



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, December 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 December 7, 2017 at 10:00 A.M.

Present: Mayor Billy Hewes, General Counsel Hugh Keating, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu.

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

Agenda Order

Motion to Accept the agenda with the following adjustments; Item #11 should read "Memoranda", not "Memorandum", Item #18 should read "Resolution - authorizing a donation of funds to the Harrison County Soil and Water Conservation District pursuant to Miss Code Ann. 69-27-27 (2012), and for related purposes", add Item #23 - A, Request - approval for an exchange/return facilitated through Glock, Inc. by the Gulfport Police Department, add Item #42 - A, Legal Notice - advertisement for RFQ for Architectural Services to furnish design, bidding and construction administration services for Fire Station #9, delete item #3, 4 and 5, Moved By Myles Sharp, **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

Presentation Agenda

The President called for the Mayor's Report:

The Mayor called upon Gulfport Police Chief Leonard Papania to present Commander Klain Garriga with a 25 years of service Pin. Chief Papania also recognized Deputy Commander Mark Burns for his 31 years of service, at which he has announced his retirement.

The Mayor then called on James Kaigler and Hannah Burnett for an update on the Gulfport Chambers of Commerce.

Mayor Hewes reminded everyone to get out and vote, as today is Election Day.

Upcoming Events:

- Gulfport Harbor Lights Festival – occurring the next 2 weeks. Free pictures with Santa.
- Special Showing of “Christmas in Mississippi” Extended Director’s Cut – Thursday, December 21, 2017 at 7 P.M. on Lifetime.
- Harbor Lights T-Shirts – Purchases can be made at the Harbor Lights Festival or at the Leisure Services Department – payments are cash only!

Reminder – City Offices will be CLOSED on Monday, December 25th and Tuesday, December 26th in observance of the Christmas Holiday. Also, on Monday, January 1st in observance of the New Year!

This Concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of minutes - for December 5 & 7, 2017.

Motion to Approve Minutes for December 5 & 7, 2017, Moved By Ella Holmes-Hines, **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

Code Enforcement / Planning / 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

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** 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

- 3** Certificate of Resubdivision - divide the tax parcel into two parcels, zoned T3 (Suburban Zone): located north of Finley Street, south of W Railroad Street, east of Hardy Avenue, and west of and adjacent to Ruth Avenue - Case 1711PC131 - Ward 2.

- Deleted -

- 4** Certificate of Resubdivision - divide the tax parcel into five parcels zoned T4+ (General Urban Zone "Plus"): located north of and adjacent to 16th Street, south of 17th Street, east of 34th Avenue, and west of and adjacent to 33rd Avenue - Case 1711PC132 - Ward 2.

- Deleted -

- 5** Ordinance - rezoning from T4+ (General Urban Zone "Plus") to T5 (Urban Center Zone): located north of E Pass Road, south of and adjacent to Magnolia Street, east of Cowan Road, and west of Old Taylor Place - Case 1711PC129 - Ward 4.

- Deleted -

- 6** Ordinance - amending section 7-116 of the Code of Ordinances of the City of Gulfport, Mississippi, and for related purposes.

Motion to Adopt Ordinance, 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

- Ordinance 2928 -

- 7** Ordinance - to amend the City of Gulfport flood damage prevention ordinance, and for related purposes.

Motion to Adopt Ordinance, 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

- Ordinance 2929 -

- 8 Ordinance - providing for the salary of compensation for certain positions of the City of Gulfport, Mississippi and for related purposes.

Motion to Adopt Ordinance, 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

- Ordinance 2930 -

- 9 Ordinance - providing for the salary of compensation for certain positions of the City of Gulfport, Mississippi and for related purposes.

Motion to Adopt Ordinance, Moved By Cara Pucheu, **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

- Ordinance 2931 -

Resolutions / Requests

- 10 Resolution - by the Gulfport City Council, to approve Memorandum of Understanding between the Mississippi Department of Marine Resources and the City of Gulfport, to authorize the Mayor to execute and deliver the same on behalf of the City of Gulfport, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 11 Resolution - by the Gulfport City Council, to approve Memoranda of Understanding between Memorial Hospital at Gulfport and the City of Gulfport, to authorize the Mayor to execute and deliver the same on behalf of the City of Gulfport, and for related purposes.

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

- 12** Resolution - to approve Pedestrian Undergrade Crossing Agreement with CSX Transportation, Inc. for Coffee Creek Drainage Improvements Project, to authorize the Mayor to execute the same

Motion to Approve, Moved By Ella Holmes-Hines, **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

- 13** Resolution - to approve Certificate of Substantial Completion for the Brickyard Bayou Drainage Improvements Project - Phase 2A, to authorize the mayor to execute said certificate, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 14** Resolution - by the Gulfport City Council, to approve Change Order #1 to contract with W.C. Fore Trucking, Inc., for the Brickyard Bayou Drainage Improvements Project - Phase 2A, to authorize the Mayor to execute the same.

Motion to Approve, Moved By Ella Holmes-Hines, **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

- 15** Resolution - approving Change Order #2 to the contract with TCB Construction, Inc. for the Gulfport Sportsplex Expansion - Project B-Sitework and authorizing the Mayor to execute the same.

Motion to Approve, 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

- 16** Resolution - by the Gulfport City Council, to approve Change Order #2 to contract with Moran Hauling, Inc., for the Coffee Creek Drainage Improvements Project, to authorize the Mayor to execute the same.

Motion to Approve, Moved By Ella Holmes-Hines, **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

- 17** Resolution - approving contract assignment from BIS Digital to CivicPlus, Inc., for the automated agenda management system and for related purposes.

Motion to Approve, 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 -authorizing a donation of funds to the Harrison County Soil and Water Conservation District pursuant to Miss Code Ann. § 69-27-24 (2012), and for related purposes.

Motion to Approve, Moved By R.Lee Flowers, **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

- 19** Resolution - by the Gulfport City Council, to authorize a donation of funds to the Harrison County Library System pursuant to Miss. Code Ann. § 39-3-79(3) (2015), and for related purposes

Motion to Approve, Moved By Ella Holmes-Hines, **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

- 20** Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the Gulf Coast Symphony Orchestra, Inc. 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

- 21** Resolution - by the Gulfport City Council, to authorize an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport at the Gulf Coast Winter Classic, and for related purposes

Motion to Approve, 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

- 22** Request - for a temporary street closure for Community Parade scheduled for Saturday, December 23, 2017.

Motion to Approve request for a temporary street closure for Community Parade scheduled for Saturday, December 23, 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

- 23** Request - Authority to Advertise for RFQs - Engineering Master Services Agreement 2018.

Motion to Approve Request for authority to advertise for RFQs - Engineering Master Services Agreement 2018, Moved By Cara Pucheu, **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

- 23 – A** Request - approval for an exchange/return facilitated through Glock Inc. by the Gulfport Police Department

Motion to Approve request for approval for an exchange/return facilitated through Glock, Inc. by the Gulfport Police Department, 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

- 24** Budget Amendment #13 - to transfer funds for 34th Avenue Box Culvert Replacement Project.

Motion to Approve Budget Amendment #13, 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

- 25** Budget Amendment #14 - to budget funds received as a result of a forfeiture from a drug related arrest.

Motion to Approve Budget Amendment #14, Moved By Cara Pucheu, **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

- 26** Docket of Claims- to be approved through December 20, 2017.

Motion to Approve the Docket of Claims in the amount of \$4,394,087.07, 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

Routine Agenda

Motion to Approve the Routine Agenda as amended, Moved By R.Lee Flowers, **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

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

Approved on Routine Agenda

- 28** Letter of Recommendation - regarding bids received by Purchasing for Utility Trailers - Department of Public Works - Maintenance Garage - to be made part of the minutes.

Approved on Routine Agenda

- 29** Letter of Recommendation - regarding bids received by Purchasing for Term Contract C-3 -Hot Bituminous Pavement - Department of Public Works - to be made a part of the minutes.

Approved on Routine Agenda

- 30** Letter of recommendation - regarding bids received by Purchasing for Term Contract J-2 - Pre-Cast Concrete Manholes - Department of Public Works - to be made a part of the minutes.

Approved on Routine Agenda

- 31** Letter of recommendation - regarding bids received by Purchasing for Term Contract J-1 - Water & Sewer Line Supplies - Department of Public Works - to be made a part of the minutes.

Approved on Routine Agenda

- 33** Letter of recommendation - regarding bids received in Purchasing for a Scan Tool for Public Works Maintenance Garage to be a part of the minutes.

Approved on Routine Agenda

- 32** Letter of Intent - to renew for final year of lease term (May 1, 2017 - April 30, 2018) - to be made a part of the minutes.

Approved on Routine Agenda

- 34** Letter - requesting a temporary Petty Cash fund in the amount of \$500 for Daddy Daughter Dance on February 3, 2018.

Approved on Routine Agenda

- 35** Letter - from the Records Manager requesting approval of the Public Records request for the month of August 2017 - to be made a part of the minutes.

Approved on Routine Agenda

- 36** Letter - from the Records Manager requesting approval of the Public Records request for the month of September 2017 - to be made a part of the minutes.

Approved on Routine Agenda

- 37** Legal Notice - advertisement for bids for Two (2) each Tandem Axle Dump Trucks for the Department of Public Works.

Approved on Routine Agenda

- 38** Legal Notice - advertisement for bids for Retaining Wall Fencing at Gulfport Sportsplex.

Approved on Routine Agenda

- 39** Conveyance Deed - regarding transfer of ownership of space in Pine Ridge Gardens Cemetery.

Approved on Routine Agenda

- 40** Associated Adjuster's Check Register for workers' compensation and general liability claims - for the month of November, 2017 - to be made part of the minutes.

Approved on Routine Agenda

- 41** Bi-weekly payroll reports - for the month of November, 2017 - to be made a part of the minutes.

Approved on Routine Agenda

- 42** Year-To-Date Budget Report - for the month of November, 2017 - to be made a part of the minutes.

Approved on Routine Agenda

- 42 – A** Legal Notice - advertisement for RFQs for Architectural Services to furnish design, bidding and construction administration services for Fire Station #9.

Approved on Routine Agenda

Public Agenda

The President called for comments during the Public Agenda.

No citizen came before the Council at this time

Council Comments

Memorial Adjournment

- Mr. Leo "Toot" Magee, Jr.
- Mrs. Ruby Margaret Norton Morton
- Mr. Philip R. Woods, Sr.

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss matters relating to litigation involving the Orange Grove Community Center, a status report on litigation involving Harrison County Utility Authority, settlement on a workers compensation claim involving Dorothy Payne, economic development matter involving a potential real estate transaction related to the dog park, settlement in an auto accident in Jones Park, litigation matter involving a judgement in the James Frisby case, an economic development issue related to the Aquarium. Upon advise of General Counsel, Motion to enter executive session at 2:23 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 2:24 P.M. In attendance:

Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines (in at 2:24 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John R. Kelly, General Counsel Hugh Keating, Director of Economic Development David Parker (out at 2:33 P.M.), City Attorney Jeff Bruni, Assistant City Attorney Dustin Uselton, Clerk of Council Ronda Cole, Deputy Clerk of Council Brittany Rodgers, MS Aquarium President David Kimmel (in at 3:12 P.M.), Representatives of Eley Guild Hardy: David Hardy (in at 3:12 P.M.), and Joseph Crain (in at 3:12 P.M.), Representatives of Roy Anderson Corporation: Roy Anderson, III (in at 3:12 P.M.), Mark Smith (in at 3:12 P.M.), and George Zorm (in at 3:12 P.M.).

Motion to exit Executive Session at 3:34 P.M., 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

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 the Gulfport Redevelopment Commission to enter into an agreement with Roy Anderson Corporation to construct the Mississippi Aquarium, and for related purposes, Moved By Myles Sharp, 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

Motion to authorize the City Attorney's Office to accept \$12,500.00 on behalf of Moran-Machado, PLLC d/b/a Machado-Patano, PLLC or its related entities in full and final settlement of the City of Gulfport's pending lawsuit against these entities (Cause No. A2401-14-00158); to authorize the Mayor to approve and execute whatever settlement agreement or release is approved by the City Attorney's Office in connection with this full and final resolution; and to authorize the City Attorney's Office to do any and all acts necessary to effectuate this resolution, including, but not limited to, having this proceeding dismissed as to these parties, Moved By Myles Sharp, Seconded By R.Lee Flowers

Vote: Motion Carried By The Following Roll Call Vote

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

Nay: Rusty Walker

Motion to authorize the City Attorney's Office to accept \$325,000.00 on behalf of Frank Genzer, Jr., Washer, Hill and Lipscomb (MS), PLLC, Frank Genzer, Jr. Architects/WHL Architecture Joint Venture, and Genzer WHLC Architecture, PLLC in full and final settlement of the City of Gulfport's pending lawsuit against these entities (Cause No. A2401-14-00158) and the City's pending arbitration proceeding against these entities (AAA No. 01-16-0001-1177); to authorize the Mayor to approve and execute whatever settlement agreement or release is approved by the City Attorney's Office in connection with this full and final resolution; and to authorize the City Attorney's Office to do any and all acts necessary to effectuate this resolution, including, but not limited to, having these proceedings dismissed as to these entities, Moved By Myles Sharp, 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

Motion to authorize the City Attorney's Office to accept \$150,000.00 on behalf of PaceCo Roofing and Sheet Metal, LLC in full and final settlement of the City of Gulfport's pending lawsuit against these entities (Cause No. A2401-14-00158) and the City's pending arbitration proceeding against these entities (AAA No. 01-16-0001-1173); to authorize the Mayor to approve and execute whatever settlement agreement or release is approved by the City Attorney's Office in connection with this full and final resolution; and to authorize the City Attorney's Office to do any and all acts necessary to effectuate this resolution, including, but not limited to, having these proceedings dismissed as to PaceCo Roofing and Sheet Metal, LLC, Moved By Myles Sharp, 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

Motion to authorize the City Attorney's Office to negotiate a full and final resolution of any and all claims of Wesley Morgan, Wesley and Stephanie Morgan arising out of an auto incident that occurred on May 31, 2017, in the City of Gulfport and involving City employee Scott Weis in the amount of \$13,674.21 in exchange of a properly executed full and final release, hold harmless, and indemnity agreement by the Morgans and their attorney; to authorize the issuance of a check or checks from the City's claims contingency fund in the amount of \$13,674.21 for purposes of this resolution; and to authorize the City Attorney's Office to do any and all acts necessary to effectuate this resolution, Moved By Myles Sharp, 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

Motion to authorize the City Attorney's Office to negotiate a full and final resolution of any and all claims of C.R. England arising out of an auto incident that occurred on May 31, 2017, in the City of Gulfport and involving City employee Scott Weis in the amount of \$1,849.00 in exchange of a properly executed full and final release, hold harmless, and indemnity agreement by the Morgans and their attorney; to authorize the issuance of a check or checks from the City's claims contingency fund in the amount of \$1,849.00 for purposes of this resolution; and to authorize the City Attorney's Office to do any and all acts necessary to effectuate this resolution, Moved By Myles Sharp, Seconded By Rusty Walker

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

Motion to authorize the City Attorney's Office to accept \$85,000.00 on behalf of Broaddus & Associates, Inc. in full and final settlement of the City of Gulfport's pending lawsuit against these entities (Cause No. A2401-14-00158) and the City's pending arbitration proceeding against these entities (AAA No. 01-17-0001-09023); to authorize the Mayor to approve and execute whatever settlement agreement or release is approved by the City Attorney's Office in connection with this full and final resolution; and to authorize the City Attorney's Office to do any and all acts necessary to effectuate this resolution, including, but not limited to, having these proceedings dismissed as to this entity, Moved By Myles Sharp, 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

Motion to authorize payment of settlement offer, in the amount of \$80,000.00 in full and final settlement of the workers compensation claim of Dorothy Payne, for any and all claims for medical and disability benefits, Ms. Payne may have under the Mississippi Workers Compensation Act, and authorize issuance of a special check, 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

Motion to retain Ladd Ladner at a cost not to exceed \$500.00 to appraise the property located near the dog part that is in a blighted or gutted condition, Moved By Myles Sharp, 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

Motion to authorize the City of Gulfport, through it's attorneys and/or it's Mayor, to sign, file, and record any documents necessary to partially subordinate any judgments in its name against James C. Frisby with respect to a singular effort by Frisby to re-finance a loan through his bank (Keesler Federal Credit Union) in December 2017 or January 2018 only, and with the understanding and condition that this partial and limited subordination will not, in any way, adversely affect, release, waive, or limit any of the City's judgments against Frisby and/or Chancery Court Judge Jason Floyd's October 21, 2008 Order in Harrison County Chancery Court Cause No. 07-00712 and all rights and fees and costs due, charged, or permitted thereunder, 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

Motion to authorize the Legal Department and our outside counsel that has been retained in handling the matter with the Harrison County Utility Authority, with relation to the garbage collection and contract lawsuit, to file an answer and proceed with any counter claims that they deem necessary, 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

Upon the advice of the General Counsel, Motion to enter closed session to determine the need for executive session, 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

The Council entered closed session at 3:48 P.M. In attendance were Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John R. Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, Clerk of Council Ronda Cole, and Deputy Clerk of Council Brittany Rodgers. The Council discussed the need to enter executive session to discuss potential litigation.

Motion to exit closed session at 3:52 P.M., Moved By Ron Roland, 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

General Counsel advised that there was a need to enter Executive Session to discuss potential litigation. Upon advise of General Counsel, Motion to enter executive session at 3:53 P.M., Moved By R.Lee Flowers, 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

The Council entered executive session at 3:54 P.M. In attendance were Councilmembers: Kenneth Casey (out at 4:04 P.M.), Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes (out at 3:54 P.M.), CAO Dr. John R. Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, Clerk of Council Ronda Cole, and Deputy Clerk of Council Brittany Rodgers.

Motion to exit Executive Session at 4:14 P.M., 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

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

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 Mr. Leo "Toot" Magee, Jr., Mrs. Ruby Margaret Norton Morton, and Mr. Philip R. Woods, S, until January 2, 2018 at 1:30 P.M. for a Regular Council Meeting, 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

City Clerk

Mayor

Agenda Adjustments

- **Item #11** - should read "Memoranda", not "Memorandum"
- **Item #18** - should read "Resolution - authorizing a donation of funds to the Harrison County Soil and Water Conservation District pursuant to Miss Code Ann. 69-27-27 (2012), and for related purposes"
- **Add 23 – A** - Request - approval for an exchange/return facilitated through Glock, Inc. by the Gulfport Police Department
- **Add 42 – A** - Legal Notice - advertisement for RFQ for Architectural Services to furnish design, bidding and construction administration services for Fire Station #9
- **Delete** - Items 3, 4 and 5