

City of Gulfport Florida
Regular Council Meeting
May 15, 2007

City Hall

7:00 p.m.

Minutes

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

The Invocation was given by Councilmember Robert E. "Bob" Worthington. Followed by a Pledge of Allegiance to the Flag of the United States of America.

Mayor Yakes spoke about the presentation by the University of South Florida. He spoke about the resolution that failed and that there was a lot of unanswered questions since a representative from USF was not present at the meeting. He felt that we owe the respect for a presentation to be made. There is not a vote on presentations and as we go through the meeting we will go on positively and see what we can resolve on this issue.

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:

Erin Holliday, Community Representative of American Cancer Society gave a presentation on the Relay for Life, which is scheduled for May 18 at the Recreation Center. She stated that many people do not know about all the services that they provide. She gave the statistics for the number of cancer victims. She invited everyone to come out for the Opening Ceremony for the event at 6:00 p.m. She presented a plaque to the City in appreciation for hosting the event this year.

Councilmember Stull spoke about the City's softball game to raise money for the Relay for Life.

Presentation by University of South Florida's College of Marine Sciences. David Hollander, a faculty member of the College of Marine Sciences at the University of South Florida, gave a presentation on the proposed use of the Coast Guard Building.

Mr. Hollander stated that there were many misconceptions about their request. He gave a Power Point presentation on their program and explained the type of buoys that they would install. One of the benefits for the City would be research, recreation and education outreach. He explained the types of buoys and sensors and the methods of deployment.

He explained the three proposed sites for the buoys as the Gulfport Pier, the Seahorse Nursery Habitat and Clam Bayou and said this should give a good sense of how the estuary water is working.

He stated that eleven other communities are ready for this but he prefers Gulfport because he is a resident here.

He then offered to answer any questions from Council.

Councilmember Stull said she is not ready to speak yet.

Councilmember Worthington said he thinks the program is wonderful but his problem is providing \$50,000 in-kind support from the City.

Mr. Hollander said that the in-kind services would not take time away, nor take away money from the City.

Councilmember Worthington spoke about the facility they have in St. Pete and does not know why they need our building.

Mr. Hollander stated that what they are requesting from a dollar-view is minimal and they don't need any money coming out of the City's budget.

Councilmember Worthington said if no money is coming out of the budget he will support it.

City Manager Brobeil said the way the resolution was worded was that we were going to provide space to house the equipment.

Councilmember Stull questioned the building use and asked if there is a garage they can use. How much control would they maintain of that building.

In response to Councilmember Stull, City Manager Brobeil said City Council could determine how much control they would have because the City owns the building. It would be similar to a recreation use agreement.

Councilmember Stull asked how much restriction there would be on where the buoys are placed.

City Manager Brobeil said this would be another issue and he thinks they would have to go to FDE for permits since we do have not control over State waters. If the State allows them to put in a buoy and restrict access we would have no control, but could protest.

In response to Councilmember King Mr. Hollander said that USF has not asked the City to make any improvement to the Coast Guard building except to have a lock on the door.

In response to Councilmember King, Mr. Hollander said there would be no restrictions to water access or boating access.

Councilmember King spoke about the sensor program, the three buoys and the use of the building for the grant program.

Mr. Hollander stated they would have underwater cameras for the seahorse nursery.

Vice Mayor Phillips asked how children on the property are protected.

Mr. Hollander said they would hope the children are trained how to boat, swim and kayak and they have chaperones. They will follow all safety regulations, insurance and have paternal permission.

Vice Mayor Phillips spoke about Clam Bayou being a mess and that St. Pete is starting to clean it up. This is going to be a year or two long issue. If sensors are put in they might be checking a rapidly changing situation.

Mr. Hollander said he thinks this is the best time to measure and access the information.

Mayor Yakes said his concern was that there was speculation that there would be docks built at the Coast Guard Building and possibly a fence with signs of USF. He stated he did not want the area closed by a fence but he feels we have dealt with those concerns. He said that he appreciated the presentation.

Mayor Yakes asked for Council's opinion.

Councilmember Worthington said he would like to have people get back with him and tell him what they think about it.

Councilmember Stull thinks she should take time to go back and go through the email and maybe hear from them again on what they think.

Councilmember King said she thinks this was good project and thinks we should see if we want to bring it back as a resolution and then we could have public comment on it. She said she would like for the City Attorney to write an agreement and bring back to Council for concerns of public and look at it and decide if want to vote up or down. She said there are no dollars to go into this and the only thing is a space in a building that the Coast Guard has agreed to share. Matching funds is an in-kind contribution. The space in the building is worth a certain amount of money and that is what they get.

Mayor Yakes told City Manager Brobeil that his major concern is money and stated he felt that we need a consensus.

The consensus by Councilmember Worthington, Vice Mayor Phillips and Councilmember Stull was to put this item on hold.

Mayor Yakes stated that water is not locked in Clam Bayou and keeping a study is valuable. We have had to close our beach before due to pollution. He believes that this would help us. He told Councilmember King that we would let people think about this and he believes it will be back.

1. Public Session.

Larry Farienzo, 4902 31st Avenue South, stated that he is here for a safe-managed mooring field and for having Clam Bayou dredged back to the way it was in 1985. He stated that he is against anything that blocks those two measures any further.

Joan Samuel, 3102 56th Street South, stated that she thinks it is good to have the educational facility and quality of water and she hopes it goes through.

Frank Zaic, 3120 56th Street South, spoke about his concern that St. Petersburg needs to help with Clam Bayou.

John Milford, 2845 Skimmer Point Drive South, stated he thinks he would be proud to have USF on one side of the City and Stetson on another. He urged Council to vote on this.

Samantha Ring, 1420 Gray Street South, stated she is a teacher but has never seen USF come into the Gulfport Elementary school. She said she wonders why they do not use their own waterfront and remove the burden from us.

Carol D'Allessandro. thanked USF for having us look at this. She stated that the water does not belong to us, we belong to the water. She stated that she is glad to see City Manager Brobeil back and a lot of people in Gulfport have been praying for his recovery. She felt that the City of St. Petersburg should pay for the \$50,000 since they caused the water problems in Clam Bayou. She asked Council to review this.

Mayor Yakes stated that if Council makes the decision to bring this back there will be public input on each issue.

Craig Smith, the Commodore of the Boca Ciega Yacht Club, stated that he respects the Mayor's wishes and will not talk about the USF issue tonight. He said that Montessori School is having their annual teachers party at BYCC, the sailing school for kids starts on May 30th and there are openings for Gulfport kids and if anyone wants to have a child in this they should call the Yacht Club. He also said the Sea Scouts have been doing well for Gulfport.

Rick Del Greco, 6280 15th Avenue South, encouraged Council to support the USF project. He spoke about someone whose son became ill from ecoli infection from the water and felt this would provide information on such issues

Courtland Yarborough, 3051 Beach Boulevard South, stated that there is a principle which is a bar against all information, which cannot help but keep man in everlasting ignorance, and that principle is contempt prior to investigation.

Al Davis, 2790 45th Street South, said he did not hear a plan to address the Clam Bayou clean up. He showed pictures of the USF facility across the water in St. Pete and felt Council should be cautious on the approach of this.

A person who lives out of state spoke about the Clam Bayou disaster during low tide and felt it should be cleaned up.

Carol Sharp, 5925 Shore Boulevard South, asked why USF has the right to fence off the water area in St. Petersburg and asked if there would be a fence at the Coast Guard building.

Garie Angela, 6075 Shore Boulevard South, stated she had a lot of mistaken information and some has been cleared up, but some things have not been heard from USF. She asked if there would be a light on the buoys at night and what other cities are considering this.

Jo Minteso, 5414 30th Avenue South, said she is wondering if there is going to be someone in charge of watching information coming in because there might be a liability if there is a problem with water quality.

Mayor Yakes said the Department of Environmental Protection has been contacted when we feel that the pollutants are high. He stated that St. Petersburg if monitoring their outfall of water that

is coming into the bayou and it seems to be at an alarming stage and not getting any better. He said this is the type of thing that could be dealt with in a Town Meeting. The reason that we are at this level now is that when this resolution came forward there was not a presentation by USF. We have learned a lot but we need to have this brought back again to study only that. He suggested a logical way to get to the answer is to bring USF back to deal with this issue.

Mayor Yakes stated that the ramp is in at the Casino.

Janice Ryan, 2900 45th Street South, thanked Leisure Services Jim O'Reilly for the curb cut. She felt that USF did not give us any time to ask any questions. She showed a picture of 10 of her students and stated they are the future of Gulfport. She said it would make sense if we cleaned up the water first.

Cindy Davis 2790 45th Street South, said they had asked USF for help on water testing and they had referred us to the County.

Jean Proach, Town Shores, said she tried to listen and believes the instruments would give Gulfport a benchmark and she encouraged Council to vote no.

Bob Newcomb, 921 Freemont Street South, said that \$50,000 is \$50,000 no matter what, and it can't be used for anything else.

Linda Ray stated that if buoys in the water, boats can be caught on them.

Lloyd Mason, Town Shores stated that when he thinks of USF he thinks about the song "This Land is Your Land," which mentions No Trespassing and wonders what percentage of USF facilities say no trespassing.

Joan Samuel, said that the City won't allow yard sale signs so Clam Bayou should not have signs in the water.

Mayor Yakes stated it is not unusual for one who makes a presentation to leave because there are not usually comments from the public.

Seeing no one else who wished to speak, Mayor Yakes closed the Public Session at 8:53 p.m.

2. Update Reports.

City Manager Brobeil notified City Council that he will be in training tomorrow through Saturday to get his certification up to date.

He introduced Dan Carpenter, the new Director of Administrative Services who came here from the City of Clearwater where he worked in the Finance Department and in the Fire Department as the fiscal manager.

3. Consider approval of the minutes of the April 3, 2007 Regular Council Meeting and the Special Council Meeting of April 19, 2007.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to approve the minutes of the April 3, 2007 Regular Council Meeting and the Special Council Meeting of April 19, 2007.

UNANIMOUSLY APPROVED BY ACCLAMATION.

4. Ordinances:

- a. 2007-04 SECOND READING AND PUBLIC HEARING. An ordinance of the City of Gulfport, Florida, providing for amendment of Subsection (c) of Section 22-20.07 of the Code of Ordinances pertaining to undesirable tree species; providing for additional species; providing for amendment of Subsection (a) of Section 22-20.11 pertaining to prohibited trees; providing for reference to the undesirable list of trees; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.

City Clerk Spence read Ordinance No. 2007-04 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. 2007-04 on Second Reading.

VOTE:

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

UNANIMOUSLY APPROVED.

- b. 2007-05 An ordinance of the City of Gulfport, Florida providing for amendment of Article XVII of Chapter 22 of the Code of Ordinances, pertaining to signs; providing for amendment of Section 22-17.04, pertaining to definitions in the sign regulations; providing for "open flag" signs; providing for amendment of Section 22-17.07, pertaining to signs exempt from permit requirements; providing for American Flag and open flag signs; providing for amendment of Paragraph (1) of Subsection (b) of Section 22-17.08, pertaining to prohibited signs subject to immediate removal; providing for exemption of open flag signs; 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.

City Clerk Spence read Ordinance No. 2007-05 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 Councilmember Worthington and seconded by Vice Mayor Phillips to adopt Ordinance No. 2007-05 on First Reading.

Councilmember Worthington questioned if 6' is the standard flag size.

Community Development Director Fred Metcalf said that it is.

Councilmember King stated that she is happy to see this come so quickly before Council.

City Manager Brobeil stated that there will be an exception for civic organizations and off-street businesses off 49th Street

VOTE:

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

UNANIMOUSLY APPROVED.

5. Resolutions:

- a. 2007-53 A resolution of the City of Gulfport, Florida, appointing members to the Public Art Advisory Committee, providing for terms of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-53 by title only and explained the resolution.

Vice Mayor Phillips gave the name of Carol Simmler and Councilmember King recommended Frank Hibrandt.

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 Resolution No. 2007-53 with the names as stated.

VOTE:

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

UNANIMOUSLY APPROVED.

- b. 2007-54 A resolution of the City of Gulfport, Florida, appointing members to the Police Pension Board; providing for terms of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-54 by title only and stated that the two members currently serving, Mike Arras and Jim Thaler, have agreed to serve another term, if reappointed.

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 Stull to adopt Resolution No. 2007-54 to appoint Mike Arras and Jim Thaler to the Police Pension Board.

VOTE:

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

UNANIMOUSLY APPROVED.

- c. 2007-55 A resolution of the City of Gulfport, Florida, appointing a member to the Gulfport Teen Council; providing for term of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-55 by title only and stated that Katisha Diah is the applicant.

Mayor Yakes opened the Public Hearing.

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

A motion was made by Councilmember Stull and seconded by Vice Mayor Phillips to adopt Resolution No. 2007-55 and appoint Katisha Diah to the Gulfport Teen Council.

VOTE:

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

UNANIMOUSLY APPROVED.

- d. 2007-56 A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into an agreement with R. M. Williams Construction, Inc. for the 49th Street Corridor Redevelopment Plan – Phase 2 in the amount of \$453,428.90; and the installation of decorative lights by Progress Energy, Inc. in the amount of \$38,350.00; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-56 by title only.

City Manager explained the resolution.

Public Works Director Don Sopak explained the \$48,700 reduction in the costs.

Vice Mayor Phillips asked what the exact amount should be in the motion.

City Manager Brobeil said the contract amount is \$405,321.90 and the Progress Energy, Inc, amount is \$38,350.00.

Councilmember Stull stated that she is in favor of the original list of plants.

Mayor Yakes opened the Public Hearing.

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

A motion was made by Councilmember Stull and seconded by Councilmember King to adopt Resolution No. 2007-56.

VOTE:

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

UNANIMOUSLY APPROVED.

- e. 2007-57 A resolution of the City of Gulfport, Florida, authorizing the City Manager to amend the budget for Fiscal Year 2006/07 by increasing the 49th Street Redevelopment District Fund Budget for the Streetscaping Project; providing for funding; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-57 by title only.

City Manager Brobeil explained the resolution.

Public Works Director Don Sopak spoke about the changes needed.

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 Worthington to adopt Resolution No. 2007-57 with changes as stated by City Manager Brobeil.

Councilmember King asked if we are we taking the amount that is not grant funds of \$300,000 out of reserve funds.

City Manager Brobeil stated that stated that the first is from the Penny for Pinellas Fund and the second is from the fund balance that we have in the 49th Street Redevelopment fund. This will leave a balance of \$36,000 for future projects.

VOTE:

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

UNANIMOUSLY APPROVED.

- f. 2007-58 A resolution of the City of Gulfport, Florida, approving the Site Plan Application for the proposed conversion of one residential structure to office or commercial use for Mr. Pravit Silavutiset at 5409 Gulfport Boulevard South, legally described as Lot 13 and the South 8.00 feet of vacated alley on North, Block 35, Pasadena Gardens Gulfview Subdivision; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-58 by title only.

Principal Planner Hurley explained the resolution and stated that the Planning & Zoning Board recommended approval.

The applicant was present to answer any questions.

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 Resolution No. 2007-58.

VOTE:

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

UNANIMOUSLY APPROVED.

6. Any Other Business.

Councilmember Stull spoke about a meeting held to name Ward 4 and the official name was the Tangerine Park District. She said she would like the approval of City Council for this name.

City Manager Brobeil said this can be put on as a resolution for the next Council meeting.

Councilmember Stull said it was also suggested that we plant some tangerine trees.

Councilmember Worthington stated he had attended the Agency on Bay Management meeting on May 14 and they had a summary for the May 12th meeting, which he read to Council. He said that one of the issues covered was Clam Bayou. A representative from National Oceanic and Atmospheric Administration (NOAA) offered assistance in seeking funding for resolution of the residents' concerns. In addition to NOAA's offer to assist us, Agency on Bay Management will see what they can do. He also stated that the City of Gulfport Hurricane conference will be May 31 at 8:00 p.m. at the Hickman Theater.

Councilmember Worthington said that he had the occasion to ask other cities if they had a set of council rules. He spoke about problem of not having a procedure for putting resolutions on the agenda and thinks we should put together rules of order for City Council. He stated that he has a copy from Indian Rocks Beach of a resolution that they operate by. He stated that we will continue to ask other municipalities for their rules of order and he asked the City Clerk to make copies for City Council, the City Attorney and City Manager and this can be discussed at another time.

Councilmember King offered congratulations to a young Gulfport resident, Stacie Woodrum, who has been bicycle racing for about seven years now and she is now the Florida State Champion.

Vice Mayor Phillips stated that the Fourth Neighborly Care Network wants \$20,000 from the City of Gulfport. He said he would not be in favor of this.

City Manager Brobeil said these requests are sent to local governments. He stated that we provide a congregate dining facility under which they operate their program and we also operate the GEMS program, which takes a huge burden off their program.

Vice Mayor Phillips spoke about his recommendation to allow boats, trailers and RV's of Gulfport residents only to be parked at the 49th Street Center.

Vice Mayor Phillips spoke about the recent loss of extremely important papers, (a letter from the Governor) and therefore loosing confidence in the City Clerk he is requested that the

Louise Spence be replaced. He spoke of some other issues in the past few years including the loss of his Agenda Book. He stated that he had asked the Deputy City Clerk to call the Governor's office and get a copy of the letter faxed to the office, which she did. Mayor Yakes asked if there were any other concerns.

Councilmember Worthington spoke about concerns about putting items on the agenda and he understands that there is no standard method of operation. He stated that a long time ago he had asked that temporary person start going to training seminars to get certified as a deputy clerk. He said that he was disappointed that the training was not pursued and he would like Council to adopt a standard operating procedure. He said that he would be in favor of a special meeting.

Councilmember King stated she felt this should be brought up at a special meeting. She said we are already pursuing the aspect of a City Attorney/City Clerk and she would like to see what is there.

Mayor Yakes said that he feels the merger of the City Attorney and City Clerk positions is feasible and suggested that a meeting be held to discuss this.

(Note: City Clerk Spence was not given an opportunity to respond.)

Mayor Yakes spoke about proposed town meetings and stated we would come back with the structure of that. He stated we would need a staff person and the Chairperson does not have to be the mayor and minutes would need to be kept.

Councilmember Stull said she has a regular work schedule and daytime meetings are extremely difficult for her to attend.

Mayor Yakes stated he has contacted the Pinellas Delegation and invited three representatives to come to our City on June 5th to show them what we have in the City.

Councilmember Worthington asked if this June 5th meeting would be a public meeting.

Mayor Yakes stated that it would not be a public meeting; he only plans to show them around the City.

7. Adjournment.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to adjourn at 10:34 p.m.

UNANIMOUSLY APPROVED BY ACCLAMATION.

Date Approved

Michael J. Yakes, Mayor

Louise M. Spence, City Clerk