

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, August 17, 2010

The Regular Meeting of the Gulfport City Council was held on Tuesday, August 17, 2010, 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 Councilmember Jennifer Salmon, followed by the Pledge of Allegiance.

Roll Call:

Present were Councilmembers David Hastings, Jennifer Salmon and Samuel Henderson; Vice Mayor Michele King; Mayor Michael J. Yakes; City Manager James O'Reilly; Attorney Caitlin Sirico representing City Attorney Andrew Salzman, and City Clerk Lesley DeMuth.

1. Public Session.

Lori Rosso, 5701 Shore Boulevard S., speaking as a Board Member of the Merchants Association, advised Council their proceeds from Geckofest will be going to the City this year for the Centennial Celebrations, particularly the fireworks.

Margarete Tober, 1513 59th Street S., spoke on the Sunset Cruise and read into the record a statement regarding a request that was made to the Gabber for a retraction. Ms. Tober asked when Council was going to look at recommendations of Charter Review Committee and questioned the outcome of Council's brainstorming session on budget priorities.

City Clerk DeMuth responded that discussion on the Charter Review Committee's recommendations is scheduled for the Workshop of August 26, and City Manager O'Reilly responded that the workshop on Council priorities was for informational purposes for Staff, but will make that information available to her.

Bonnie Bray, 3058 56th Street S., requested Council readdress the possibility of legalizing golf carts in Gulfport. Mayor Yakes asked for a consensus from Council to bring this issue back up for discussion. Councilmembers were in support of readdressing this issue except for Vice Mayor King.

Robert McCourt, 5621 Tangerine Avenue S., questioned whether bicycles could be used in the skate park. City Manager O'Reilly stated the issues regarding allowing bicycles on our skate park is the compatibility with skaters, and that the equipment is not built for bicycles. Mayor Yakes suggested City Manager O'Reilly meet with Robert and report back to Council. City Manager O'Reilly advised that any change in the use and/or rules will require Council action. Councilmember Henderson asked to be included in the meeting.

Bob Lasher, Pinellas Suncoast Transit Authority, provided a handout of the Authority's proposal to raise fares, and he spoke on the Transportation Task Force.

City Manager O'Reilly advised Council he has received correspondence from the Regional Task Force on Transportation requesting permission to make a presentation before Council. City

Manager O'Reilly stated he would like to schedule this presentation for the next Council Meeting. There was no objection from Council.

2. City Manager Report.

City Manager O'Reilly reported:

- He would like to recognize two long-term retiring employees at the next Council Meeting.
- The Board of County Commission adopted the 3:00 a.m. change for alcohol sales. Presently the City is operating under the new countywide ordinance and he will ask City Attorney Salzman to bring back an ordinance to formalizing this change.

In response to a question by Councilmember Salmon, City Manager O'Reilly reported on PACE Program funds.

Councilmember Salmon asked if City Council has a role in Geckofest. Lori Rosso, Gulfport Chamber of Commerce/Merchants Association, advised that the City is a Co-sponsor and they have been working with the City to promote the event. As always, they welcome Council's participation and the Mayor's participation in the walking parade. City Manager O'Reilly stated he will provide Council with a schedule of Geckofest events.

3. City Attorney Report.

Attorney Sirico had no report. Mayor Yakes asked that City Attorney Salzman contact him to provide an update on the fence ordinance.

4. City Clerk Report.

City Clerk DeMuth reported City Council has changed the time of the August 26, Workshop to 3:30 p.m.

5. Consent:

- Consider approval of Minutes: June 1, 2010, Workshop; June 15, 2010, Workshop; June 15, 2010, Council Meeting; July 6, 2010, Council Meeting; July 20, 2010, Council Meeting.

Motion by Councilmember Hastings, second by Councilmember Henderson to approve the minutes.

UNANIMOUS APPROVAL BY ACCLAMATION

- 2010-48, A resolution of the City of Gulfport, Florida, authorizing the City Manager to sell Sewer Trailer Mounted Jet Rodder No. 75 at the Gov Deals Auction; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-48 by title only.

Motion by Councilmember Hastings, second by Councilmember Henderson to approve Resolution No. 2010-48.

UNANIMOUS APPROVAL BY ACCLAMATION

6. Ordinances:

- a. 2010-09, First Reading: An ordinance of the City of Gulfport, Florida providing for amendment of Article II of Chapter 22 of the Code of Ordinances amending the definition for Mixed Use and adding definitions for Temporary/Tourist Lodging Unit and Temporary/ Tourist Lodging; by adding a new Section 22-5.16 thereto; providing for a new 49th Street Redevelopment Master Overlay District to include a Commercial/Mixed Use Overlay District, a Tangerine Parkway Overlay District and a Live-Work Overlay District; providing for land development regulations for these overlay districts; providing for certification of consistency with the Comprehensive Plan and 49th Street Corridor Community Redevelopment Plan; 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.

The City Clerk read Ordinance No. 2010-09 by title only.

Community Development Director Fred Metcalf provided an overview of the proposed Ordinance. He advised Council that the Planning and Zoning Board has reviewed the Ordinance and recommends approval with one change in the Live/Work Overlay District. The Board asked that Council consider removing the requirement that persons employed have to be family members residing on the property.

Councilmember Henderson asked if someone who has a business based out of their home would be restricted from having off-site employee, and Community Development Director stated no.

Councilmember Salmon stated she was pleased to see that on-site parking shall be made of pervious surfaces, unless it is handicapped parking. She asked if the requirements for Temporary Lodging and Bed and Breakfast were the same. Director Metcalf explained that Temporary Lodging is allowed in the Commercial Overlay District and not allowed in any of the other Overlay Districts with the exception of a Bed and Breakfast which is allowed in the TPOD Area. This is an owner/tenant occupied use; in other words whoever is operating the Bed and Breakfast has to live there and the Bed and Breakfast is accessory - it is a transient use. In response to questions by Councilmember Salmon, Director Metcalf explained that a projecting sign is a sign that projects perpendicular to a plane; like a wall, and the only signs that can be lit are in the Tangerine area and only during day light hours. Councilmember Salmon felt if we are trying to build up some sort of a market it does make sense to have some limited employees who are not related and if parking is a way of limiting it, she would go along with it.

Vice Mayor King stated she was ready to move forward and would not make any changes to the Ordinance.

Councilmember Hastings spoke in favor of keeping the Ordinance as it is.

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

Motion by Vice Mayor King, second by Councilmember Henderson to approve Ordinance No. 2010-09.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED

b. 2010-11, First Reading: An ordinance of the City of Gulfport, Florida enacting Article III, Red Light Safety Act, establishing Section 20-43, Legislative Findings and Purpose; 20-44, Definitions; Section 20-45, Adherence to Red Light Traffic Control Signals; Section 20-46, Use of Traffic Infraction Detectors; Section 20-47, Introductory Period; Section 20-48, Penalties for Failure to Adhere to Red Light Traffic Control Signals; Section 20-49, Enforcement of Adherence to Red Light Control Signals using Traffic Infraction Detectors; Section 20-50, Notice of Violation; Section 20-51, Affidavit of Non-responsibility; Section 20-52, Signage; Section 20-53, Authority of City Manager to Promulgate Rules and Procedures to Implement this Ordinance; Section 20-54, Admissibility of Recorded Images in Enforcement Proceedings; Section 20-55, Severability; providing an effective date; and providing for repeal of ordinances in conflict herewith to the extent of such conflict.

The City Clerk read Ordinance No. 2010-11 by title only.

City Manager O'Reilly advised Police Chief Vincent was present to answer questions.

Councilmember Salmon stated the wording on Page 5 was different from what Council heard. She thought we were going to work with a contractor. Police Chief Vincent stated the City is going to work with a contractor to do this. They would pay the contractor and the contractor would pay the City. Penalties are also paid to the City.

City Manager O'Reilly stated the contractor would be the City's agent.

Councilmember Hastings asked if Florida Statute 316.003(21) included bikes, and Police Chief Vincent stated it is still illegal to run a red light on a bicycle, but there is no way to capture the violation to identify who did it. If an Officer observes it, they can write a ticket.

In response to a question by Councilmember Salmon on the right turn on red in a careful and prudent manner, Police Chief Vincent explained the Statute simply says that we may issue the violation notices if the right on red was made in a manner that was not careful and prudent. The City has gone the extra step by defining careful and prudent. Chief Vincent stated his biggest concern is consistency and when this is put in place he is going to designate one person to be the reviewing officer so that we know everyone is treated the same.

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

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Ordinance No. 2010-11.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED

7. Resolutions:

- a. 2010-49, A resolution of the City of Gulfport, Florida, supporting the Florida Hospital Patient Protection Act of 2011; and providing for an effective date.

The City Clerk read Resolution No. 2010-49 by title only.

Mayor Yakes opened for public discussion.

Gwen Collins, 5140 14th Avenue South, advised Council if they voted this in, they would be the first in the State.

Councilmember Hastings asked where the "Whereas" clauses in the Resolution came from.

Ms. Collins stated they came from research articles or from facts they are finding.

Councilmember Hastings stated he is not opposed to the concept, but wondered if as a City Council they were agreeing to all the "Whereas" clauses without really knowing if they are fact.

Councilmember Henderson asked if there is a legal issue with sighting references and if so can they omit the references and pass the Resolution without them.

Attorney Sirico stated the question is two-fold. You do not want to adopt something that has percentages and factoids in it without cross checking your references, but at the same time you have the question of whether you want to site those at all. The reason the "Whereas" clauses are there is to paint a picture of why the Resolution is being passed. It is the prerogative of the municipality of how they want to portray the message to its citizens and other members of the community. With regard to the cross checking it is up to Council on how they would like to proceed with making sure the facts are clear, and the other issue Council may want to address is whether or not they want to eliminate the resources all together.

In response to a question by Councilmember Salmon on how the resolution was written, Ms. Collins advised that the referenced articles should have been included in the packet that was previously provided to Council. Councilmember Salmon stated that the references were all reputable and she was familiar with the publications, but she did not personally cross check them.

Councilmember Henderson felt something Council needed to keep in mind is that we are not saying there is no other information that would be accurate from a different study. We are saying the information in the Resolution is referenced in the articles mentioned.

City Manager O'Reilly pointed out that Council is endorsing the position by using facts given to them.

Councilmember Salmon suggested the Resolution would be just as effective without the "Whereas" clauses; as it would still be a statement in support.

Mayor Yakes stated his position again on Resolution overload and that a Council action letter is just as effective.

Councilmember Hastings asked how Council felt about Councilmember Salmon's suggestion to eliminate all the "Whereas" clauses.

Councilmember Salmon also suggested Council could keep the last "Whereas" and the "Now Therefore" clause.

Vice Mayor King stated if Council was to pass the Resolution the way it is, all we are saying is that there was a reputable source that gave us this information. It does not say that we researched it; it does not say we know anything about it except that we have been provided this information through this source.

Bob Newcomb, 921 Fremont Street S., felt it was not the place for our City to take a position on labor management issues.

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

Motion by Councilmember Henderson, second by Vice Mayor King to approve Resolution No. 2010-49.

City Manager O'Reilly advised Council they could easily remove the "Whereas" clauses and adopt the title in support of the program and not support the facts if that makes Council more comfortable.

Councilmember Henderson stated he is comfortable the way it is, but he would rather see it pass than not pass at all.

Councilmember Salmon pointed out that the SEIU is named in the Resolution and they are a labor union. She suggested taking out the "Whereas" statements except for the last one making it a much more straight forward document and Council would not be condoning something we have not actually read.

Vice Mayor King stated she can pass it the way it is and would still vote in favor of it if were to be amended. She did not feel this is a labor issue.

Mayor Yakes asked Attorney Sirico for an opinion on the labor issue. Attorney Sirico stated it is up to the Board. There are a couple of "Whereas" statements which paint a big picture opposed

to citing specifics. She believed the sixth one down does not cite any sources and the second to the bottom just talks about registered nurses in general and the accountability and safety issues. She stated she can also make the recommendation if it is a concern about the sources and putting that kind of image out there keeping it opinionated rather than factual.

Councilmember Henderson moved and Vice Mayor King seconded the motion to amend their motion on the floor to include the "Whereas" statements that is fourth from the bottom, the bottom two "Whereas" statements, and that all other "Whereas" statement be omitted from the Resolution.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED

- b. 2010-50, A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into an Agreement with the Pinellas County Sheriff's Office for the continuation of Forensic Crime Scene Services and Property and Evidence Collection and Storage Services for Fiscal Year 2010/2011; and providing for an effective date.

The City Clerk read Resolution No. 2010-50 by title only.

City Manager O'Reilly explained the Resolution.

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

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Resolution No. 2010-50.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED

- c. 2010-51, A resolution of the City of Gulfport, Florida, authorizing the City Manager to place the City's Long-term Disability Insurance coverage with Mutual of Omaha Insurance for Fiscal Year 2010/2011; and providing for an effective date.

The City Clerk read Resolution No. 2010-51 by title only.

City Manager O'Reilly explained the Resolution.

Councilmember Henderson asked if the \$27,901.88 is the total amount to be shared by all the divisions and City Manager O'Reilly stated that was correct.

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

Motion by Vice Mayor King, second by Councilmember Henderson to approve Resolution No. 2010-51.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED

d. 2010-52, A resolution of the City of Gulfport, Florida, authorizing the City Manager to place the City's insurance coverage for Employee Life and Accidental Death and Dismemberment Insurance with Mutual of Omaha Insurance for Fiscal Year 2010/2011; and providing for an effective date.

The City Clerk read Resolution No. 2010-52 by title only.

City Manager O'Reilly explained the Resolution.

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

Motion by Vice Mayor King, second by Councilmember Henderson to approve Resolution No. 2010-52.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED

e. 2010-53, A resolution of the City of Gulfport, Florida, authorizing the City Manager to place the City's Employee Health Insurance coverage with Public Risk Management of Florida, using Blue Cross Blue Shield of Florida, for Fiscal Year 2010/2011; and providing for an effective date.

The City Clerk read Resolution No. 2010-53 by title only.

City Manager O'Reilly explained the Resolution and provided, as requested, information on the deductibles and prescription plans for the current and proposed health insurance plans for City employees.

In response to a question by Councilmember Henderson, City Manager O'Reilly stated the PPO 719 and the HSA are offered to the employee and provide a different level of service. The plan the City is offering is the 1553.

Mayor Yakes opened for public discussion.

Margarete Tober, 1513 59th Street S., asked if the City gave any consideration to looking at a fee structure from a highly compensated vs. a non-highly compensated employee perspective.

Councilmember Salmon stated that it looks like the out-of-pocket maximum is less for an individual, and City Manager O'Reilly it is. City Manager O'Reilly stated it was his goal to provide insurance to 120 employees at no cost.

Josh Stone, Gulfport Police Department Employee, thanked City Manager O'Reilly and the HR Director for explaining the benefit packages and trying to get the best health insurance possible. He expressed his concerns for the lower paid employees with larger families and asked what can be done to defer the costs away from those employees who may be adversely affected.

Bob Newcomb, 921 Freemont Street S., encouraged the public to be attentive to the Council Workshop sessions.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve Resolution No. 2010-53.

Councilmember Henderson stated what Staff has come up with will be harder on some, but in the end the employees insurance does not change; it is still 100% subsidized by the City. This impact will be on the employees who have dependents.

In response to a question by Councilmember Salmon, City Manager O'Reilly explained that of the \$1,144.99 monthly cost of the Family Plan, the City does subsidize \$2,000 yearly towards that cost and picks-up the cost of the employee.

Councilmember Henderson asked hypothetically if the City had a windfall, could Council change this and City Manager O'Reilly stated that hypothetically they could.

Councilmember Hastings stated he did not know of any other company that looks at the employee compensation as a way to structure the amount that the employee pays for the family.

Vice Mayor King thought the fact that the City can still pay 100% of the employee coverage is remarkable.

Councilmember Salmon felt the City should be proud that this also includes domestic partners.

Mayor Yakes thanked the employees for what they give the City and spoke of his commitment for the City to give back at some date in time when it can.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES

MAYOR YAKES

YES

MOTION CARRIED

f. 2010-54, A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into an Agreement with the Pinellas County School Board; providing for a Gulfport Police Officer to provide School Resource Officer Services to Boca Ciega High School; and providing for an effective date.

The City Clerk read Resolution No. 2010-54 by title only.

City Manager O'Reilly briefly explained the Resolution and requested Police Chief Vincent to come forward to explain the Agreement.

Police Chief Vincent spoke on the increase the City will receive from the School Board and his plan to put an additional Police Officer at the high school.

In response to a question by Councilmember Hastings on the pay for other School Resource Officers, Police Chief Vincent stated the exact same rate is paid to every school. The extra \$23,000 the City is receiving is a stipend to cover the additional resources we are putting there. This pay is equivalent to one-half of the annual salary and benefits for a campus monitor; and four campus monitors are already employed at the school. Chief Vincent spoke on the calls and support our officers are providing at the school.

Councilmember Salmon asked Police Chief Vincent if he had the authority to do Problem Orientated Policing in the school and he stated he did. Police Chief Vincent stated one of the goals of the existing School Resource Officer was to establish a campus wide youth crime watch program, but there has not been an opportunity for him to do it. The Officer does a very good job and is busy from 6:30 in the morning to 3:00 in the afternoon every day.

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

Motion by Vice Mayor King, second by Councilmember Hastings to approve Resolution No. 2010-54.

ROLL CALL: COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED

8. Old Business.

Councilmember Salmon stated she was frustrated that the City has not started the new expanded recycling program. City Manager O'Reilly advised that Public Works Director Sopak will be reporting to Council on this in September.

9. New Business.

In response a statement by Councilmember Salmon on Council revisiting the golf cart issue in a Workshop, City Manager O'Reilly stated that was the consensus.

Councilmember Salmon wondered since Amendment 4 was going to be on the ballot, if the City would like to offer the Casino as a forum for debate. City Manager O'Reilly stated there is an issue with the City's participation, but a venue could be offered to hold such a debate. There was no objection from Council to Mayor Yakes speaking with the Suncoast League of Cities to see if they have an interest in holding a debate as they did last year on offshore drilling.

Vice Mayor King spoke on Geckofest and the Gulfport Centennial Art Celebration. City Manager O'Reilly advised, as in the past, the Mayor will purchase a piece of art in support of this program to be displayed within the City.

10. Council Reports.

Councilmember Salmon reported on "GOLD" Gulfport Organic Landscaping Days and provided a flyer for Council's information.

Councilmember Henderson reported he posted government representatives, from the State level down, on his City webpage, and he will be attending the FLC Conference this weekend.

Mayor Yakes commented on the youths who use the skate park, and the assistance the City is providing by offering helmets through the Police Department.

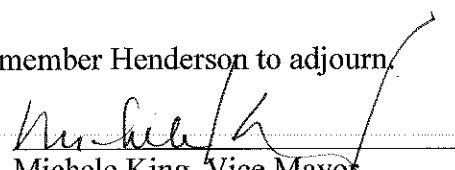
City Manager O'Reilly reminded Council he will be on vacation the remainder of the week. IT Director Sam Rivera will be in charge, but he will be available by phone in case of an emergency.

11. Adjournment.

Motion by Councilmember Hastings, seconded by Councilmember Henderson to adjourn.

Date Approved: 9-21-10


Lesley DeMuth, City Clerk


Michele King, Vice Mayor