



City of Gulfport Florida
Regular City Council Meeting Notice
Tuesday, March 7, 2017

City Hall – 2401 53rd Street South, Gulfport, FL 33707

7:00 p.m.

AGENDA

Call to Order

Invocation given by Vice Mayor Michael Fridovich

Pledge of Allegiance

Roll Call:

Presentation:

- Pinellas County Animal Services: Doug Brightwell, Director and James McGill, Field Emergency Manager.

1. Public Comment.

2. City Manager Report.

3. City Attorney Report.

4. City Clerk Report.

5. Consent:

- a. Consider approval of the Council Meeting Minutes of February 21, 2017.
- b. Resolution No. 2017-21: A resolution of the City of Gulfport, Florida, appointing a member to serve on the Gulfport Teen Council; providing for term of appointment; and providing for an effective date.
- c. Resolution No. 2017-22: A resolution of the City of Gulfport, Florida, reappointing a resident member to the General Employees' Pension Board; providing for term of appointment; and providing for an effective date.
- d. Resolution No. 2017-23: A resolution of the City of Gulfport, Florida, authorizing the Mayor to sign the letters of recommendation to submit the city's nominations for the Florida League of Cities 2017 Municipal Achievement Awards; and providing for an effective date.

6. Ordinance:

- a. 2017-01: Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Article I of Chapter 6 of the Code of Ordinances pertaining to Beaches, Boats, Boating and Waterfront Structures; providing for amendment of Subsection (11) of Section 6-1 Definitions, providing for amendment of Subsection (3) and Subsection (4) of Section 6-13.2 Living Aboard Vessel Prohibited; Exceptions; 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.

- b. 2017-02: First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport pertaining to the City of Gulfport General Employees' Pension Plan; amending Section 15-91, Definitions; amending Section 15-92, Membership; amending Section 15-96, Benefit Amounts and Eligibility; amending Section 15-97, Pre-retirement Death; amending Section 15-99, Optional Forms of Benefits; amending Section 15-103, Maximum Pension; amending Section 15-104, Minimum Distribution of Benefits; amending Section 15-112, Reemployment after Retirement; amending Section 15-115, Prior Government Service; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

7. Resolutions:

- a. 2017-24: A resolution of the City of Gulfport, Florida, amending fees for the Department of Leisure Services in accordance with Chapter 25 of the Code of Ordinances by establishing monthly fees for live-aboard berths at the Gulfport Municipal Marina; and providing for an effective date.
- b. 2017-25: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a five year (60 month) operational lease agreement with Communications Systems Management for a new telephony system; and providing for an effective date.
- c. 2017-26: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a contract with Ajax Paving Industries of Florida, LLC for yearly road resurfacing and reconstruction; and providing for an effective date.
- d. 2017-27: A resolution of the City of Gulfport, Florida, authorizing the city manager to execute a change order with Suncoast Development of Pinellas for the 31st Avenue South Waterline and Restoration Project; and providing for an effective date.

8. Council Comments/Informational Reports.

9. Adjournment.

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, February 21, 2017

The Regular Meeting of the Gulfport City Council was held on Tuesday, February 21, 2017, in the City Hall, City Council Chambers, located at 2401 - 53rd Street South, Gulfport, Florida.

Mayor Henderson, called the meeting to order at 7:00 p.m. The invocation was given by Councilmember Christine Brown followed by the Pledge of Allegiance.

Roll Call:

Present were Councilmembers Christine Brown, Daniel Liedtke and Yolanda Roman; Vice Mayor Michael Fridovich; Mayor Samuel Henderson; City Manager James O'Reilly; City Attorney Andrew Salzman and City Clerk Lesley DeMuth.

1. Public Comment.

Donald Banno, 2618 Tifton Street S., provided an update on the Gulfport Get Go.

Martha Weber, 2609 59th Street S., addressed the removal of no parking signage on 59th Street S. and presented a petition brought forth by residents at the south end of 59th Street South requesting council recommend to the city manager this be placed on the next council agenda for a discussion of solutions as requested within the petition.

Cheryl Segal, 6125 12th Avenue S.; Charles Rose, 6261 12th Avenue S.; and Ernest Stone, Preston Avenue S.; spoke in opposition to the request of Stetson University to close 61st Street South. Pictures of street flooding in the area of 12th and 13th Avenues at 62nd Street S. were presented.

Mayor Henderson recognized Ms. Love who thanked the city for the cigarette butt receptacle at the end of the pier, advised she is going to be a driving ambassador for Get Go, providing contact information, and gave a reminder of the upcoming Flamingo Tour.

Margarete Tober, 59th Street, provided an update on the Gulfport Neighbors upcoming activities and Gulfport being selected for the construction of a Habitat for Humanity Home.

Gary, 59th Street S.; Peter Forde, 2613 59th Street S.; Kathy Forde, 2613 59th Street S.; and Mike Dunsizer, addressed their safety concerns and the traffic problems at the southernmost part of 59th Street and requested this be put on the agenda for discussion of a solution.

Mayor Henderson asked if there was a consensus of council to place this item on for discussion at the next meeting, and there was a consensus for this to be placed on the council meeting of April 4. In response to questions, City Manager O'Reilly advised his recommendations will be the same four options that he previously presented.

2. City Manager Report.

City Manager O'Reilly reported in regard to the Stetson issue, an agreement was proposed and provided to the city by Stetson for his and the City Attorney's review and they did make some comments and those were sent back. Subsequently, he has met with the Dean and explained there is opposition in the neighborhood and before moving forward they needed to provide for a public outreach. Councilmember Roman committed to setting up a meeting.

3. City Attorney Report. - No Report.

4. City Clerk Report. - No Report.

5. Consent:

- a. Consider approval of the Council Meeting Minutes of January 17, 2017.
- b. Resolution No. 2017-15: A resolution of the City of Gulfport, Florida, amending fees for the Department of Leisure Services in accordance with Chapter 25 of the Code of Ordinances by adopting a fee schedule for the city's 2017 Children's Summer Recreation Program; and providing for an effective date.
- c. Resolution No. 2017-16: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into an amended Interlocal Agreement for the Joint Control of Pollutants within Pinellas County with the twenty-three cities of Pinellas County, the Florida Department of Transportation and Pinellas County; and providing for an effective date.
- d. Resolution No. 2017-17: A resolution of the City of Gulfport, Florida, approving a special event application from Gulfport Limits, LLC for a Latin Music Festival by the Bay; providing for the temporary waiver of provisions of the city Code of Ordinances/city policies during said special event; providing for responsibilities; and providing for an effective date.

City Clerk DeMuth read the Consent Agenda.

Motion by Councilmember Liedtke, second by Councilmember Roman to approve the Consent Agenda.

UNANIMOUSLY APPROVED BY ACCLAMATION.

6. Ordinances: None

7. Resolutions:

- a. 2017-18: A resolution of the City of Gulfport, Florida, providing for a budget amendment to account for the funding sources for the city's mooring field project; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2017-18 by title only.

City Manager O'Reilly explained the Resolution.

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

Motion by Vice Mayor Fridovich, second by Councilmember Roman to approve Resolution No. 2017-18.

ROLL CALL:	COUNCILMEMBER BROWN	YES
	VICE MAYOR FRIDOVICH	YES
	COUNCILMEMBER LIEDTKE	YES
	COUNCILMEMBER ROMAN	YES
	MAYOR HENDERSON	YES

MOTION CARRIED

- b. 2017-19: A resolution of the City of Gulfport, Florida, amending the FY 2016/2017 budget to account for updates to the personnel summary, and providing for an effective date.

City Clerk DeMuth read Resolution No. 2017-19 by title only.

City Manager O'Reilly explained the Resolution.

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

Motion by Councilmember Brown, second by Councilmember Roman to approve Resolution No. 2017-19.

In response to a question by Councilmember Roman regarding the impact of the eliminated positions, City Manager O'Reilly clarified the positions still exist and the staffing levels are not changed, this gives the opportunity for someone to take/move to a leadership role.

ROLL CALL:	COUNCILMEMBER BROWN	YES
	VICE MAYOR FRIDOVICH	YES
	COUNCILMEMBER LIEDTKE	YES
	COUNCILMEMBER ROMAN	YES
	MAYOR HENDERSON	YES

MOTION CARRIED

- c. 2017-20: A resolution of the City of Gulfport, Florida, authorizing the city manager's engagement of Wood, Smith, Henning & Berman, LLP to defend the city in the matter of Suncoast Waterkeeper, et al., v. City of Gulfport; providing for a budget amendment; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2017-20 by title only.

City Attorney Salzman explained the lawsuit and that the request is to provide the funding to cover the city's insurance coverage deductible.

Mayor Henderson opened the public discussion.

April Thanos, 5850 27th Avenue S., questioned why the city is not trying to negotiate a settlement in the lawsuit rather than pay out \$25,000.

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

In response to the public comment, City Attorney Salzman advised the plaintiff is not willing to do that and the necessary counsel has been retained to represent the city.

Motion by Councilmember Roman, second by Vice Mayor Fridovich to approve Resolution No. 2017-20.

Councilmember Brown asked about the possibility of the city getting its money back if found not to be in the lawsuit and if this jeopardizes the city's use of insurance dollars for additional lawsuits, City Attorney Salzman spoke to the provisions of law providing for attorney fees and said no, this would not jeopardizes the use of insurance dollars.

In response to Vice Mayor Fridovich, City Attorney Salzman explained the city is responsible for the first \$25,000 and the law firm will have to bill toward that.

City Attorney Salzman provided an update on the suit, and City Manager O'Reilly advised that other cities who are St. Petersburg customers have received letters of intent and/or public records requests. The deductible provisions of the insurance policy was discussed. City Attorney Salzman said as the city gets further into the litigation, there will be opportunities to have Shade Meetings to discuss strategies.

ROLL CALL:	COUNCILMEMBER BROWN	YES
	VICE MAYOR FRIDOVICH	YES
	COUNCILMEMBER LIEDTKE	YES
	COUNCILMEMBER ROMAN	YES
	MAYOR HENDERSON	YES

MOTION CARRIED

8. Council Comments/Informational Reports.

Councilmember Brown reported her family collected 400 cans of food for the Senior Center during their annual fish fry.

Vice Mayor Fridovich wished Marie Grosso a happy 100th birthday, and reported on a music program featuring the Rosin Sisters of Atlanta and the upcoming Community Garden's Dance for Plants.

Councilmember Roman reported on the passing of Elizabeth Armstrong, an upcoming informational meeting on Lincoln Cemetery, her appreciation for those who have contacted Representative Peters and Senator Rouson in support of the city's funding request for a private lateral replacement program, House Bill No. 17 which threatens cities Home Rule, an Attorney General's Opinion on city council's ability to comment on gun laws; asking City Attorney

Salzman for his comments after her report, council participating in a Habit Project in the city, the legislative priorities of the Suncoast League of Cities, her hosting a viewing of To Kill a Mockingbird in honor of Black History Month at the library, the upcoming Get Rescue and issues that she is working on that are in her newsletter: Stetson street closure, vacuum pumper trucks for the summer rain events, formula chain stores and a skateboard park update in the future.

Mayor Henderson reported on the passing of Beth Armstrong; offering his condolences, thanked the St. Petersburg International Folk Fair for hosting their event at the Casino and the upcoming Get Rescued.

City Attorney Salzman addressed the informal opinion of the State Attorney General’s Office regarding Florida Statute 790.33; advising council that governmental agencies are allowed to express their support for or against any legislation.

9. Adjournment.

Motion by Councilmember Liedtke, seconded by Councilmember Brown to adjourn.

Date Approved: _____

Samuel Henderson, Mayor

Lesley DeMuth, City Clerk



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Marivel Gutierrez

DATE: March 7, 2017

AGENDA ITEM: 5-b

RESOLUTION NO: 2017-21

SUBJECT: Teen Council Appointment

RECOMMENDATION:

Vasilios Kosmakos, a student at Boca Ciega High School has submitted an application to serve on the Gulfport Teen Council for the 2016-2017 term. Consider this teen for the Gulfport Teen Council so he may begin to make a difference for the Gulfport community. Staff recommends approval.

BACKGROUND:

Per Resolution No. 2013-54, The Committee shall consist of seven (7) regular members and three (3) alternate members, aged 13 to 19 years. Also, the terms of the Gulfport Teen Council Members shall be one (1) year, concurrent with the academic school year and the summer following. Gulfport Teen Council members may be re-appointed for additional terms.

ANALYSIS:

The City has received the application from an interested teen wishing to serve on the Gulfport Teen Council. Staff recommends the following appointment: Vasilios Kosmakos, regular member.

FINANCIAL IMPACT:

No financial impact to the city.

MOTION:

I move to approve Resolution No. 2017-21 appointing Vasilios Kosmakos to serve on the Gulfport Teen Council for a term expiring August 2017.

RESOLUTION NO. 2017-21

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE GULFPORT TEEN COUNCIL; PROVIDING FOR TERM OF APPOINTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received an application from a teen wishing to serve on the Teen Council; and

WHEREAS, the City Council is desirous of making an appointment to fill a vacancy existing on the Teen Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. The City Council hereby appoints the following member to serve on the Gulfport Teen Council for a term expiring August 2017:

Vasilios Kosmakos, Regular Member

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 7th day of March, 2017 by the Council of the City of Gulfport, Florida.

Samuel Henderson, Mayor

ATTESTED:

Lesley DeMuth, City Clerk

RESOLUTION NO. 2017-22

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, REAPPOINTING A RESIDENT MEMBER TO THE GENERAL EMPLOYEES' PENSION BOARD; PROVIDING FOR TERM OF APPOINTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the General Employees' Pension Board consists of seven trustees; two who are residents appointed by the City Council; and

WHEREAS, the term of appointment of one of the resident members of the General Employees' Pension Board has expired and the current member is desirous of continuing to serve.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. The City Council hereby appoints the following resident member to the General Employees' Pension Board.

<u>Member</u>	<u>Term Expires</u>
Dena Lebowitz	March 2021

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 7th day of March, 2017 by the Council of the City of Gulfport, Florida.

Samuel Henderson, Mayor

Attest:

Lesley DeMuth, City Clerk



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Justin Shea, Cultural Facilities Events Supervisor

DATE: March 7, 2017

AGENDA ITEM: 5-d

RESOLUTION NO: 2017-23

SUBJECT: Florida League of Cities - Florida Municipal Achievement Awards

RECOMMENDATION: Authorize the Mayor to sign the letters of recommendation to submit the City's nominations for the 2017 Florida Municipal Achievement Awards program.

BACKGROUND:

The Florida League of Cities - Florida Municipal Achievement Awards program provides municipalities the opportunity to receive deserved recognition for superior and innovative efforts in three categories: City Spirit Award, Florida Citizenship Award, and Environmental Stewardship Award. The League is currently accepting nominations for the 2017 Award Program and entries must be received by Friday, May 5. Staff would like to submit an application in the Environmental Stewardship and City Spirit categories. Letters of recommendation on behalf of the Mayor and City Council must accompany the applications.

ANALYSIS:

Staff would like to submit an application on the City's behalf in the Environmental Stewardship category. This Award focuses on city programs that promote conservation, improve and protect environmental conditions, and/or provide environmental education and outreach programs within a municipality. City Staff felt the 49th Street Outfall Treatment Project met the needs of this initiative.

The City Spirit Award/The Florida Citizenship Award focuses on city projects or programs that build stronger, more participative residents and recognizes a single, specific citywide effort to successfully address a local need. The MLK Day of Service promoted active participation among residents and visitors alike while providing a community wide event encouraging community service.

FINANCIAL IMPACT:

No budgetary impact

MOTION:

Authorize the Mayor to sign the letters of recommendation to submit the City's nominations for the 2017 Florida Municipal Achievement Awards program.

RESOLUTION NO. 2017-23

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE MAYOR TO SIGN THE LETTERS OF RECOMMENDATION TO SUBMIT THE CITY'S NOMINATIONS FOR THE FLORIDA LEAGUE OF CITIES 2017 MUNICIPAL ACHIEVEMENT AWARDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Florida League of Cities - Florida Municipal Achievement Awards Program provides municipalities the opportunity to receive deserved recognition for superior and innovative efforts in three categories: City Spirit Award, Florida Citizenship Award, and Environmental Stewardship Award; and

WHEREAS, Staff would like to submit an application in the Environmental Stewardship Category for the 49th Street Outfall Treatment Project and in the City Spirit categories for the Martin Luther King, Jr. Day of Service; and

WHEREAS, Letters of recommendation on behalf of the Mayor and City Council must accompany the applications.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. The City Council hereby authorizes the Mayor to sign the letters of recommendation to submit the city's nominations for the Florida League of Cities - 2017 Florida Municipal Achievement Awards Program.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 7th day of March, 2017 by the Council of the City of Gulfport, Florida.

Samuel Henderson, Mayor

ATTEST:

Lesley DeMuth, City Clerk



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Denis Frain, Director of Marina Operations

DATE: March 7, 2017

AGENDA ITEM 6-a

ORDINANCE NO: 2017-01

**SUBJECT: Designated Live-Aboard Berths at City of Gulfport Municipal Marina –
2nd Reading.**

RECOMMENDATION: Staff is requesting City Council approve and adopt ordinance 2017-01 on 2nd Reading – permitting and establishing designated live-aboard berths within the City of Gulfport Municipal Marina.

BACKGROUND:

City Council approved ordinance 2017-01 on the first reading on February 7, 2017. Initial marina planning discussion and improvements began in January 2013. City Council authorized the City Manager to allocate funds to enhance the amenities within the municipal marina complex. Completed projects include boat lifts, kayak storage and additional dry storage.

The City had recently constructed a 3,000 square foot new Marina Building, The new building was designed with the amenities for our overnight guests and long term live-aboard. The amended ordinance authorizes the Harbormaster to issue live-aboard Boat Dockage Agreement. A live-aboard is defined as any person(s) who uses a vessel as a residence and/ or occupying that vessel for more than four or more days and nights within a seven day period engaging in those usual and customary activities associated with a person's residence or abode such as but not limited to, sleeping and preparing meals.

ANALYSIS:

The Municipal Marina is an ideal location for long term live-aboard. The new marina facility is designed with additional restrooms, day room and laundry to sustain long term visitors. All live-aboard must sign a Boat Dockage agreement acknowledging the responsibility for established fees, rules and regulations, operational requirements, background and credit check. Vessel must contain a Coast Guard approved, self-contained, sewage treatment storage system

FINANCIAL IMPACT:

Designated live-aboard slips/berths size:

The current monthly wet slip/berth rental for non-live-aboard:

(40'x15') = \$331.00 + tax
(40'x17') = \$351.00 + tax
(45'x17') = \$393.00 + tax
(45'x19') = \$413.00 + tax

The proposed rates are based on established rates for wet slips with the additional premium charge for all designated live-aboard berths. The new live-aboard fee rate inclusive of the \$225.00 premium will be presented for adoption via resolution in concert with the ordinance 2nd reading that establishes the new live-aboard program.

(40'x15') = \$331.00 + live-aboard premium \$225.00 + tax
(40'x17') = \$351.00 + live-aboard premium \$225.00 + tax
(45'x17') = \$393.00 + live-aboard premium \$225.00 + tax
(45'x19') = \$413.00 + live-aboard premium \$225.00 + tax

MOTION: Move to approve/deny Ordinance No. 2017-01 on 2nd Reading; permitting and establishing designated live-aboard berths within the City of Gulfport Municipal Marina.

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING ARTICLE I OF CHAPTER 6 OF THE CODE OF ORDINANCES PERTAINING TO BEACHES, BOATS, BOATING AND WATERFRONT STRUCTURES; PROVIDING FOR AMENDMENT OF SUBSECTION (11) OF SECTION 6 – 1 DEFINITIONS, PROVIDING FOR AMENDMENT OF SUBSECTION (3) AND SUBSECTION (4) OF SECTION 6-13.2 LIVING ABOARD VESSEL PROHIBITED; EXCEPTIONS; 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.

WHEREAS, the City Council wishes to amend the regulations pertaining to watercraft within the City; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA, HEREBY ORDAINS:

Section 1. Subsection (11) of Section 6-1, of Chapter 6, of the Code of Ordinances of the City of Gulfport, pertaining to Beaches, Boats, Boating and Waterfront Structures, is hereby amended, as follows:

Sec. 6-1. - Definitions.

(11) *Live aboard:* (Pursuant to F.S. § 327.02) ~~any vessel used solely as a residence and not in navigation. Any vessel represented as a place of business, or professional or other commercial enterprises; or any vessel for which a declaration of domicile has been filed pursuant to F.S. § 222.17.~~ A “live-aboard is defined as any person(s) owning and occupying such a vessel who uses a vessel as a residence and /or is occupying that vessel for four or more days and nights within a seven day period engaging in those usual and customary activities associated with a person’s residences or abode such as but not limited to, sleeping and preparing meals. This definition will also prohibit a place of business, professional location or other commercial enterprise, as evidence vessel used solely as a residence and not in navigation or any vessel for which a declaration of domicile has been filed pursuant to F.S. § 227.17.

Section 2. Subsection (3) and Subsection (4) of Section 6-13.2, of Chapter 6, of the Code of Ordinances of the City of Gulfport, pertaining to Beaches, Boats, Boating and Waterfront Structures, is hereby amended, as follows:

Sec. 6-13.2. - Living aboard vessel prohibited; exceptions.

(3) Authorized to live on board such vessels by the harbormaster on a temporary basis in the Gulfport Yacht Basin designated transient dock for a period not to exceed fourteen (14) days (three hundred thirty-six (336) hours) within any thirty-day period. Vessel/persons must first register with the harbormaster. All such transient lessees must sign an agreement acknowledging the responsibility for established fees, rules and operational requirements within the municipal marina. Vessels must contain a Coast Guard approved, self-contained, sewage treatment or storage system.

(4) Authorized to live-aboard such vessel by the Harbormaster; persons owning and occupying such a vessel who uses a vessel as a residence and/or is occupying that vessel for more than four days and nights within any seven day period in the Gulfport Yacht Basin designated live-aboard berths. Such vessels may not be used as a place of business, professional location or other commercial enterprise, all such uses or related business, commercial or commerce activities are prohibited in designated live-aboard berths. All such live-aboard lessees must sign an agreement acknowledging the responsibility for established fees, rules and operational requirements.

Section 3. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section4. This ordinance shall become effective immediately upon final passage as required by law.

Samuel Henderson, Mayor

FIRST READING: February 7, 2017
PUBLISHED: February 24, 2017
SECOND READING/
PUBLIC HEARING: March 7, 2017

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of applicable law this ___ day of _____, 2017.

Lesley DeMuth, City Clerk



FOSTER & FOSTER

ACTUARIAL AND CONSULTANTS

August 24, 2016

VIA EMAIL

Mr. Jim O'Reilly, City Manager
City of Gulfport
2401 53d Street South
Gulfport, Florida 33707

Re: City of Gulfport General Employees' Pension Plan

Dear Jim:

In response to Scott Christiansen's letter dated July 29, 2016, we have reviewed the proposed Ordinance (identified on page 20 as dm/gp/gen/07-29-16.ord) amending the Plan to incorporate recent changes to the Internal Revenue Code and miscellaneous other changes. We have determined that adoption of the proposed ordinance will have no impact on the assumptions used in determining the funding requirements of the program.

Additionally, the definition of Actuarial Equivalent is being amended to match the current valuation assumptions for mortality and interest. While adoption of these assumptions may result in a de minimis impact (either positive or negative) over the life of the Plan, it is not currently measureable, and therefore does not result in an immediate change to the Plan's funding requirements.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to the following office:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

If you have any questions, please let me know.

Sincerely,

Patrick T. Donlan, ASA, EA, MAAA

PTD/tb

cc via email: Scott Christiansen, Plan Attorney

cc via email: Scott Baur, Plan Administrator



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: James E. O'Reilly, City Manager

DATE: March 7, 2017

AGENDA ITEM: 6-b

ORDINANCE NO.: 2017-02

SUBJECT: Amendment of the City of Gulfport General Employees' Pension Plan - Proposed Ordinance - 1st Reading.

RECOMMENDATION:

The Board of Trustees of the City of Gulfport General Employees' Pension Plan has recommended approval and adoption of the proposed ordinance by the City Council amending the City of Gulfport sponsored General Employees' Pension Plan. With Internal Revenue Service (IRS) guidance, the applicable changes include updating definitions and language to be in compliance with changes to the Internal Revenue Code (IRC) and its associated Regulations, remove unnecessary language and correct/replace section references and applicable definitions.

BACKGROUND:

The Board of Trustees in consultation with the Board's Attorney, Christiansen & Dehner, P.A. has reviewed various changes to state and federal law including changes to the Internal Revenue Code which in-turn require specific changes to the City's General Employees' Pension Plan to maintain compliance.

The following amendments to the pension plan are proposed:

1. Section 15-91, Definitions, is being amended for Internal Revenue Code (IRC) changes and requirements, to amend the definitions of:
 - a. Actuarial Equivalent - to amend the definition to incorporate the Mortality Table and interest rate currently being used by the plan's actuary.
 - b. Credited Service – to clarify Internal Revenue Code (IRC) regulations on leave conversions.
 - c. Spouse – to clarify the definition in accordance with the recent United States Supreme Court ruling.

2. Section 15-92, Membership, has been amended to remove obsolete language with regard to an expired opt-in period.

3. Section 15-96, Benefit amounts and eligibility, is being amended to change the Normal Retirement Date to include Internal Revenue Code (IRC) required language regarding Normal Retirement Age and Normal Retirement Date.
4. Section 15-97, Pre-Retirement Death, subsection (b)(2), is being amended to remove unnecessary language.
5. Section 15-99, Optional Forms of Benefits, subsection (b), has been amended to clarify that if proof of good health of a joint pensioner who is being replaced is not provided, the actuary will assume that the joint pensioner is deceased for purposes of calculating the revised benefit amount.
6. Section 15-103, Maximum Pension, has had several subsections to comply with Internal Revenue Code (IRC) changes.
7. Section 15-104, Minimum Distribution of Benefits, is being amended for a reference clarification in subsection (b)(2)d.
8. Section 15-115, Prior Government Service, subsection (5), is being amended to correct a reference.
9. Section 15-112, Reemployment After Retirement, is being amended to make wording clarifications and to correct section numbering.

ANALYSIS:

The proposed ordinance has been reviewed by the General Employees Pension Board's actuarial consultant, Foster & Foster, Inc., and the Board's Attorney, Christiansen & Dehner, P.A., who has submitted the proposed ordinance amendments that have been approved by the Board of Trustees for consideration by the City Council. Implementation of the proposed ordinance will have de minus financial impact on the retirement fund. Moreover, any changes in the way the pension plan is administered are minimal and non-substantive regarding benefits to be received by retirees under the plan.

The City Attorney has reviewed the proposed Ordinance and found it legally sufficient.

FINANCIAL IMPACT:

There are no financial impacts associated with this action, as reported by the retirement plan's actuary, Foster & Foster, Inc. The actuarial letter from the plan's actuarial firm of Foster & Foster, Inc. is attached to confirm this fact.

MOTION:

I move to approve/deny Ordinance No. 2017-02 amending the City of Gulfport General Employees' Pension Plan Ordinance on first (1st) reading.

ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 15, PENSIONS, ARTICLE VI, RETIREMENT SYSTEM FOR CITY EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF GULFPORT PERTAINING TO THE CITY OF GULFPORT GENERAL EMPLOYEES= PENSION PLAN; AMENDING SECTION 15-91, DEFINITIONS; AMENDING SECTION 15-92, MEMBERSHIP; AMENDING SECTION 15-96, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 15-97, PRE-RETIREMENT DEATH; AMENDING SECTION 15-99, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 15-103, MAXIMUM PENSION; AMENDING SECTION 15-104, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 15-112, REEMPLOYMENT AFTER RETIREMENT; AMENDING SECTION 15-115, PRIOR GOVERNMENT SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, FLORIDA;

SECTION 1: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-91, Definitions, to amend the definitions of AActuarial Equivalent@, ACredited Service@ and ASpouse@, to read as follows:

* * * * *

Actuarial equivalent means a benefit or amount of equal value, based upon the RP 2000 Combined Healthy Unisex Mortality Table and an interest rate ~~of seven and one-half percent (7.5%) per annum~~ equal to the investment return assumption set forth in the last actuarial valuation approved by the Board. This definition may only be amended by the city pursuant to the recommendation of the board using the assumptions adopted by the board with the advice of the plan=s actuary, such that actuarial assumptions are not subject to city discretion.

* * * * *

Credited Service means the total number of years and fractional parts of years of service as a General Employee, with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the City as a General Employee. A Member whose employment is terminated or who is granted an unpaid absence by the City and who returns to the full-time service of the City as a General Employee within twelve (12) months of such date shall receive credit for service accrued prior to the termination or leave of absence. If a non-vested Member leaves the employ of the City, his Accumulated Contributions, if less than one-thousand dollars (\$1,000.00), will be returned. If a non-vested Member is not reemployed within five (5) years, his Accumulated Contributions, if one-thousand dollars (\$1,000.00) or more, will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. If a vested Member leaves the employ of the City, his Accumulated Contributions, will be returned only upon his written request and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated.

In the event that a member of this system has accumulated credited service in another pension system maintained by the city as a police officer or firefighter, then such other credited service shall be used in determining vesting as provided for in section 15-98, vesting. Such other credited service will not be considered in determining eligibility for benefits or for calculation of benefits under this system. Only his credited service under this system on or after his date of membership in this system will be considered for benefit eligibility and calculation.

The years or parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation

from employment as a general employee to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

- (1) The member is entitled to reemployment under the provisions of USERRA.
- (2) The member returns to his employment as a general employee within one (1) year following the earlier of the date of his military discharge or his release from service, unless otherwise required by USERRA.
- (3) The member deposits into the fund the same sum that the member would have contributed, if any, if he had remained a general employee during his absence. The maximum credit for military service pursuant to this subdivision shall be five (5) years. The member must deposit all missed contributions within a period equal to three times the period of military service, but not more than five (5) years, following re-employment or he will forfeit the right to receive credited service for his military service pursuant to this paragraph.
- (4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the City or in the plan year in which the member terminates employment.

* * * * *

Spouse means the ~~lawful wife or husband of a member or retiree~~ member's or retiree's spouse under applicable law at the time benefits become payable.

* * * * *

SECTION 2: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by removing Section 15-92, Membership, subsection (c), Opt-in-Window, to read as follows:

* * * * *

~~(c) — *Opt in Window.* Any currently employed department director or the city clerk as of the effective date who was previously a member but who became ineligible to participate in this system due to his position as department director or the city clerk, may, within ninety (90) days of the effective date of the ordinance adopting this subsection, elect to reenter the system and receive credited service for all or a part of his time of employment as department director or city clerk with the City (if he is not otherwise receiving such credit), provided he contributes to the fund the amount actuarially determined such that the crediting of service does not result in any cost to the fund, plus payment for all professional services rendered to the Board in connection with the purchase of years of credited service.~~

* * * * *

SECTION 3: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-96, Benefit Amounts and Eligibility, subsection (a), Normal Retirement Date, to read as follows:

* * * * *

(a) Normal retirement age and date. ~~A member's normal retirement date shall be the first day of the month coincident with or next following the earlier of the attainment of age sixty-two (62) and the completion of five (5) years of credited service. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become one hundred (100) percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date.~~ A member's normal retirement age is the earlier of the attainment of age sixty-two (62) and the completion of five (5) years of credited service. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the City after attaining normal retirement age.

* * * * *

SECTION 4: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-97, Pre-Retirement Death, subsection (b)(2), to read as follows:

* * * * *

(b)(2) If the deceased member was eligible for normal or early retirement, the spouse beneficiary shall receive a benefit payable for ten (10) years, beginning on the first day of the month following the member's death or at the deceased member's otherwise ~~early or~~ normal retirement date, at the option of the spouse beneficiary. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced as for early retirement, if applicable.

* * * * *

SECTION 5: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-99, Optional Forms of Benefits, subsection (b), to read as follows:

* * * * *

(b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) above) or beneficiary (or beneficiaries) to receive the benefit, if any, payable under the system in the event of the member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one (1) or more primary beneficiaries where applicable. If a member has elected an option with a joint pensioner or beneficiary and member's retirement income benefits have commenced, the member may thereafter change his designated beneficiary at any time, but may only change his joint pensioner if the designated joint pensioner and the member were married at the time of the member's retirement and are divorced subsequent thereto and the joint pensioner is alive at the time of the change. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

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SECTION 6: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-103, Maximum Pension, to read as follows:

Sec. 15-103. Maximum pension.

(a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an

annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to Basic Limitation for Form of Benefit.* If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

- (1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:
 - a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or
 - b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5 percent interest

assumption (or the applicable statutory interest assumption) and (I) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

- (2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:
- a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;
 - b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (I) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (I) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits Not Taken into Account.* For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under '415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

(3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA Effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

- (1) A member's applicable limit will be applied to the member's annual benefit in the member's first ~~calendar~~ limitation year of benefit payments without regard to any automatic cost of living adjustments;
- (2) thereafter, in any subsequent ~~calendar~~ limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- (3) in no event shall a member's benefit payable under the system in any ~~calendar~~ limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Internal Revenue Code and applicable Treasury Regulations.

(e) *Other Adjustments in Limitations.*

- (1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- (2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the police or fire department of the City, the adjustments provided for in (e)(1) above shall not apply.

(3) The reductions provided for in (e)(1) above shall not be applicable to pre-retirement death benefits paid pursuant to Sec. 15-97.

(4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than Ten (10) Years of Participation ~~or Service~~.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of ~~credited service with the City~~ participation shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of ~~credited service~~ participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement death benefits paid pursuant to Sec. 15-97.

(g) *Participation in Other Defined Benefit Plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.* Notwithstanding anything in this section 15-103, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of section 15-103 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable ~~plan~~ limitation year ~~and or~~ or for any prior plan year, and the City has

not at any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of section 15-103 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of Benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service Credit Purchase Limits.*

- (1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in Sections 15-113 and 15-115, then the requirements of this section will be treated as met only if:
- a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
 - b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

- e- For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(c) solely by reason of this subparagraph e-, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Internal Revenue Code solely by reason of this subparagraph-e-
- (2) For purposes of this subsection the term "permissive service credit" means service credit
- a. recognized by the system for purposes of calculating a member's benefit under the plan,
 - b. which such member has not received under the plan, and
 - c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) Contribution limits.

- (3 1) For purposes of applying the Code Section 415(c) limits in this subsection (j)-which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is

permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

- a. However, for ~~calendar~~ limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For ~~calendar~~ limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).
- b. For limitation years beginning on and after January 1, 2007, compensation for the ~~calendar~~ limitation year will also include compensation paid by the later of 22 months after an employee's severance from employment or the end of the ~~calendar~~ limitation year that includes the date of the employee's severance from employment if:
 1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have

been paid to the employee while the employee continued in employment with the employer; or

2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(4 2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

b. If payment pursuant to subparagraph (j)(4)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.

(5 3) If the annual additions for any member for a ~~plan~~ limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

~~(6 4)~~ For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection ~~(j)~~ (k) shall not exceed the annual limit under section 401(a)(17) of the code.

~~(k)~~ (l) *Additional Limitation on Pension Benefits.* Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter ~~67~~ 1223, Title 10, U.S. Code.

(m) *Effect of Direct Rollover on 415(b) Limit.* If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

SECTION 7: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-104, Minimum Distribution of Benefits, subsection (b)(2)d., to read as follows:

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(b)(2) d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member. For purposes of this subsection (b)(2) ~~and subsection (e).~~, distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a.. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection 2(b)(2)a.), the date distributions are considered to begin is the date distributions actually commence.

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SECTION 8: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-112, Reemployment After Retirement, to read as follows:

Sec. 15-112. Reemployment After Retirement.

~~1.~~ (a) Any Retiree who is retired under this System, may be reemployed by any public or private employer, except the City, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this System. Reemployment by the City shall be subject to the limitations set forth in this Section.

~~2.~~ (b) *After Normal Retirement.* Any Retiree who is retired under normal retirement pursuant to this System and who is reemployed as a General Employee after that Retirement and, by virtue of that reemployment, is eligible to participate in this System, shall upon being reemployed select one of the following options:

~~A.~~ (1) The Retiree may elect to discontinue receipt of benefits. Upon reemployment, the Retiree shall be deemed to be fully vested and the additional Credited Service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final Retirement. Calculations of benefits upon initial Retirement shall be based upon the benefit accrual rate, Average Final Compensation, and Credited Service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, Average Final Compensation (~~based only on the subsequent employment period~~), and Credited Service as of the date of the subsequent retirement (based only on the subsequent employment period). The amount of any death benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the Member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit; or

~~B.~~ (2) The Retiree may continue to receive retirement benefits previously earned and not be an active Member of the System. If this option is selected, the subsequent employment period shall have no effect upon Average Final Compensation, years of Credited Service or retirement benefits. Regardless of any other provision of this System, any ~~retired and~~ reemployed Retiree electing to continue to receive retirement benefits shall not be ~~required to be~~ reinstated as an active Member of the System.

~~3.~~ (c) Any Retiree who is retired under normal retirement pursuant to this System and who is reemployed by the City after that Retirement and, by virtue of that reemployment is ineligible to participate in this System, shall, during the period of such reemployment, continue to receive retirement benefits previously earned during any subsequent employment period.

~~4.~~ (d) *After Early Retirement.* Any Retiree who is retired under early retirement pursuant to this System and who subsequently becomes an employee of the City in any capacity shall discontinue receipt of benefits from the System. If by virtue of that reemployment, the Retiree is eligible to participate in this System, the Retiree shall be deemed to be fully vested and the additional Credited Service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final Retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, Average Final Compensation, Credited Service and early retirement reduction factor as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, Average Final Compensation (based only on the subsequent employment period), and Credited Service as of the date of subsequent retirement. The amount of any death benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this Section if the Member was permitted to retire prior to the customary retirement date provided for in the System at the time of retirement.

~~5.~~ (e) *Reemployment of Terminated Vested Persons.* Reemployed terminated vested persons shall not be subject to the provisions of this Section until such time as they begin to actually

receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early Retirees for purposes of applying the provisions of this Section and their status as an early or normal Retiree shall be determined by the date they elect to begin to receive their benefit.

SECTION 9: That Chapter 15, Pensions, Article VI, Retirement System for City Employees, of the Code of Ordinances of the City of Gulfport, is hereby amended by amending Section 15-115, Prior Government Service, subsection (5), to read as follows:

* * * * *

(5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other governmental agency, if such prior service forms or will form the basis of a retirement benefit or pension from a different employers' retirement system or plan as set forth in subsection ~~15-103(k)(2)~~ 15-103(l)(2).

SECTION 10: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Gulfport.

SECTION 11: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 12: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 13: That this Ordinance shall become effective upon its adoption.

MAYOR

FIRST READING : March 7, 2017

PUBLISHED : _____

SECOND READING /
PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter, this ____ day of _____, 2017.

CITY CLERK



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Denis Frain, Director of Marina Operations

DATE: March 7, 2017

AGENDA ITEM 7-a

RESOLUTION NO: 2017-24

SUBJECT: Establishment of Marina Live-Aboard Berthing Fees - Chapter 25 – Section 25-4.

RECOMMENDATION:

Staff recommends that City Council approve the implementation of fees regarding rental of designated live-aboard berths within the marina. City Council approved Ordinance 2017 – 01 on 1st reading on February 7, 2017 – permitting and establishing Live-Aboard berths within the City of Gulfport Municipal Marina.

BACKGROUND:

With a demand for live-aboard berthing capabilities the Marina Director explored the feasibility and cost analysis of associated fees for live-aboard in designated berths within the marina complex.

The Municipal Marina is an ideal location for long-term live-aboard. The City recently constructed marine facilities and infrastructure to sustain long-term live-aboard.

As exemplified by the success of the Gulfport Municipal Marina, marine recreation-related enterprises are continuing important community business. Increased leisure time and discretionary, disposable income; greater mobility; and social movement toward relaxation, leisure and satisfying personal wants are creating exciting, new marina recreation opportunities.

ANALYSIS:

In researching the feasibility of such an endeavor, The Marina Director explored five (5) areas:

- Overview of use of the facility with the impact of long-term live-aboards.
- Cost of implantation and needed improvements/amenities.
- Method of implementation and lease requirements.
- What would the City provided live-aboard lease holders.
- Financial impact and revenue generated.

FINANCIAL IMPACT:

The proposed rates are based on established rates for wet slips with the additional premium charge for all designated live-aboard berths.

The new live-aboard fee rate inclusive of the \$225.00 premium was adopted in the first reading via resolution in concert with the ordinance 2017-01 that establishes the new live-aboard program.

(40'x15') = \$331.00 + live-aboard premium \$225.00 = \$556.00 + utilities + tax

(40'x17') = \$351.00 + live-aboard premium \$225.00 = \$576.00 + utilities + tax

(45'x17') = \$393.00 + live-aboard premium \$225.00 = \$618.00 + utilities + tax

(45'x19') = \$413.00 + live-aboard premium \$225.00 = \$638.00 + utilities + tax

The increased revenue generated for each live-aboard berth is \$2,700 annually.

MOTION:

A motion to approve/deny Resolution No. 2017-24 establishing fees for live-aboard berths within the City of Gulfport Municipal Marina.

RESOLUTION NO. 2017-24

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AMENDING FEES FOR THE DEPARTMENT OF LEISURE SERVICES IN ACCORDANCE WITH CHAPTER 25 OF THE CODE OF ORDINANCES BY ESTABLISHING MONTHLY FEES FOR LIVE-ABOARD BERTHS AT THE GULFPORT MUNICIPAL MARINA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gulfport created Chapter 25 of the Code of Ordinances to organize and reference certain city fees; and

WHEREAS, Chapter 25 of the Code of Ordinances provides for fees for services to be adopted and amended from time to time by resolution; and

WHEREAS, The City Council has found it necessary to amend the fees for the Department of Leisure Services by establishing monthly fees for live-aboard berths at the Gulfport Municipal Marina.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. The following fee for the Department of Leisure Services as referenced in Chapter 25, Section 25-4 of the Gulfport Code of Ordinances is hereby amended as follows:

Leisure Services Fee Schedule:

Gulfport Marina – Live-aboard Berth Fees:

(40'x15') = \$331.00 + live-aboard premium \$225.00 = \$556.00 + utilities + tax

(40'x17') = \$351.00 + live-aboard premium \$225.00 = \$576.00 + utilities + tax

(45'x17') = \$393.00 + live-aboard premium \$225.00 = \$618.00 + utilities + tax

(45'x19') = \$413.00 + live-aboard premium \$225.00 = \$638.00 + utilities + tax

Section 2. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 7th day of March, 2017 by the Council of the City of Gulfport, Florida.

Samuel Henderson, Mayor

ATTEST:

Lesley DeMuth, City Clerk



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: David Mather, Director of Library & Information Technology

DATE: March 7, 2017

AGENDA ITEM: 7-b

RESOLUTION NO: 2017-25

SUBJECT: Approval of 5 year (60 month) operational lease agreement for a new phone system

**RECOMMENDATION: (or)
DIRECTION REQUESTED:**

Delivery of timely information to city officials, citizens, staff, and vendors by telephony is an essential service of the City. The current telephony infrastructure of the City is rapidly growing obsolete. Limited replacement parts and a dwindling pool of technicians who can service the current antiquated system is reaching a critical point. The telephony solution I recommend, would not only propel the City from that critical point but would also offer value and services the current system could never provide. Furthermore, the additional cost of this superior system would effectively amount to \$0.00 and would include installation and training.

BACKGROUND:

The City of Gulfport implemented a new phone system in 2007 to replace a failing system that was not cost effective to repair. The phone system leased was a Siemens Hipath 3080. At the time, this system was adequate for the needs of the City, however; this is no longer the case. Siemens Communications no longer operates in North America. As such, the phone system continues to degrade with less features because the parts are simply to sparse.

ANALYSIS:

The critical infrastructure of the machine is still serviceable, but suppliers are increasingly hard to find. There is now a lag time between when we receive new service parts. For example, a phone may have taken a day to procure just two years ago, now in some cases, it can take upward of a month, even more vital, a system interface card could take even longer leaving key offices of the City without phone service. As the City of Gulfport continues to innovate its accessibility to citizens as well as advancing its forward focusing business model, the antiquated phone system is a stumbling block to that end. I began to study the possibility of implementing a new system two years ago. I looked at several different options including Cisco and Grasshopper from a variety of different vendors. In some cases, the logistics of implementing the various systems was not cost effective in other cases we would essentially be paying for licensing and

services that very few employees could utilize. Due to the critical nature of our current system and the fragility of which it operates, I felt that a cost effective Voice over IP (VOIP) system would be in the City's best interest. We have recently completed the first half of our IT network refresh, this was the first step in implementing the new system. A VoIP phone system relies on Power over Ethernet (PoE) switches. Currently, all City buildings have been outfitted with cloud managed PoE switches. After a lengthy research process I have decided the best course of action is to recommend a ShoreTel VoIP solution from our current phone service provider Communications Systems Management (CSM). The main reasons being: efficiency, cost effective instead of cost prohibitive (please see financial impact), working with a trusted partner, and the ability to move to a feature rich phone system with little to no financial impact.

FINANCIAL IMPACT:

The current phone system cost \$122,650 over a 60 month lease term. The monthly payment was \$2308.27. The system was purchased from state contract and approved by City Council by Resolution 2007-18. After the initial period, the service contract for the system cost \$1022.08 per month until FY15-16 when the cost decreased to \$855.42 because some features were no longer serviceable. This cost does not paint the whole picture, when equipment that was no longer serviceable became damaged or required technical service outside the scope of the maintenance plan, the City would have to pay those services hourly. The total cost of those additional services last fiscal year amounted to \$1718.26. The cost of the new system, all phones, services, licensing, installation, training and 5 years of support will cost \$44,485.20 in a 60 month operational lease. The cost per month will be \$976.00. Last fiscal year we paid \$855.42. Splitting the additional \$1718.26 monthly at \$143.19 the current system costs \$998.61. The added financial impact of the new phone system to the City budget will be \$0.00 or perhaps even a minimal savings. The cost of the system is provided for by the GSA contract GS-35F-0085U. This is a schedule 70 information Technology GSA contract and allowable under federal provisions to provide costs for municipalities. There is also an additional cost savings of \$4,942.80 as an existing CSM customer.

MOTION:

Move to approve/deny the request.

RESOLUTION NO. 2017-25

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE YEAR (60 MONTH) OPERATIONAL LEASE AGREEMENT WITH COMMUNICATIONS SYSTEMS MANAGEMENT FOR A NEW TELEPHONY SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The current telephony infrastructure of the City is rapidly growing obsolete; and

WHEREAS, Limited replacement parts and a dwindling pool of technicians who can service the current antiquated system is reaching a critical point; and

WHEREAS, Staff is recommending a ShoreTel VoIP solution from the city's current phone service provider Communications Systems Management (CSM); and

WHEREAS, The cost of the new system is provided for by the GSA contract GS-35F-0085U which is a schedule 70 information Technology GSA contract and allowable under federal provisions to provide costs for municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. The City Council hereby authorizes the city manager to enter into a 5 year (60 month) operational lease agreement in the amount of \$44,485.20 with Communications Systems Management (CSM) for a new telephony system.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 7th day of March, 2017 by the Council of the City of Gulfport, Florida.

Samuel Henderson, Mayor

ATTEST:

Lesley DeMuth, City Clerk



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Tom Nicholls, Public Works Superintendent

DATE: March 7, 2017

AGENDA ITEM: 7-c

RESOLUTION NO: 2017-26

SUBJECT: Paving Contract

RECOMMENDATION: Staff is requesting City Council authorize the City Manager to enter into contract with Ajax Paving Industries of Florida, LLC for the Tradewinds Drive, Baywood Point South, 30th Avenue South, 16th Avenue South, 17th Avenue South, 57th Street South, Gray Street South and 44th Street South Milling and Resurfacing Project for \$363,207.94.

BACKGROUND:

The Streets Division of the Public Works Department has an ongoing program to continue to maintain asphalt roads and restore brick streets that have deteriorated and become excessively rough. There are 67.63 miles of paved roads in the City. Almost all asphalt roads have been overlaid to the point where maintaining these roads now requires a milling process that removes the top inch or two of asphalt surface and replaces it with new asphalt.

ANALYSIS:

The milling and resurfacing will be done on Tradewinds Drive South from Del Rio Way to 49th Street South, Baywood Point South from Tradewinds Drive South to the dead end, 30th Avenue South from 58th Street South to 59th Street South, 16th Avenue South from 53rd Street South to 58th Street South, 17th Avenue South from 56th Street South to 52nd Street South, 57th Street South from Tangerine Avenue South to 15th Avenue South, Gray Street South from 15th Avenue South to 17th Avenue South and 44th Street South from 26th Avenue South to 27th Avenue South.

Ajax Paving Industries of Florida, LLC has an existing contract with Sarasota County that the City of Gulfport can piggyback on for the work. The total cost of the project will be \$363,207.94 and the work, if approved, will be performed in late April or early May.

FINANCIAL IMPACT:

Funds for this project are allocated in the FY 16-17 budget for road resurfacing and reconstruction in Capital Projects budget account number 3000-0000-541-63-03.

MOTION:

I move to approve/deny Resolution No. 2017-26 authorizing the City Manager to enter into contract with Ajax Paving Industries of Florida, LLC for the Tradewinds Drive, Baywood Point South, 30th Avenue South, 16th Avenue South, 17th Avenue South, 57th Street South, Gray Street South and 44th Street South Milling and Resurfacing Project for \$363,207.94.

RESOLUTION NO. 2017-26

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AJAX PAVING INDUSTRIES OF FLORIDA, LLC FOR YEARLY ROAD RESURFACING AND RECONSTRUCTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Streets Division of the Public Works Department has an ongoing program to continue to maintain asphalt roads and restore brick streets that have deteriorated and become excessively rough; and

WHEREAS, The Fiscal Year 2016-2017 Budget includes funding for road resurfacing and reconstruction for the Tradewinds Drive, Baywood Point South, 30th Avenue South, 16th Avenue South, 17th Avenue South, 57th Street South, Gray Street South and 44th Street South Milling and Resurfacing Project; and

WHEREAS, Ajax Paving Industries of Florida, LLC has an existing contract with Sarasota County that the city can piggyback on for the milling and resurfacing work; and

WHEREAS, The total cost of the project will be \$363,207.94 and the work, if approved, will be performed in late April or early May.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. The City Council hereby authorizes the City Manager to enter into a contract with Ajax Paving Industries of Florida, LLC for the for the Tradewinds Drive, Baywood Point Drive South, 30th Avenue South, 16th Avenue South, 17th Avenue South, 57th Street South, Gray Street South and 44th Street South Milling and Resurfacing Project using the Sarasota County paving contract, in an amount not to exceed \$363.207.94.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 7th day of March, 2017 by the Council of the City of Gulfport, Florida.

ATTEST:

Samuel Henderson, Mayor

Lesley DeMuth, City Clerk



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Don Sopak, Public Works Director

DATE: March 7, 2017

AGENDA ITEM: 7-d

RESOLUTION NO: 2017-27

SUBJECT: 31st Avenue South Waterline and Restoration Project

RECOMMENDATION: Staff is requesting City Council authorize the City Manager to execute a change order with Suncoast Development of Pinellas for the 31st Avenue South Waterline and Restoration Project for \$24,550.00.

BACKGROUND:

There had been multiple waterline breaks in the eight inch potable waterline on 31st Ave. S., between 58th St. S. and Beach Blvd. S., over the last seven years. The waterlines are made of cast iron and due to the depth of the lines it is in groundwater all the time causing it to corrode. The waterline needed to be replaced. The entire asphalt roadway will be restored with new asphalt.

\$440,747.00 for the 31st Avenue South Waterline and Restoration was approved by City Council on October 4, 2016.

ANALYSIS:

The construction of the project began in early January 2017. At the intersection of Dupont St. S. and 31st Ave. S. during a rain event water ponds in the roadway. To eliminate the standing water Public Works wants to add two Stormwater inlets and one junction box with associated piping to drain the water from the roadway.

FINANCIAL IMPACT:

The \$440,747 for the project was below the estimated cost for the project. There are funds remaining to provide the \$24,550 for the change order.

MOTION: I move to approve/deny Resolution No. 2017-27 authorizing the City Manager to execute a change order with Suncoast Development of Pinellas for the 31st Avenue South Waterline and Restoration Project for \$24,550.00.

RESOLUTION NO. 2017-27

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH SUNCOAST DEVELOPMENT OF PINELLAS FOR THE 31ST AVENUE SOUTH WATERLINE AND RESTORATION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the award of bid to Suncoast Development of Pinellas for the 31st Avenue South Waterline and Restoration Project was approved by City Council on October 4, 2016; and

WHEREAS, at the intersection of Dupont Street South and 31st Avenue South, during a rain event, water ponds in the roadway and to eliminate the standing water Public Works is requesting the addition of two stormwater inlets and one junction box with associated piping to drain the water from the roadway; and

WHEREAS, the proposed work can be completed through a change order with Suncoast Development of Pinellas for the 31st Avenue South Waterline and Restoration Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

Section 1. The City Council hereby authorizes the City Manager to execute a change order with Suncoast Development of Pinellas for the 31st Avenue South Waterline and Restoration Project in an amount not to exceed \$24,550.00.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 7th day of March, 2017 by the Council of the City of Gulfport, Florida.

Samuel Henderson, Mayor

ATTEST:

Lesley DeMuth, City Clerk



**CITY OF GULFPORT
CITY COUNCIL
AGENDA MEMORANDUM**

FROM: Robert Vincent, Chief of Police

THRU: James E. O'Reilly, City Manager

DATE: March 7, 2017

AGENDA ITEM: Presentation

SUBJECT: Pinellas County Animal Services Presentation to Council

BACKGROUND:

At City Council's request, Chief Vincent has made arrangements to have management staff from the Pinellas County Animal Services Department attend the City of Gulfport's City Council meeting of March 7, 2017.

Director Doug Brightwell will be accompanied by Field Enforcement Manager James McGill. They will discuss the role of their agency in dealing with animal complaints, working with local law enforcement, and most particularly, the process for declaring dogs as dangerous as outlined in state law and county code. They may also be able to answer questions relative to specific concerns raised by residents in the Juan Quevedo case.