



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Wednesday, June 7, 2017

1:30 PM

Gulfport City Hall
Council Chambers

1:30 p.m. Invocation, Pledge of Allegiance, Call to Order

The Mayor and Members of the Council met at City Hall at 1:30 P.M. on the above date, same being an adjourned meeting from a special called meeting held on May 3, 2017 at 4:00 P.M. Present: Mayor Billy Hewes, General Counsel Hugh Keating, Councilmembers: Kenneth Casey (out at 4:54 P.M.), Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers and Cara Pucheu.

The President announced a quorum and called the meeting to order.

Agenda Order Confirmation or Adjustment of the Agenda Order

Motion to Accept the Agenda as presented with the following changes - Addition of Item 17A (Sale of Surplus Property), Addition of Item 17B (Request for use of Lyman Community Center), Addition of Item 17C (Approval of services related to Seaway Road Pedestrial Pathway Project), Moved by Ricky Dombrowski, Seconded by Kenneth Casey.

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Presentation Agenda / Appointment

- **Mayor's Report**

The President called for the Mayor's Report:

Gulfport Galleria of Art - Annual Gala, Friday, June 9th.

Well, Well, Well ... It's Wednesday - Enjoy happy hour throughout downtown with food specials, well drink princes, live music and al fresco dining options.

Summer Jamboree - Thursday, June 15 at Barksdale Pavilion. Join in this day of fun and activities for children and adults with special needs from 10:00 a.m. - 1:00 p.m. The public is invited.

Cinema By The Shore - "Finding Dory" will be shown, with festivities starting at 6:30 P.M. and the movie showing at dusk - in Jones Park.

CASA Fundraiser - Moonlight & Monet is being held in Fishbone Alley on Saturday, June 17th.

Senior Summer BBQ - A favorite event of our seniors is being held at Barksdale Pavilion on Thursday, June 22 from 9:30 A.M. to 2:00 P.M.

Swearing In Ceremony - Thursday, June 29 at Grasslawn. The Election Commission and Executive Committees will be sworn in at 5:00 P.M., with the Mayor and City Council following at 6:00 P.M. The public is invited to attend and enjoy the reception following.

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of minutes for May 23, 2017.

Motion to Approve, Moved By Ella Holmes-Hines, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Code Enforcement/Planning/Ordinances

- 2 Appeal - of the Zoning Board of Adjustments denial of variance request for setbacks at 308 East Avenue zoned R-1-7.5 (Single Family): located north of 23rd Street, south of 25th Street, east of and adjacent to East Avenue, and west of Cypress Avenue - Case# 1704ZB037 - Ward 2.

Motion to Postpone Hearing to June 20, 2017 Council Meeting, Moved By Ricky Dombrowski, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 3 Code Enforcement Hearing - declaring that certain properties are in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community and to authorize advertisements for bids and lot clean-ups and/or demolitions.

Motion to Open the Hearing, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

There being no one present to object or address the Council, Motion to Close the

Hearing and Approve the Resolution, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 4 Ordinance - rezoning tax parcel from I-2(Heavy Industry) to B-2 (General Business): located north of and adjacent to Interstate 10, south of E Cora Drive, east of and adjacent to Three Rivers Road, west of Outdoor Way - Case# 1704PC036 -Ward 5.

Motion to Adopt the Ordinance, Moved By Ricky Dombrowski, **Seconded by** Ella Holmes-Hines

Motion to Remand the Ordinance back to Administration, Moved by R.Lee Flowers, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 5 Ordinance - rezone the tax parcels from T5 (Urban Center Zone) to T4+ (General Urban Zone "Plus"): located north of Beach Drive, south of Township Road, east of and adjacent to Paradise Avenue, and west of Oleander Drive - Case# 1704PC040 - Ward 2.

Motion to Adopt the Ordinance, Moved By Ricky Dombrowski, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

ORDINANCE #2906

Resolutions/Requests/Recommendations

- 6 Resolution - approving Supplemental Agreement No. 2 for Construction Engineering Services - 28th Street Improvements.

Motion to Approve, Moved By Kenneth Casey, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 7 Resolution - authorizing negotiations to acquire real property interests and easements and

to do any acts necessary and legal, including prosecution in special court of eminent domain, and to obtain title for the city under Miss Code Ann. Sec. 11-27-81, et. seq., and, if necessary, to expedite the "Brickyard Bayou Drainage Improvements Project", to authorize special checks to acquire the property interests stated herein, and for related purposes.

Motion to Approve, Moved By Ella Holmes-Hines, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 8 Resolution - approving award to SCI, Inc. for the Benefield Sewer Improvements Project, to approve contract between the City of Gulfport and SCI, Inc., for construction services, to authorize the Mayor, or his designee to execute the same on behalf of the city, and for related purposes.

Motion to Approve, Moved By Ella Holmes-Hines, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 9 Resolution - approving award to Barney's Police Supplies for a Weapons and Ammunition Exchange Program.

Motion to Approve, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 10 Resolution - approving award to David Rush Construction, LLC for the lowest and best bid submitted for the Gulfport Sportsplex Expansion - Phase B - Building Project.

Motion to Approve, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Recused: Rusty Walker

- 11 Resolution - approving award to Shoemake Painting Services, Inc. for the lowest and best bid for repairs to the Barksdale Pavilion and Small Pavilions.

Motion to Approve, Moved By Ricky Dombrowski, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 12** Resolution - authorizing the governing authority to establish just compensation and to authorize the Mayor to sign certification, and for related purposes.

Motion to Approve, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 13** Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport Fire Department and for related purposes.

Motion to Approve, Moved By Ella Holmes-Hines, **Seconded by** Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 14** Resolution - authorizing the recognition of Monday, July 3, 2017 as an additional municipal holiday in further observance of the Independence Day Holiday, as proclaimed by the Governor of the State of Mississippi, and for related purposes.

Motion to Approve, Moved By Kenneth Casey, **Seconded by** Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 15** Request - approving Preferred Option "B" of the Airport Road Extension to Washington Avenue Improvements Project.

Motion to Approve, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Rusty Walker, R.Lee Flowers, Cara Pucheu

Nay: Ella Holmes-Hines

Absent: Myles Sharp

- 16** Request - purchase of fuel metering system - Public Works Maintenance Garage - to be made a part of the minutes.

Motion to Approve, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 17 Recommendation - accepting Chapelwood Phase II - Water and Sewer Improvements for the Start of the Warranty Period.

Motion to Approve, Moved By Ricky Dombrowski, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Budget Amendments / Docket of Claims

- 18 Docket of Claims- to be approved through June 8, 2017.

Motion to Approve the Docket of Claims in the amount of \$1,080,220.22 , Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 19 Budget Amendment #34 - increasing capital line item 277-630100 (County/Local) with funds received from a drug forfeiture.

Motion to Approve the Budget Amendment, Moved By Ricky Dombrowski, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 20 Budget Amendment #35 - increasing capital line item 286-610700 (Police Narcotics Task Force Operating Supplies) with funds received from a drug forfeiture.

Motion to Approve the Budget Amendment, Moved By Ella Holmes-Hines, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Routine Agenda

Motion to Approve the Routine Agenda, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

- 21 Bi-weekly payroll journals for May 2017.

Approved on the Routine Agenda.

- 22 Conveyance Deed - regarding transfer of ownership in Evergreen Cemetery.

Approved on the Routine Agenda.

- 23 Letter - regarding bids received by Purchasing for electrical parts - Leisure Services Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 24 Legal Notice - advertisement for RFP for Real Estate Consultant for the City of Gulfport.

Approved on the Routine Agenda.

Public Agenda

Citizen Forum: Up to thirty minutes shall be allowed for public input with a three minute time limit on each speaker.

- Mr. Willie Crawford, 3611 12th Ave., Gulfport, MS
- Mr. Wallace Jackson, 550 Magnolia St., Apt. 18, Gulfport, MS
- Mr. Howard Page, Representative of Steps Coalition

Council Comments

Memorial Adjournment

- Ms. Ciara D'Vaughn Sanford
- Mrs. Derl Lang
- Mrs. Juanita Bean

Executive Session

Upon the Advice of General Counsel, Motion to Enter Executive Session at 3:00 P.M., Moved by Ricky Dombrowski, Seconded by Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

The Council entered executive session at 3:00 P.M. in order to discuss matters of: an economic development update related to the Aquarium Project; potential litigation related to an easement matter; potential litigation related to prospective imminent domain related to the Brickyard Bayou Project; right of way vacation; update on federal court litigation matter.

In attendance: Members of the Council, Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu; Mayor Billy Hewes (out at 5:00 P.M.), CAO John Kelly, General Counsel Hugh Keating, Assistant District Attorney Margaret Murdock (out at 4:30 P.M.), Director of Economic Development, David Parker (out at 4:25 P.M.), PIO Officer Chris Vignes (in at 3:10 P.M.), Clerk of Council Ronda Cole, Deputy Clerk of Council Cheryl Johnson, CTA Director Kevin Coggins, GRC Counsel Steve Hendrix, GRC President Carolyn Lynn Meadows, Aquarium Project Architect David Hardy, Aquarium Project Manager David Kimmel, Kevin Mullen of BMA, MESH Representatives Brady DeRoche, Hector Gonzalez, Jenny Kurz, Sean Averette.

Motion to Exit Executive Session at 5:17 P.M., Moved By R.Lee Flowers, Seconded by Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

General Counsel Hugh Keating stated that no official action was taken in Executive Session.

Upon reconvening in an open meeting, the following actions were taken:

Motion authorizing the Administration, by and thru the Legal, Engineering and Public Works departments to take whatever steps may be required to vacate or abandon utility and/or drainage easements, as may be required to allow construction on property located at 716 Second Street (Tax Parcel #0911E-01-016.000), in exchange for new easements for the relocated utility and/or drainage lines as such cross over the aforementioned property, assuring that construction costs are paid the property owner, Moved by Cara Pucheu, Seconded by Rusty Walker.

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Motion authorizing the City Attorney's office to negotiate the purchase of tax parcel #0811C-04-036.000 from Robert Daley in an amount not to exceed \$35,000.00 for the reasons

set forth in an administrative settlement memorandum reviewed by the City's Legal Department and maintained in the file concerning this property acquisition and that the City Council finds that such administrative settlement is found to be reasonable, prudent, and in the public interest and further authorizes the administrative settlement, once reached within the authority granted, to be memorialized in an appropriate resolution and added to these minutes, **Moved by** Cara Pucheu, **Seconded by** R.Lee Flowers.

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Motion authorizing settlement with limitations set forth in executive session regarding HCUA vs. Crawford settlement, Moved by Cara Pucheu, **Seconded by** Rusty Walker.

Vote: Carried by Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Cara Pucheu

Nay: R.Lee Flowers

Setting of Next Meeting and Adjournment

There being no further business to come before the Council at this time, Motion to Adjourn in memory of Ms. Ciara De'Vaughn Sanford, Mr. Derl Land and Mrs. Juanita Bean until June 20, 2017 at 1:30 P.M. for a regular meeting, Moved by Cara Pucheu, **Seconded by** Rusty Walker.

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

City Clerk

Mayor