



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, February 6, 2018

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 January 23, 2018 at 1:00 P.M.

Present: Mayor Billy Hewes, General Counsel Hugh Keating, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines (via teleconference), 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; delete Item # 12 and add Item # 3-A, Resolution approving Memorandum of Agreement between the City of Gulfport and Harrison County with respect to the renourishment of the Sand Beach at 20th Avenue, 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

Presentation Agenda

The President called for the Mayor's Report:

Mayor Hewes introduced the CEO of Visit Mississippi Gulf Coast, Mr. Milton Segarra.

The Mayor called upon Laurie Toups to discuss upcoming events;

1. King Cake with a Cop – Wednesday, February 7th at PJ's Coffee.
2. Family Gras – Saturday, February 10th
3. Master Plan – Phase II for Downtown Gulfport
4. Galleria of Art

Upcoming Events:

1. Mardi Gras Mambo for Gulfport Seniors – Thursday, February 08, 2018 starting at 10 A.M. at the Lyman Community Center
2. Krewe of Gemini Parades - Saturday, February 10 at 2:00 P.M. and Tuesday, February 13 at 5:30 P.M.

Mayor Hewes recognized the Leisure Services Department's Daddy-Daughter Dance event that took place the previous weekend at the Lyman Community Center. The goal was to have 300 attendees...the final count was 772! The Mayor gave a big shout out to Gus Wesson, Brittany Dyess, Lauren Wales, and the crew from Leisure Services for this incredible event.

Last week, a major announcement was released declaring that Patio 44 will be coming to Downtown Gulfport! The Mayor states "Great things are going on, with much more to come!"

This Concluded the Mayor's Report.

Policy Issues**Minutes / Appointment**

- 1 Approval of minutes - for January 16 & 23, 2018

Motion to Approve minutes for January 16 & 23, 2018, 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

- 2 Appointment - MEMA Designation of Applicant Agents form- for Hurricane Nate- to be made part of the minutes.

Motion to Approve appointments for MEMA , 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

Code Enforcement

- 3 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 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

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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Resolutions

- 3 – A** Resolution - approving Memorandum of Agreement between the City of Gulfport and Harrison County with respect to the renourishment of the Sand Beach at 20th Avenue and authorizing the Mayor to execute the same.

Motion to Approve, 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

- 4** Resolution - approving Award and Agreement with Neel-Schaffer, Inc., for the Highway 49 and 18th Street Drainage Project, and authorizing 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

- 5** Resolution - approving Agreement between the Gulfport School District (Academic Institutes at Gulfport High School) and the City of Gulfport with respect to student internships in City Departments, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 6 Resolution - approving Agreement for Term Contract Group C2A - Culvert & Ram Neck Piping, and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Kenneth Casey, **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

- 7 Resolution - approving Amendment to Merchant Processing Agreement, 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

- 8 Resolution - Approving Supplemental Agreement No. 1 to contract with Jay Bearden Construction, Inc., for the Courthouse Road Improvements from US 90 to Pass Road Project, and authorizing the Mayor to execute the same.

Motion to Approve, 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

- 9 Resolution - approving Supplemental Agreement No. 2 (Change Order #2) (Revised) to agreement with A. Garner Russell & Associates, Inc., for the widening of 28th Street Project, 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

- 10 Resolution - approving Full and Final Settlement for construction and engineering on the widening of Three Rivers Road and Creosote - Phase 2 Project, and authorizing the Mayor to execute the same.

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

- 11** Resolution - authorizing negotiations to acquire real property interests and to do any acts necessary and legal, including prosecution in special court of eminent domain, and, if necessary, to expedite property acquisition, to authorize special checks to acquire the property interests stated herein, 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: Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 12** Resolution - authorizing an expenditure (in the form of a fee waiver) for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport in connection with the Diabetes Foundation of Mississippi Walk for Diabetes, and for related purposes.

- Deleted -

- 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 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

- 14** Resolution - authorizing acceptance of a donated High Water Vehicle from MS Forestry Commission, for the Gulfport Fire Department, and for related purposes.

Motion to Approve, Moved By Ron Roland, **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

- 15** Resolution - by the Gulfport City Council, finding that identifying marks on particular police vehicles would hinder official criminal investigations by the police and authorizing those vehicles to be unmarked

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

- 16** Resolution - terminating the State of Emergency previously declared due to the impacts of Hurricane Nate on the City of Gulfport, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 17** Recommendation - for payment for Contract Agreement for Services - ISI Water Company.

Motion to Approve recommendation for payment for Contract Agreement for Services with ISI Water Company, 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

Docket of Claims

- 18** Docket of Claims - to be approved through February 7, 2018.

Motion to Approve the Docket of Claims in the amount of \$3,877,971.28, 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 Approve 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

- 19** Ratification - acknowledgement and acceptance of Levanway termination letter of January 15, 2018 - to be made a part of the minutes.

Approved on Routine Agenda

- 20** Ratification - acknowledgement and acceptance of executed extension of consent to cross easement - to be made a part of the minutes.

Approved on Routine Agenda

- 21** Ratification - acknowledgement and acceptance of amended contract with MS Engineering Group, LLC for CE&I services related to Dedeaux Road Widening Project - to be made a part of the minutes.

Approved on Routine Agenda

- 22** Privilege License Report - for the month of December 2017 - to be made a part of the minutes.

Approved on Routine Agenda

- 23** Letter - regarding bid awarded by Purchasing for a 2018 Ranger ATV - Fire Department - to be made a part of the minutes.

Approved on Routine Agenda

- 24** Conveyance Deed - regarding transfer of ownership of space in Evergreen Gardens Cemetery.

Approved on Routine Agenda

Public Agenda

The President called for comments during the Public Agenda.

The Following Citizen(s) addressed the Council:

- Siobhan Bailey - Resident of 1315 2nd Street
- David Easterling – Resident of 2188 Saint James Blvd

This Concluded the Public Agenda.

Council Comments

Memorial Adjournment

- | | |
|---------------------------------------|---------------------------|
| • Mr. Malcolm J. Caples | • Mrs. Edna Crenshaw |
| • Ms. Aretha Shaw | • Mrs. JoAnn Parrott Boyd |
| • Mr. Robert Samuel “Bob” Barnes, Jr. | |

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss matters relating to settlement of a workers compensation claim, lease negotiations involving cellular tower site at Milner Stadium, potential donation of a private road, authorization related to claims involving Officer Luis Garcia and potential purchase of property, Motion to enter executive session at 2:26 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 2:32 P.M. In attendance:

Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines (via teleconference), Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John R. Kelly (in at 2:33 P.M.), General Counsel Hugh Keating, City Attorney Jeff Bruni (out at 2:35 P.M.), Assistant City Attorney Margaret Murdock, Director of Economic Development David Parker, Director of Public Works Wayne Miller (out at 2:49 P.M.), Director of Urban Development Greg Pietrangelo, Clerk of Council Ronda Cole, Deputy Clerk of Council Brittany Rodgers.

Motion to exit Executive Session at 2:59 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 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 administration, by and through the Legal Department, to negotiate a settlement of the Workers Compensation claim of Merlissia Lewis vs The City of Gulfport, up to the amounts discussed in executive session, 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 City Attorney's Office to pursue any and all remedies and to submit and file any and all documents, claims, and lawsuits needed or deemed necessary to recover for any loss, damage, or relief sustained by the City of

Gulfport arising out of the January 22, 2018 incident involving Eli Bosworth and/or Luis Garcia against any entities or persons that the Legal Department deems may have liability.

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 declare the city owned cell tower property located at or near Milner Stadium (southwest of the stadium) to be surplus and not needed for any valid municipal purpose and to approve a Lease Agreement between the City and Cellular South Real Estate, Inc., for the lease of the property identified in the Lease Agreement and to authorize the Mayor to execute the same on behalf of the City of Gulfport, Moved By Myles Sharp, Seconded By Kenneth Casey

At the request of the Mayor, Motion to Table until the February 20, 2018 Meeting, Moved By Kenneth Casey, Seconded By Ron Roland

After discussion Councilmember Sharp withdrew his motion, Item fails for lack of a Motion.

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. Malcolm J. Caples, Mrs. Edna Crenshaw, Ms. Aretha Shaw, Mrs. JoAnn Parrott Boyd, and Mr. Robert Samuel "Bob" Barnes, J, until February 20, 2018 at 1:30 P.M. for a Regular Council Meeting, 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

City Clerk

Mayor

Agenda Adjustments

Item 3 - A MOA with Harrison County for Sand Beach at 20th Avenue.