

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, September 6, 2011

The regular Meeting of the Gulfport City Council was held on Tuesday, September 6, 2011 in the City Hall, City Council Chambers, located at 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 Barbara Banno, followed by the Pledge of Allegiance.

Roll Call:

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

Presentation:

Mayor Yakes presented a Proclamation to Vice-Mayor David Hastings.

Mayor Yakes explained the procedures for public speaking at the Council Meeting.

1. Public Session.

Rudy Leopold, 4938 26th Avenue S., expressed his belief that Gulfport should not abolish the police or fire department and asked about the costs of the Dispatch Department.

Bill Esielionis, 5314 31st Avenue S., said he is against eliminating the Dispatch Department.

Lee Stapella, 3025 York Street S., thanked the council for honoring Vice Mayor Hastings and commented on the dress code of the city being too formal.

Gil Wheelehan, 6033 2nd Avenue S., St. Petersburg, member of the Suncoast Benevolent Association talked about adjustments to the budget he believed were needed instead of layoffs.

2. City Manager Report.

City Manager O'Reilly provided council with a copy of the annual Local Mitigation Report.

3. City Attorney Report. City Attorney Salzman reported he and the City Clerk are working on the finalization of the referendum, special master and code enforcement ordinance changes. Councilmember Salmon asked City Attorney Salzman if it was possible to procure a pro bono Magistrate from Stetson; he advised he would check into this issue.

4. City Clerk Report. No Report

5. Consent:

- a. Resolution 2011-43: A resolution of the City of Gulfport, Florida appointing members to the Teen Council; providing for terms of appointment; and providing for an effective date.

City Clerk DeMuth read the consent agenda and the names of those recommended for appointment.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve the consent agenda.

UNANIMOUS APPROVAL BY ACCLAMATION

6. Ordinance:

- a. 2011-13, First Reading and Public Hearing; an Ordinance of the City of Gulfport, Florida, amending Chapter 17, Streets, Sidewalks, Parks and Parkways, Article II, Parks, establishing Section 17-31, Cigarettes, Cigars, and Tobacco Products Prohibited; Enforcement, Remedies and Penalties; providing for the repeal of ordinances, in conflict herewith, to the extent of such conflict; providing for the severability; and providing for an effective date.

City Clerk DeMuth read Ordinance 2011-13 by title only.

City Manager O'Reilly explained the Ordinance.

Motion by Councilmember Henderson, second by Councilmember Banno to table Ordinance No. 2011-13, for discussion at a workshop.

MOTION CARRIED 4 to 1.

- a. 2011-14, First Reading and Public Hearing; an Ordinance of the City of Gulfport, Florida, setting the election and qualifying dates for the 2012 municipal general election; and providing for an effective date.

City Clerk DeMuth read and explained Ordinance 2011-14.

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 Banno to approve Ordinance 2011-14.

Councilmember Salmon asked a question about the number of days for the qualifying period which was explained by City Clerk DeMuth.

In response to a question by Councilmember Banno, City Clerk DeMuth said there was discussion at the workshop to re-visit the city's qualifying dates, but this Ordinance is only for 2012.

ROLL CALL:	COUNCILMEMBER BANNO	YES
	VICE-MAYOR HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

7. Resolution:

- a. 2011-44. A resolution of the City of Gulfport, Florida, accepting the City of Gulfport Brownfields Redevelopment Program document prepared by Cardno/TBE; authorizing the city manager to seek an EPA Community Wide Brownfields Assessment Grant for Petroleum and Hazardous Substances; and providing for an effective date.

The City Clerk read Resolution No. 2011-44 by title only.

City Manager O'Reilly explained the Resolution and advised that Miles Ballogg, Brownfields & Economic Development Director at Cardno/TBE was available for questions.

Councilmember Banno asked if the \$400,000.00 grant would help to identify specific properties in the City to which City Manager O'Reilly responded yes.

Vice Mayor Hastings asked if there were any other companies other than Cardno/TBE that administered this program to which Mr. Ballogg shared success stories of grants obtained by Cardno/TBE in Florida and explained processes that the company utilizes.

Councilmember Henderson asked about the wording "clean up" of Brownfields sites and Mr. Ballogg stated this is the accepted terminology. Councilmember Henderson expressed his approval of the program.

In response to a question by Councilmember Salmon on the flow through of the money, Mr. Ballogg explained the two different kinds of designations and explained the State incentives, and tax credits available. He went on to explain how the funding, loans and sub-grants are traditionally utilized. City Manager O'Reilly confirmed this had nothing to do with the revolving loan program previously approved.

Mayor Yakes opened for public discussion.

Rosemarie Seawall, 6075 Shore Blvd. S., asked if Brownfields was for abandoned private and/or commercial property. The identification and procedures of clean-up for re-development was explained by City Manager O'Reilly and Mr. Ballogg.

Bob Newcomb, 921 Fremont St. S., discussed his understanding of the Brownfields program and expressed his support.

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

Motion by Councilmember Banno, second by Councilmember Henderson to approve Resolution No. 2011-44.

City Manager O'Reilly noted he will be soliciting letters of support for the grant application.

ROLL CALL:	COUNCILMEMBER BANNO	YES
	VICE-MAYOR HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- b. 2011-45, A resolution of the City of Gulfport, Florida approving special events during September 2011 and Fiscal Year 2011/2012; authorizing various city services and accommodations in accordance with Section 17-30 of the Code of Ordinances regarding special events; and providing for an effective date.

The City Clerk read Resolution No. 2011-45 by title only.

City Manager O'Reilly explained the Resolution.

Councilmember Banno questioned the use of the trolley every Friday and Saturday and its cost-effectiveness. City Manager O'Reilly advised he will research the number of passengers on the off weekends and will bring this information back to council.

In response to questions by Vice Mayor Hastings, City Manager O'Reilly spoke on the cost of funding events, event proceeds and how TIFF funds are utilized for these events.

Councilmember Henderson noted he would be interested in the trolley results and asked if any general fund dollars go towards the waterfront events to which the City Manager replied no.

Councilmember Salmon asked that the trolley route be reinforced to encourage people to use it, and also noted she was pleased with the variety of events on the list.

Mayor Yakes opened for public discussion.

Margarete Tober, 1513 59th Street S., said she was concerned that the city does not charge for any events during a time when we are concerned with budget cuts.

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

Motion by Councilmember Banno, second by Councilmember Salmon to approve Resolution No. 2011-45.

Councilmember Salmon asked about insurance liability coverage amounts to which City Manager O'Reilly advised that this coverage is required for the use of city facilities if the city is not a co-sponsor.

ROLL CALL:	COUNCILMEMBER BANNO	YES
	VICE-MAYOR HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- c. 2011-46, A resolution of the City of Gulfport, Florida authorizing the suspension of portions of Sections 4-11 and 4-25 of the Code of Ordinances of the City of Gulfport by allowing the sale and consumption of beer and wine in a designated area and during designated times for the Most Holy Name of Jesus Church Oktoberfest; providing for the suspension of Section 22-17.09 (d) of the Code of Ordinances to allow temporary signs on city property and/or rights-of-way; providing for authorization to hang temporary Oktoberfest banners and install temporary signs in accordance with Section 17-30 of the Code of Ordinances; providing for waiver of the festival license fee; providing for insurance requirements; and providing for an effective date.

The City Clerk read Resolution No. 2011-46 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. 2011-46.

ROLL CALL:	COUNCILMEMBER BANNO	YES
	VICE-MAYOR HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- d. 2011-47, A resolution of the City of Gulfport, Florida urging congress to adopt legislation that requires federal regulators and mortgage lenders to treat property assessed clean energy (PACE) assessments like others and to underwrite mortgages with PACE assessments; and providing for an effective date.

The City Clerk read Resolution No. 2011-47 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 Banno to approve Resolution No. 2011-47.

ROLL CALL:	COUNCILMEMBER BANNO	YES
	VICE-MAYOR HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- e. 2011-48, A resolution of the City of Gulfport, Florida authorizing the city manager to negotiate with the highest ranked responder to the City's "request for proposal" to provide third party administrator services for a Commercial Property Assessment Clean Energy (PACE) Program; and providing for an effective date.

The City Clerk read Resolution No. 2011-48 by title only.

City Manager O'Reilly explained the Resolution.

In response to questions by council, City Manager O'Reilly explained the ranking and scoring procedures used by staff during their review of the request for proposals to make their recommendation of Ygrene to council. He advised council it was specific in Ygrene's proposal, that there would be no cost to the City. City Attorney Salzman clarified that bids should be evaluated on the criteria that is given and that is how they are ranked.

Councilmember Henderson asked about preferential consideration for companies that were local to Gulfport and asked if both firms could be qualified to administer the plan to which City Attorney Salzman replied this was an option; agreements could be negotiated with both firms and brought back.

Councilmember Salmon stated the reasons why she thought Ygrene was the stronger of the two proposals, but expressed concern with the 7% interest rate, their assumption of residential properties, and the market analysis of Gulfport.

City Manager O'Reilly advised council if the City Attorney felt he could negotiate with both firms; he had no problem doing that. He could contact both firms and ask them to submit contracts. City Attorney Salzman suggested the contract proposals could be brought back to council during a workshop for discussion.

Councilmember Banno felt Ygrene offered the financial substance needed for this program, and did not necessarily agree with making an offer to both firms.

Councilmember Salmon suggested background checks be conducted on the two companies to verify their underwriting capacity.

Mayor Yakes opened for public discussion.

Mario Farias, Managing Director of FMG, urged the councilmembers to reconsider the Staff's recommendation against DMS, a local company, and noted there is no mention of a cost to the City in their Proposal.

Bob Newcomb, 921 Fremont Street S., said that when the City accepts a proposal the company chosen will reflect on the credibility of the City and suggested given the limited advantages of this program that council not utilize the PACE program.

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

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Resolution No. 2011-48 with an amendment to authorize the city manager to negotiate contracts with both companies stated in the Resolution.

Vice Mayor Hastings stated his opposition to the PACE program.

ROLL CALL:	COUNCILMEMBER BANNO	NO
	VICE-MAYOR HASTINGS	NO
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED 3-2.

8. Old Business.

Councilmember Henderson asked about the maximum littering fine to which City Attorney Salzman advised the maximum is \$250.00 per incident and \$500.00 for repeat offenses. He also asked about the Stetson internship and City Manager O'Reilly announced there is a new Dean at Stetson and he will provide their contact information to the city attorney.

9. New Business.

Councilmember Henderson asked the council for a consensus to raise the current littering fine to the maximum allowable by law. Council discussed the enforcement of littering, and it was agreed to discuss this item during a workshop.

Councilmember Henderson asked for council input on a solicitation ordinance restricting unrequested solicitors on properties. City Attorney Salzman advised an ordinance could be drafted to deal with this issue, and council was in agreement to discuss this issue during the November workshop.

Councilmember Salmon reported the Area 1 Crime Awareness Group will hold their annual pot-luck block party on October 15, and asked for a consensus of council to close Hull Street from 7th to 9th Avenues during the event. There was no objection from council.

Mayor Yakes spoke about nuisance trees around schools and asked the City Manager to look into funding from the State to remove the hazardous conditions.

10. Council Reports.

Councilmember Banno commended the Gulfport Merchants for the GeckoFest activities.

Vice Mayor Hastings reported that GeckoFest was a great event, he was informed that FEMA has mailed the letter on LOMAR, and he spoke on a possible red-light camera malfunction. Police Chief Vincent explained the red light camera system.

Councilmember Henderson reported on the upcoming Crime Awareness Meeting, the Tangerine Greenway litter clean-up, the Keep Gulfport Weird Triathlon and Blues Fest.

Councilmember Salmon thanked those involved with GeckoFest. She said she had spoken to many citizens, police chiefs, the Sheriff's Office, and numerous other people to gather information pertaining to the outsourcing of the Dispatch Department and she wanted to note for the record that the city will still have the Police Department. She also said that the four dispatchers will be offered jobs at the Sheriff's Office and went over information about how calls will be handled by the Sheriff's Office.

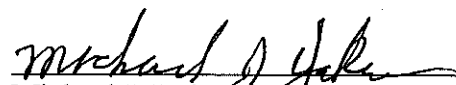
Mayor Yakes reported the first reading and public hearing on the Budget is September 8, he attended a tour the U.S. S. Independence, and thanked those who took part in GeckoFest.

12. Adjournment.

Motion by Councilmember Henderson, second by Councilmember Banno to adjourn.

Date Approved: 10-4-11


Lesley DeMuth, City Clerk


Michael J. Yakes, Mayor