

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, December 1, 2009

The Regular Meeting of the Gulfport City Council was held on Tuesday, December 1, 2009, in the City Hall, City Council Chambers, 2401 53rd Street South, Gulfport, Florida.

Michael J. Yakes, Mayor, called the meeting to order at 7:00 p.m. The invocation was given by Vice Mayor Robert Worthington, followed by the Pledge of Allegiance.

Roll Call:

Present were Councilmembers Judy Ryerson, Michele King and Samuel Henderson; Vice Mayor Robert Worthington; Mayor Michael J. Yakes, City Manager James O'Reilly; Attorney Caitlin Sirico representing Interim City Attorney Andrew Salzman and City Clerk Lesley DeMuth.

Mayor Yakes explained that the search process for a City Manager would not be necessary, and Agenda Item eight would be stricken.

1. Public Session.

Mayor Yakes opened the Public Session.

Margarete Tober, 1513 59th Street S., spoke on her concerns associated with the proposed Bench Ordinance and recalled comments from the Planning and Zoning Board meeting regarding their discussion on this issue. She described the bench signs as ugly, and showed some examples of bench advertising.

Jennifer Salmon, 1207 60th Street S., spoke on her concerns regarding the materials in the use of the bench seating/advertising, and asked the Council to consider limiting the Ordinance to just non-profit groups.

Jerry O' Regan, 4811 Coronado Way S., said the benches come with a price, and suggested they look into available grants to acquire some benches and consider sponsoring "memorial benches" in honor of people who loved Gulfport.

Lee Stapella, 3025 York Street S., said she was the one who mentioned the free benches through grants, and spoke on ethics saying it behooves the Council to make every effort to avoid any conflict of interest that may be associated with matters they had to vote on.

John Frieberger, 4722 Tradewinds Drive S., congratulated Jim O'Reilly for becoming their full time City Manager, and asked about the status of filling the Safety Director/Police Chief and City Attorney positions. He requested the public have the opportunity to speak on resolutions and ordinances after the motion and Council discussion has taken place.

Bob Feckner, 5626 25th Avenue S., Fleet Captain of the Gulfport Yacht Club extended their appreciation to the City for their assistance during the recent Global Regatta and provided a brief overview of the event.

Lori Rosso, 5701 Shore Blvd, expressed gratitude to the City for their support and announced the upcoming events by the Gulfport Chamber of Commerce and encouraged everyone to come out.

A young man came forward and asked what they could do to get the other side of Gulfport information about what they were advertising and the events going on.

Mayor Yakes responded that there were organizations working together e.g. the Chamber and the Economic Redevelopment Board to provide information about Gulfport, and specifically the Waterfront District (*which the young man previously called about*), to help build revenue.

After receiving all public comment, Mayor Yakes closed the Public Session.

2. City Manager Report.

City Manager O'Reilly had provided Council with requested information which clarified Resolution No. 2008-43 from Interim City Attorney Salzman.

City Manager O'Reilly announced that on Friday there would be an interruption in service at City Hall and said the City Clerk's Office, a portion of the City Manager's Office and parts of Administration will be closed for the initial treatment of a mold problem they have in the building, and Council would receive a report upon conclusion of the clean-up effort.

Councilmember Ryerson asked when the Council Chambers would be done.

City Manager O'Reilly said they would have a full report afterwards.

Vice Mayor Worthington stated he knew they were going to treat the symptom, and asked if they were going to go after the cause, recognizing it would be a very expensive part of the process but added, he believed in order to save money in the long run and possibly the health of employees, they needed to address the cause of the problem.

City Manager O'Reilly stated they would follow-up on that.

3. City Attorney Report.

Attorney Sirico said that Interim City Attorney Salzman has already provided Council with the reports they requested, and she had nothing further.

4. Consider approval of the Council Meeting minutes of November 3, 2009.

Motion by Vice Mayor Worthington, second by Councilmember King to approve the Council Meeting Minutes of November 3, 2009.

UNANIMOUS APPROVAL BY ACCLAMATION.

5. Ordinance:

2009-15, **Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, readopting Section 22-6.10 of the City Zoning Code; 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 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.

The City Clerk read Ordinance No. 2009-15 by title only.

Mayor Yakes opened the Public Hearing.

Neither hearing nor seeing anyone further who wished to speak, Mayor Yakes closed the Public Hearing.

Motion by Councilmember King, second by Councilmember Henderson to adopt Ordinance No. 2009-15 on Second and Final Reading.

Councilmember Henderson stated he was glad to see this coming through.

ROLL CALL:	VICE MAYOR WORTHINGTON	YES
	COUNCILMEMBER KING	YES
	COUNCILMEMBER RYERSON	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

6. Resolutions:

- a. 2009-115, **A resolution of the City of Gulfport, Florida, authorizing the Interim City Manager to award the bid for the purchase of a Tandem Axle Trailer from US Jetting, LLC; and providing for an effective date.**

The City Clerk read Resolution No. 2009-115 by title only.

City Manager O'Reilly explained the Resolution and said that Mr. Sopak could answer any questions.

Vice Mayor Worthington asked what was the PSI (*pounds per square inch*) output of that was.

Public Works Director Sopak said the PSI was 3,000, and explained they used the sewer cleaner for emergency clogs and described average use of the old sewer cleaner over a period of eight years, was about 2,800 hours.

Mayor Yakes noticed according to the specs, that the newer equipment did not have a clutch which was a very heavy maintenance issue.

Councilmember King asked if the normal life expectancy was eight years.

Director Sopak explained it was an average life expectancy, depending on the elements and that many cities commonly use them.

Councilmember King asked who did the maintenance on them.

Director Sopak explained the vendor has mobile units servicing Florida and they maintain the equipment locally, in Tampa. He said there was a two year warranty on the equipment.

Councilmember Henderson said he was glad they were able to get it for \$13,000 under budget.

Mayor Yakes opened for Public Discussion.

Jennifer Salmon, 1207 60th Street S., asked for clarification about the distinction as to when to use an outside contractor as opposed to handling problems inside (*City staff/equipment*).

Director Sopak explained the larger commercial truck had been in her neighborhood because a sewer lining job was approved at the end of the last fiscal year, which entailed a heavier cleaning of the lines so the liner would adhere to the pipe.

Neither hearing nor seeing anyone further who wished to speak, Mayor Yakes closed the Public Discussion.

Motion by Vice Mayor Worthington, second by Councilmember Ryerson to approve Resolution No. 2009-115.

ROLL CALL:	VICE MAYOR WORTHINGTON	YES
	COUNCILMEMBER KING	YES
	COUNCILMEMBER RYERSON	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

b. 2009-116, A resolution of the City of Gulfport, Florida, appointing an alternate member to serve on the Historic Preservation Committee; providing for term of appointment; and providing for an effective date

The City Clerk read Resolution No. 2009-116 by title only and announced David Steinke was recommended to be the Alternate by the Historic Preservation Committee.

Mayor Yakes opened for Public Discussion.

Neither hearing nor seeing anyone further who wished to speak, Mayor Yakes closed the Public Discussion.

Motion by Councilmember King, second by Vice Mayor Worthington to approve Resolution No. 2009-116, appointing David Steinke as the Alternate on the Historic Preservation Committee.

ROLL CALL:	VICE MAYOR WORTHINGTON	YES
	COUNCILMEMBER KING	YES

COUNCILMEMBER RYERSON	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED.

7. Consider acceptance of Phase I of the City Council procedures and protocols.

City Manager O'Reilly explained that Phase I was developed through Workshop discussion and as a result of collaboration between himself and the City Clerk to bring forward a framework for adopting protocols and rules of operation in order to establish a form of decorum for the meetings, and he added there would be future discussions as Council directs, to build upon it.

Vice Mayor Worthington said he especially liked the separation of New Business, Old Business and Council Reports, and said the only thing he thought should be different when televising, was that they also include showing the City Attorney and City Manager with Council on camera, since they provided input.

Councilmember King thought the product from the Workshop was very good and was glad they were moving forward with it.

Councilmember Ryerson agreed, and thought the seating arrangement idea worked quite well.

Councilmember Henderson agreed with Vice Mayor Worthington's suggestion regarding the camera placement to include the City Manager and City Attorney or everyone on the dais would be acceptable too. He stated he was glad they were moving toward the consent agendas, and thought it would simplify things. He asked for clarification regarding placement of items on the agenda and the Mayor's ability; were they referring to the ability to prioritize agenda items as opposed to omitting items requested.

City Manager O'Reilly said the Mayor would not have any management of the agenda but he would have the ability to prioritize items.

Councilmember Henderson thought the informal Workshop discussion setting where Council sat together at a table worked well, was extremely beneficial, and hoped it would continue.

Mayor Yakes said he felt Phase I brought out some very important issues which needed to be put together in a protocol.

Mayor Yakes opened the discussion to public comment.

Lee Stapella, 3025 York Street S., inquired about the Workshop Minutes for the October 9, 2010 Meeting and commented that the audio was not very good, and suggested the Sunshine Law was violated.

In response, Attorney Sirico stated that the meeting, through proper notification, was made available to the public and said the Council could consider this agenda item pursuant to following Sunshine Law.

Al Davis, 2790 45th Street S., described what he understood of the Workshop as a limitation on the public as to what they could say, do, and present and the manner in which they could present it, which sounded to him like a First Amendment infringement and expressed his concerns.

John Frieberger, 4722 Trandewinds Drive S., spoke on the changes to decorum and his concerns regarding respect between the citizens and the Council; stating, it was a two way street.

Neither hearing nor seeing anyone further who wished to speak, Mayor Yakes closed the public discussion.

Vice Mayor Worthington explained that they were just taking a consensus and did not feel there was any intent to try to prevent the citizens of Gulfport from participating, or being involved, and he hoped they could all work together.

Councilmember Henderson said the point of Council having the Workshop was to try and streamline the meetings; for staff as well as the people attending the meetings in order to improve the process.

Mayor Yakes agreed saying they hoped to accomplish more and take their time as they developed the procedures with definite improvements, and not just change. Mayor Yakes said they would make some changes regarding the audio and appreciated the public's input.

City Manager O'Reilly said they would begin to implement some of these changes.

8. Consider the search process for a City Manager.

At the beginning of the meeting the item was stricken from the Agenda.

9. Any other business.

In response to Vice Mayor Worthington, City Manager O'Reilly said the Mayor would be speaking on the issue of the City Attorney, and acknowledged Vice Mayor Worthington's opinions; that a full time Attorney was not necessary, and the current Interim City Attorney's firm was very capable and should be considered for hire.

Vice Mayor Worthington reported that the CERT team donated \$200 to the Senior Center for food supplies for the elderly and needy and mentioned the upcoming Operation Santa Claus Program.

Councilmember King said there were 40 families signed up for Operation Santa, and that the need was greater this year. She mentioned a magazine who has offered a free subscription to anyone donating to Operation Santa and said to contact Francine in the Police Department for more information. She said Tampa Bay Estuary has done a report on Clam Bayou and based on citizen's concerns, requested a consensus of Council to invited Tampa Bay Estuary to present the findings in that report.

Vice Mayor Worthington was in favor of having Swift Mud also present their report from 1995.

Councilmember Henderson was in favor of bringing it forth for discussion.

Councilmember Ryerson agreed.

Mayor Yakes stated he would like to look at it, and thought they should schedule it.

Councilmember Henderson said he thought they should also invite the Water Management District (*Swift Mud*) here also.

Councilmember King stated she believed the report mentioned both organizations.

Councilmember Ryerson said the antique Fire Engine was running, and it delivered "Santa Claus" last night and she was thrilled to see over 200 people there. She also mentioned Gulfport the Musical, and hoped to see everyone there.

Councilmember Henderson asked for Council consensus to have a presentation sometime after the New Year, from Code Enforcement and the Police Department about the noise ordinance and the status of Code Enforcement issues for discussion.

City Manager O'Reilly agreed that Staff would prepare information regarding Code Enforcement, Recreation Vehicles and the noise ordinance for a January Workshop discussion.

Councilmember Henderson asked if there had been any problems associated with the first Saturday of the month yard sale/amnesty permit process, and stated he had received some requests to extend that to the first full weekend of the month. He asked if they could bring that back for Council vote.

City Manager O'Reilly confirmed there had not been any problems reported and Council established it by Resolution, so if he wanted to amend it they would need to bring it back to Council.

Councilmember Henderson announced that Monday December 14th at 6:00 p.m. he was doing a meeting for Ward IV residents at the Neighborhood Center and following that would be the Crime Awareness Meeting, at a location to be determined, either the Neighborhood Center or JASR Training, located next door to the Center.

City Clerk DeMuth confirmed that the Public Records Town Hall Meeting at the Catherine Hickman Theater was on the 17th and there were flyers in the back of the room.

Mayor Yakes explained he was not satisfied with the update or type of service they were receiving from Governance and said that Andrea Moore from Governance has been assigned to specifically assist in the search for a City Attorney-fulltime as well as looking for a part time City Attorney. Mayor Yakes stated he had asked Governance to come to the next meeting to address the issue.

Vice Mayor Worthington stated this would be the third trip to Gulfport, and he did not think they needed to keep bearing the travel expense to bring Governance here.

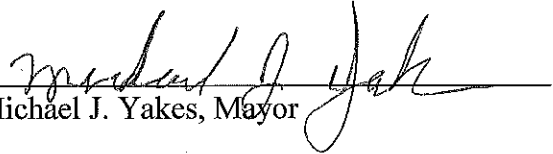
Mayor Yakes agreed with Vice Mayor Worthington, and clarified that he requested they come at their own expense not the City's.

10. Adjournment.

Motion by Vice Mayor Worthington, second by Councilmember Henderson to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: 4-6-10


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk