



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, September 19, 2017

1:30 PM

*Gulfport City Hall
Council Chambers*

1:30 P.M. Invocation, Pledge of Allegiance, Call to Order

The 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 September 14, 2017 at 11:00 A.M. Present: Mayor Billy Hewes, General Counsel Hugh Keating, Councilmembers: Kenneth Casey (out at 3:22 P.M.), Ron Roland, Ella Holmes-Hines (out at 3:40 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu (out at 3:48 P.M.).

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

Agenda Order

Motion to Accept the Agenda with the following adjustments; Add item 14-A, Gulfport Main Street Contribution for View the Cruise, Add item 14-B, The Grant acceptance for NRCS Watershed Project, Add item 14-C, Ordinance for all salaries, Add item 14-D, Street Closure Request for Mills Ave, Moved By Myles Sharp, Seconded by Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Presentation Agenda

The President called for the Mayor's Report:

Recognition of one of Gulfport's own! Mr. Elijah Keys is headed to New Orleans to compete for a spot on American Idol. Elijah is a resident of Gulfport and the son of one of our employees, Princess James, who works in our call center! Elijah wow'd the judges two weeks ago and was one of two selected to compete for a top spot on American Idol!

Mr. Francisco Gonzales gave an update on The Brown Condor Museum.

Upcoming events:

a. **Grand opening of East North Gulfport Park** - we will cut the ribbon tomorrow morning at 9 A.M. for the new East North Gulfport Park, located at 8240 Florida Avenue.

b. **View the Cruise** – we need to get our city ready for our visitors who will be arriving on Sunday, October 1 for View the Cruise and a week of Crusin' the Coast! View the Cruise kicks off in downtown Gulfport on Sunday, October 1 mid-morning and rolls all afternoon long! Come join us for incredible music, local food, and great cars! And remember, they are here for 10 days! Let's make them welcome!

Policy Issues

Minutes / Appointment

- 1 Approval of minutes - for August 30, September 5, 13 & 14, 2017.

Motion to Approve Minutes for August 30, September 5, 13, & 14, 2017, Moved By Kenneth Casey, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Ella Holmes-Hines (out of room)

Code Enforcement / Ordinances

- 2 Code Enforcement Hearing - on resolution to declare that certain properties are in such a state of uncleanness 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 Code Enforcement Hearing, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Ella Holmes-Hines (out of room)

There being no one present to object or address the Council, Motion to Close the Hearing and Approve the Resolution, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Ella Holmes-Hines (out of room)

- 3 Ordinance - requesting amendments to the Comprehensive Zoning Ordinance, as amended, Section I – Definitions. and Section IV – Supplementary Regulations, (D) Supplementary yard regulations, (7) Fences, walls, and hedges - Case # 1708PC091

Motion to Adopt Ordinance, Moved By R.Lee Flowers, **Seconded by** Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Ella Holmes-Hines (out of room)

Ordinance # 2919

- 4 Ordinance - amending Section 4-175 (a) of the Code of Ordinances of the City of Gulfport, Mississippi relating to garbage fees.

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

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Ordinance # 2920

Resolutions

- 5 Resolution - approving Agreement with Citysourced, Inc., for the development and implementation of a mobile app for city services and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Motion to commit to a three (3) member committee for further recommendation, Moved by R.Lee Flowers, **Seconded By** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

***Councilmembers Ron Roland, Ella Holmes-Hines and R.Lee Flowers volunteered to sit on the committee with further coordination from the Administration.**

- 6 Resolution - approving Award to W.C. Fore Trucking, Inc., for the Brickyard Bayou Drainage Improvements Project - Phase 2A, approving contract and authorizing the Mayor to execute the same.

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

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 7 Resolution - approving extension of Engagement Agreement with Hugh Keating, Esq., and Dukes, Dukes, Keating & Faneca, PA as General Counsel for the City of Gulfport and for related purposes.

Motion to Approve, Moved By R.Lee Flowers, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 8 Resolution - approving Professional Legal Service Contract with AndersonOrozco, PLLC to serve as a Public Defender in the Gulfport Municipal Court and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 9 Resolution - approving Memorandum of Understanding with Paul Sullivan d/b/a Funtime Event Services and authorizing the Mayor to execute the same.

Motion to Approve, Moved By R.Lee Flowers, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 11 Resolution - authorizing negotiations to acquire utility easements and to do any acts necessary and legal, including prosecution in Special Court of Eminent Domain, to obtain title for the City under Miss. Code Ann. Sec. 11-27-81, ET SEQ., and, if necessary to expedite the "Three Rivers Road / Mays Road Sewer Improvements Project" and authorize special checks to acquire the easements stated herein and for related purposes.

Motion to Approve, Moved By R.Lee Flowers, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 12** Resolution - declaring the Veritech Machine that was place and installed in the Dispatch Room of the Gulfport Police Department Room not a city asset and for related purposes.

Motion to Approve, Moved By Cara Pucheu, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 13** Resolution - authorizing acceptance of the Gulf Coast National Heritage Area Grant and authorizing the Mayor and/or other designated official to execute any and all documents as required to accept and administer the grant.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 14** Request - from Gulfport Main Street for street closures on September 29 & 30, 2017 for annual View the Cruise event.

Motion to Approve request from Gulfport Main Street for street closures on September 29 & 30, 2017 for annual View the Cruise event, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 14-A** Request - from Gulfport Main Street for a contribution for annual "View the Cruise" event scheduled for October 1, 2017.

Motion to Approve request from Gulfport Main Street for a contribution for annual "View the Cruise" event scheduled for October 1, 2017, and authorize issuance of a special check, Moved By Cara Pucheu, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 14-B** Approval - of grant acceptance and Agreement with the Natural Resources Conservation Service for the Emergency Watershed Protection Project - River Road, Qubbie Creek, Northwood Hills North at Flat Branch.

Motion to Approve grant acceptance and agreement with the Natural Resources Conservation Service for the Emergency Watershed Protection Project – River Road, Qubbie Creek, Northwood Hills North at Flat Branch, Moved By Cara Pucheu, **Seconded by** Myles Sharp

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 14-C** Ordinance - providing for the salary of compensation for employees of the City of Gulfport, Mississippi, and for related purposes.

Motion to Adopt Ordinance, Moved By Ella Holmes-Hines, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Ordinance #2921

- 14-D** Request - for street closure of Mills Avenue from Old Pass Road to Engram Drive scheduled for September 29, 2017.

Motion to Approve street closure of Mills Avenue from Old Pass Road to Engram Drive scheduled for September 29, 2017, Moved By Kenneth Casey, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Budget Amendments / Docket of Claims

- 15** Budget Amendment #54 to transfer funds from construction for engineering costs related to Brickyard Bayou Improvements Project, Phase 2.

Motion to Approve Budget Amendment #54, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 16** Budget Amendment #55 - to transfer funds for final payment of the Widening of Three Rivers Road and Creosote Road, Phase II Project.

Motion to Approve Budget Amendment #55, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Myles Sharp, Ron Roland, Kenneth Casey, Cara Pucheu, R.Lee Flowers, Rusty Walker, Ella Holmes-Hines

- 17** Docket of Claims- to be approved through September 20, 2017.

Motion to Approve The Docket of Claims, in the amount of \$2,789,122.98, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Routine Agenda

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

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 18** Resolution - awarding bids for lot clean-ups and/or demolitions.

Approved on Routine Agenda.

- 19** Associated Adjusters Check Register for workers' comp and general liability claims paid during the month of August 2017 to be made part of the minutes.

Approved on Routine Agenda.

- 20** Year-to-date Budget Report for the month ending August 31, 2017, to be made part of the minutes.

Approved on Routine Agenda.

- 21 Bi-weekly payroll journals for the month of August 2017 to be made part of the minutes.

Approved on Routine Agenda.

- 22 Letter - regarding emergency purchase authorization for the purchase of an impeller at the Airport Pumping Station - to be made a part of the minutes.

Approved on Routine Agenda.

- 23 Legal Notice - advertisement for bids for the Nugent Area Gravity Sewer Improvements Project.

Approved on Routine Agenda.

- * **Motion to authorize an extension of lease agreement with Brown Condor Museum, regarding roof and HVAC repairs until December 31, 2017, Moved By** Ella Holmes-Hines, **Seconded By** Ron Roland

Vote: Motion Carried by Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Public Agenda

The President called for comments during the Public Agenda.

The following citizen addressed the Council:

- Mr. Howard Page, resident of 224 Walston Avenue.

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- Sergeant Major Charles Edward Marshall, Sr.

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss existing Litigation regarding Harrison County Utility Authority vs. The City of Gulfport. Upon hearing from Counsel, Motion to enter executive session at 2:35 P.M., Moved By Myles Sharp, Seconded by Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

The Council entered executive session at 2:40 P.M. In attendance: Member of the Council: Kenneth Casey (out at 3:22 P.M.), Ron Roland, Ella Holmes-Hines (out at 3:40 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu (out at 3:48 P.M.), Mayor Billy Hewes, CAO Dr. John R. Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni (in at 2:53 P.M.), Steve Bubert (Waste Pro) (out at 2:54 P.M.), Clerk of Council Ronda Cole, and Deputy Clerk of Council Brittany Rodgers.

Motion to exit Executive Session at 4:11 P.M., Moved By Ron Roland, Seconded By R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers

Absent: Kenneth Casey, Ella Holmes-Hines, Cara Pucheu

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 to authorize Administration, by and through the Legal Department to present settlement options to Harrison County Utility Authority as discussed in Executive Session , Moved By Myles Sharp, Seconded By Ron Roland

Vote: Motion carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers

Absent: Kenneth Casey, Ella Holmes-Hines, Cara Pucheu

Motion to retain the service of William E. Whitfield, III, Esq. and the law firm of Copeland, Cook, Taylor & Bush, P.A. to serve as counsel for and to represent the interests of the City of Gulfport, in the pending lawsuit against it by Cowan Road & Highway 90, LLC and to pursue all remedies and avenues of relief on behalf of the City in connection therewith and in all matters and proceedings in any way

related thereto at hourly rates not to exceed \$165.00 for partners, \$145.00 for associates, and \$80.00 for paralegals, Moved By Myles Sharp, Seconded By Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers

Absent: Kenneth Casey, Ella Holmes-Hines, Cara Pucheu

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 Sergeant Major Charles Edward Marshall, Sr., until September 20, 2017 at 4:00 P.M. for a Special Called Meeting, Moved by R.Lee Flowers, Seconded by Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers

Absent: Kenneth Casey, Ella Holmes-Hines, Cara Pucheu

City Clerk

Mayor

Agenda Adjustments

- | | |
|------------------------|---|
| Add Item 14 - A | Gulfport Main Street Contribution – View the Cruise |
| Add Item 14 - B | Grant Acceptance – NRCS Watershed Project |
| Add Item 14 - C | Ordinance adopting Salaries |
| Add Item 14 - D | Street Closure Request – Mills Avenue |