the alcoholic beverage fees.

City Manager Brobeil said the alcoholic fees are pretty much the same as other similar places.

Seeing no one else who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Councilmember King and seconded by Councilmember Stull to adopt Resolution No. 2007-10.

Councilmember King asked with what facilities we compared our prices.

Leisure Services Director O'Reilly stated it was the St. Pete Coliseum, and facilities in Ybor City and Clearwater.

City Manager Brobeil stated this based on what the market will bear for this facility and we anticipate that this will increase each year.

In response to Councilmember King, Leisure Services Director O'Reilly stated that for 90% of the Fridays and Saturdays the Casino is rented. He stated that the revenue has increased by about \$30,000.00.

City Manager Brobeil stated that four years ago the plan was to make this a world class venue. We thought that rather than advertising we should improve the quality of service.

Councilmember King stated that maybe the advertising should be utilized to have people come to Gulfport, not necessarily the Casino and charge it to the downtown Redevelopment Fund.

In response to Vice Mayor Phillips, City Manager Brobeil stated that we may never break even. We do not compete with businesses in town but bring people into town and they can see the businesses.

VOTE:

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

UNANIMOUSLY APPROVED.

- f. 2007-11 A resolution of the City of Gulfport, Florida, amending the Personnel Manual Section 2 – Definition of Terms; Section 8 – Holidays; Section 9 – Annual Leave (Vacation); Section 10 – Sick Leave; Section 11 – Leave of Absence; Section 11.03 – Family Medical Leave Section 14.07 – Workers Compensation; Section 22 – DUI & Moving Traffic Violations; and Section 23 – Drug Free Workplace; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-11.

City Manager Brobeil explained the resolution. He stated that some recommendations are from the Personnel Manual Committee and there are recommendations from the City Manager which are different than ones recommended by the Committee.

City Manager Brobeil stated that if the Personal Days are not used by the end of the year that the proposal is that the practice of paying the employee for this time should be ended. He also stated that the Vacation Self-Funding program is proposed to be terminated.

City Manager Brobeil also stated there is a program which, if you do not take sick leave, you can convert a percentage of that to annual leave and he is not suggesting that Council change that. The current policy does not allow Department Heads to use it because they are subject to the Fair Labor Standards Act where essentially they are on a flex program. Under the Fair Labor Standards Act if a Department Head takes time off during the work day they cannot be charged leave for it as long as they work a portion of the work day. To wit, if they go to the doctor or do the minimal things that people use sick leave for they would always be eligible for those programs so we thought they should not be able to participate in the program like the rank and file employees do because they would have to take leave for each and every hour that they were out of the work week.

City Manager Brobeil stated that he is proposing to add the City Manager and the City Clerk to that list. He was not added originally because he thought he was not allowed to use it because of his contract provisions. He stated he was informed that he is eligible to participate in other City programs like this so he added his name to it. He stated that he added the City Clerk to it because she also has a department and basically is covered by the same FLSA provision.

City Manager Brobeil stated that currently, non-bargaining unit employees who works on a City holiday gets the holiday at straight time and he is proposing that they get time and a half when working a holiday.

City Manager Brobeil stated that the financial impact of these issues is that the amount saved by eliminating the Vacation Self-funding policy is almost identical to the impact of allowing holiday workers to get time and a half for time worked. He stated that he has not calculated the savings by eliminating the cash payout for personal holidays not used.

Mayor Yakes opened the Public Discussion.

Dottie Walski, 2652 44th Street South, asked if the self funding and annual leave was allowed to accumulate or only for the year.

City Manager Brobeil stated that the annual leave is allowed to accumulate for two years and this is not changing.

Ms. Waloski felt that is good to allow this elimination for budget reasons.

City Manager Brobeil stated he has seen people get a large check when they leave for accumulated sick leave and this is something we will pay attention to when we look at our personnel policies.

Rick Gilbert, 5855 27th Avenue South, asked if there will be any days that a person can cash-in.

City Manager Brobeil stated that when a person leaves the City's employ they can cash in their unused annual leave but not their personal holidays. When they retire he believes there is a certain amount of sick leave that can be cashed in also.

Seeing no one else who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Vice Mayor Phillips and seconded by Councilmember King to adopt Resolution No. 2007-11.

Vice Mayor Phillips asked if there has been reaction from any employees.

City Manager Brobeil stated he has not heard anything from the rank and file employees but there was some disagreement between himself and the Committee on several issues. He stated that if a person is sick before or after a holiday can they can still be paid the holiday pay.

Vice Mayor Phillips talked about a time when he got back a day late from holiday or vacation and he does not want that to happen here.

City Manager Brobeil stated that the Committee had been concerned about absenteeism, but he was more concerned about those that don't abuse it.

Councilmember King asked the Administrative Services Director how many had used the Sell-Back vacation plan.

Administrative Services Director Elaine Trehy stated it was mainly used by supervisors and about six or eight employees had used it last year during the entire year.

VOTE:

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

UNANIMOUSLY APPROVED.

g. 2007-12 A resolution of the City of Gulfport, Florida, urging members of the Florida Legislature to support issues during the 2007 Legislative Session; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-12.

Mayor Yakes explained the resolution and opened the Public Discussion.

Seeing no one who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Vice Mayor Phillips seconded by Councilmember King to adopt Resolution No. 2007-12.

Councilmember Worthington spoke about the conference he attended in Tampa which focused on these issues. He also spoke about a meeting on Legislative Public Hearings on Property Tax Reform scheduled for February 15 6:00 – 9:00 p.m. at Hillsborough Community College on tax issues and felt everyone should try to attend.

VOTE:

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

UNANIMOUSLY APPROVED.

6. Any Other Business.

Councilmember Stull spoke about the Conference in California where she attended meetings from 7:30 a.m. to 5:00 p.m. then 6:00 p.m. to 8:00 p.m. and presented information folders for Councilmembers, Leisure Services Director Jim O'Reilly and for the Fire Chief.

Councilmember Stull asked for an update on Scout Hall and on the basketball court.

City Manager Brobeil stated that Scout Hall is out for bid and will be opened on February 27th. He stated that we have not been able to get anywhere with the schools for use of the basketball courts. We are still trying to contact the Impact Ministries church to working on using that facility.

Councilmember Stull asked about bike trails on the main streets in Gulfport since they come to our City limits and stop.

Councilmember King stated she would like to know if we have a plan for sidewalks. She was asked about sidewalks in the neighborhood of 7th Avenue and 60th Street. She asked if we can set up a plan.

City Manager Brobeil stated he will go over this with the Public Works Director.

Councilmember King asked if we can we look into rubber sidewalks made from recycled tires.

City Manager Brobeil said we will look into it but maintenance could be a problem.

Councilmember King stated she would like to know if the Springfest has been cancelled, and if so, why.

Leisure Services Director Jim O'Reilly stated it had been cancelled because when Council reduced the budget he decided to eliminate Springfest and also the July 4th parade to provide for other groups

Councilmember King stated she was under impression that we were going to cut some people out, not events.

Leisure Services Director Jim O'Reilly stated that the Springfest is a completely funded City event.

Councilmember King stated that she was very disappointed for a City like ours to cancel such an event. She thought that Council would have been the ones to cancel events.

Leisure Services Director O'Reilly stated that the City will still be able to provide services to others, such as the Taste of Gulfport and the Gecko Fest.

Councilmember Stull stated she was not aware that Springfest had been cancelled. She said that many people are unhappy about the cancellation of the of July 4th parade.

Councilmember Worthington stated he was not aware of Springfest being cancelled but did know about July 4th being cancelled. He stated that they were given direction to cut back the budget so when they cut back we have to support them.

Vice Mayor Phillips stated Council made a decision and he feels it is better to cut a single event than to cut back on all. He also spoke about the big move to extent the homestead exemption to \$50,000 and wonders where funds will come from to provide police and garbage services.

Councilmember King stated that when we cut staffing for events did you realize that we were cutting an event or just think we were cutting people out of events. She thought we were cutting a few people out of all events. She stated that if it had been brought up at that time that Springfest was being cut, she would have opted to cut other things.

Councilmember Worthington stated his intention was to save money and we knew we have to cut taxes and he stated he knows that he cannot go into departments and tell them things to not do, so it is up to the Department Heads to come up with ways to save money. When they make their cuts it does not necessarily come to Council, but goes back to the City Manager and he is the one who makes the decision.

City Manager Brobeil apologized to Council and stated that they should have been consulted about this cancellation.

Councilmember King stated that the flowers downtown are beautiful and she also appreciates the work at the dog park. She stated that she would like Council to discuss looking into advertising for Gulfport that says "Come to Gulfport" to stimulate the businesses downtown. She stated she was on the boat trip in Clam Bayou and also saw Clam Bayou the following day. She stated that she took pictures that day and the day after the storm. These were emailed pictures to Senator Nelson's office and also went to St. Pete Times

Councilmember Worthington spoke about the nice Arbor Day Celebration. He expressed thanks to the water department because he feels they do a good job but there has been a lot of complaints from citizens. He also spoke about a request for improvements to the Bocci area.

Councilmember Worthington read a proposed resolution on the Clam Bayou issue and requested that this be passed by Council at a meeting.

Vice Mayor Phillips stated he had a call from a person complaining about a sinkhole on 11th Avenue South between 49th and 50th Street. He stated he went there and saw it and Public Works will be repairing it. He stated that sometime ago he got letters from people on Premier Drive asking about streetlights and he requested an update about the lights.

City Manager Brobeil said that not a lot has happened. We have asked Progress Energy for the cost and we are still waiting for the estimate.

Vice Mayor Phillips also spoke about affordable housing. He also spoke about water taxi and the DUCK boat system which has wheels and can transport people on the street. He stated he would like Council to consider having this discussed. He will get in touch with the people and turn this over to the City Manager for a presentation.

Councilmember Worthington states that two operate out of Dolphin village on St. Pete Beach if anyone is interesting in seeing them.

Mayor Yakes spoke about the 49th Street Redevelopment District and feels it is not as fast tract as he would like. He stated that the Bluewater Marine want to tear down an existing garage and put up an attractive building. He stated he would like to see us move along on this issue.

City Manager Brobeil stated it is a ten-week process, and there is no way to expedite it because we must go through all the steps.

Mayor Yakes asked that we look at a four-week process for that area.

Councilmember Stull asked about the corner lot at 17th Avenue and 49th Street which is still vacant.

City Manager Brobeil stated that the site plan has expired.

Mayor Yakes spoke about the visit from Senator Nelson's office and also stated that he was going to Washington, D.C. tomorrow.

Mayor Yakes also stated that Rand Baldwin from Southwest Florida Water Management District will be here for the February 20th meeting.

7. Adjournment.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to adjourn at 9:38 p.m.

UNANIMOUSLY APPROVED BY ACCLAMATION.

Date Approved

Michael J. Yakes, Mayor

Louise M. Spence, City Clerk