City of Gulfport, Mississippi

Minutes

City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, March 20, 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 Regular Council Meeting held on March 6, 2018 at 1:30 P.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; Delete Items 14, 15, and 24 at the request of the Administration, and add Item 23 - A, Request for Rapiscan Systems Classic Sponsorship, 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 asked the audience to join him in welcoming the State of Mississippi MHSAA 6A Varsity Boys State Champions! About a month prior to this meeting, these young men from Gulfport High School captured the State title against one of their archrivals, Madison Central High School, at the fields of Ridgeland High. Madison Central was ranked #1, but in the end, the Gulfport Admirals prevailed with a 2-0 victory.

Every team has great leaders; Mayor Hewes recognized the coaching staff; Head Coach Henrik Madsen, Assistant Coach Freddy Clavijo, and Assistant Coach Patrick Wadsworth. The Coaches assisted the Mayor in recognizing our hometown heroes and State Champs for the 2017-2018 Season; Seniors: Christopher Bruni (Team Captain), Eli Cupp (Team Captain), Cason Lizana, and Christopher Smith, Juniors: Aubrey Christian, Joseph Cumberland, Matthew Hagin, Miquel Hernandez, Ashton LeBlanc, Teddy Madsen, Lucas Ragula, and Gavin Taylor, Sophomores: Caleb Bergmann, Ethan Boles, Edwin Carranza, Mohamed Diallo, Jacob Johnson, Gannon Key, Joel Morales-Reyes, Durron Myers, London Ratliff, and Matthew Wingerter, Freshman: Ivo Jimenez, Peyton Ladner, Tres Ladner, A.J. McNair, Adrian Melendez Luna, Tatum Myrick, Hutson Rollins, Ford Symmes, and Carter Wilson. The Mayor also recognized Superintendent Glen East, Principal Mike Lindsey, and Athletic Director Bryan Caldwell.

A proclamation was presented to South Mississippi Regional Center, received by Glenda McMillon, in recognition of "Intellectual and Developmental Disabilities Awareness Month" in our City by Mayor Hewes.

The Mayor alongside Fire Chief Mike Beyerstedt presented Lieutenant Jess Traina with his Certificate of Completion for the National Fire Academy's Managing Officer Program.

Patrick Fellows, on behalf of the Gulf Coast Marathon, came forward and presented the City with a beautiful piece of artwork. He also gave a brief update on this year's marathon, scheduled in December 7 - 9.

Upcoming Events:

- Easter Egg Hunt –
  - Tonight, March 20th at Gulfport Sportsplex with the fun starting at 5:30 P.M.
  - Saturday, March 24th at Jones Park starting at 9 A.M.

- The Rapiscan Systems PGA Golf Classic –
  - New name but same great tournament!
  - This week at Fallen Oak
  - Entry is FREE for everyone thanks to our friends at Coca-Cola

- Opening Day for Baseball and Softball is happening soon all around our city.We wish everyone a safe and fun season.

This concluded the Mayor's Report.

Policy Issues

Minutes

1 Approval of minutes - for March 6, 2018.

Motion to Approve minutes for March 6, 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

Code Enforcement / Planning / Ordinances

2 Code Enforcement Hearing - on resolution to declare 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 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 Kenneth Casey, **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

3 Certificate of Resubdivision - requests to divide a parcel into two parcels zoned R-1-10: located north of Riverroad Drive, south of Danbury Cove, east of Ollie Road, and west of and adjacent to Fishermans Trail - Case # 1802PC020 - Ward 6.

Motion to Approve Certificate of Resubdivision, 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

4 Ordinance - amendments to the Comprehensive Zoning Ordinance, as amended, Section I. Definitions. and Section IV. Supplementary Regulations, (A) Supplementary use regulations, (9) Mobile food vendor - Case # 0702PC021.

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 2941 -

5 Ordinance - providing for the salary of compensation for certain positions of the city of Gulfport, MS 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 2942 -

Resolutions

6 Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (Rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated Redevelopment District, south of the CSX Railroad extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 704 Second Street, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 0911E-01-013.000.

Motion to Approve Order, 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

7 Resolution - approving award and contract with Samuel B. Day, Inc., for the Gaston Point Roof Replacement 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

8 Resolution - approving award and contract with Gibson Maintenance, LLC, for the Building Repairs and Construction Unit Price Project 2018 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

9 Resolution - approving Preliminary Engineering Services Agreement with Brown, Mitchell & Alexander, Inc., for the 20th Avenue Improvements Project and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Ron Roland, **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

10 Resolution - approving MOU with Gulfport School District for the Healthy Heroes Program and authorizing the Mayor to execute the same.

Motion to Approve, 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

11 Resolution to approve Pre-Development Grant Agreement between City of Gulfport and Mississippi Development Authority for the Hwy 49-18th Street Drainage R-109-202-09-KCR. and establish project budgets..

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

12 Resolution -approving Letter Agreement #1 to the contract with Brown Mitchell & Alexander, Inc., for the Ship Island Ferry Terminal (Pavilion and Pier) 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

13 Resolution - approving Change Order #3 to the contract with Moran Hauling, Inc., for the Coffee Creek Drainage Improvements 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

14 Resolution - declaring real property to be surplus and approving Lease Agreement with Mississippi Aquarium, a non-profit civic organization (4015 Searle Avenue) and authorizing the Mayor to execute the same.

- Deleted -

15 Resolution - declaring real property to be surplus and approving Lease Agreement with Mississippi Aquarium, a non-profit civic organization (135 Courthouse Road) and authorizing the Mayor to execute the same.

- Deleted -

16 Resolution - authorizing enrollment in Apple Inc.'s Developer Program to facilitate the distribution of the city's smartphone app and authorizing the Mayor (or designee) to execute the same.

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

17 Resolution - authorizing an expenditure to Mental Health Association of South Mississippi for the purpose of supporting community service programs and for related purposes.

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

18 Resolution - authorizing an expenditure to Disability Connection for the purpose of supporting community service programs and for related purposes.

Motion to Approve, Moved By Kenneth Casey, **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

19 Resolution - authorizing an expenditure to CASA of Harrison County for the purpose of supporting community service programs 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

20 Resolution - authorizing an expenditure to Gulf Coast Center for Nonviolence, Inc., for the purpose of supporting community service programs and for related purposes.

Motion to Approve, 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

21 Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport at the Gulf Coast Symphony Orchestra, Inc., and the Barbeque Under The Oaks 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

22 Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport Police Department and for related purposes

Motion to Approve, 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 Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport Urban Development Department and for related purposes

Motion to Approve, Moved By Kenneth Casey, **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

23 – A Resolution - to authorize an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport at the 2018 Rapiscan Systems Classic, and for related purposes

Motion to Approve, 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

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

- Deleted -

Budget Amendments / Docket of Claims

25 Budget Amendment #23 - to increase Federal Forfeiture Funds Budget for receipt of funds in the amount of $345,346.89, for use by the Police Department.

Motion to Approve Budget Amendment #23, 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

26 Budget Amendment #24 - to increase paving project funds received from Harrison County.

Motion to Approve Budget Amendment #24, 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

27 Budget Amendment #25 - to budget forfeiture funds received from Coastal Narcotics Enforcement Team (CNET).

Motion to Approve Budget Amendment #25, 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

28 Docket of Claims - to be approved through March 21, 2018.

Motion to Approve the Docket of Claims in the amount of $2,963,171.85, 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 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

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

Approved on Routine Agenda

30 Check Register - from Associated Adjusters for workers' compensation and general liability claims for the month of February 2018 - to be made a part of the minutes.

Approved on Routine Agenda

31 Year-To-Date Budget Report - for the month of February 2018 - to be made a part of the minutes.

Approved on Routine Agenda

32 Public Records Request - for the month of February 2018 - to be made a part of the minutes.

Approved on Routine Agenda

33 Bi-weekly payroll reports - for the month of February 2018 - to be made a part of the minutes.

Approved on Routine Agenda

34 Privilege License Report - issued during the months of January and February 2018 - to be made a part of the minutes.

Approved on Routine Agenda

35 Conveyance Deed - regarding a plot name change at Evergreen Gardens Cemetery.

Approved on Routine Agenda

36 Letter - regarding bid awarded by Purchasing for lift station pump - Sewer Department - to be made a part of the minutes.

Approved on Routine Agenda

37 Legal Notice - Bid Solicitation for the Sale of Surplus Municipal Property.

Approved on Routine Agenda

Public Agenda

The President called for comments during the Public Agenda.

No Citizen came before the Council at this t

This Concluded the Public Agenda.

Council Comments

Memorial Adjournment

- Mrs. Jerry Sue Woodwock Hargrove
- Mrs. Eloise Marie Malley

Executive Session

Upon the advice of General Counsel, Motion to enter Closed 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

The Council entered Closed Session at 2:24 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp (in at 2:26 P.M.), R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, General Counsel Hugh Keating, Assistant City Attorney Margaret Murdock, Assistant City Attorney Dustin Uselton, Director of Engineering Kris Riemann, Clerk of Council Ronda Cole, and Deputy Clerk of Council Brittany Rodgers. The Council discussed the need to enter Executive Session to discuss three (3) subrogation claims, a status report on pending litigation with Dedeaux Utilities, a status report on the litigation with Harrison County Utility Authority, a status report on the Lease Agreement with Cspire at Milner Stadium, and acquisition of easements on Brickyard Bayou owned by Entrust.

Motion to exit Closed Session, 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

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Motion to enter Executive Session at 2:29 P.M., Moved By Myles Sharp, **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

In attendance were the previously mentioned with the addition of City Attorney Jeff Bruni (in at 2:31 P.M. and out at 3:24 P.M.) and City Clerk Linda Elias (in at 3:02 P.M.).

Motion to exit Executive Session at 3:25 P.M., Moved By Myles Sharp, **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

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General Counsel Hugh Keating stated the 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 take any and all actions necessary, including the filing of any lawsuits, and authorize the expenditure of monies to go towards the payment of any necessary court costs and fees, as well as any other expenses, to recover damages in the matter of City of Gulfport v. Booker Ruggs, for damages in the amount of $930 as a result of an accident on December 1, 2017, caused by Booker Ruggs resulting in damage to a City owned light pole, 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

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Motion to Authorize the Administration, by and through the Legal Department, to take any and all actions necessary, including the filing of any lawsuits, and authorize the expenditure of monies to go towards the payment of any necessary court costs and fees, as well as any other expenses, to recover damages in the matter of City of Gulfport v. Neyatica Jackson and Twila Johnson, for damages in the amount of $1240 as a result of an accident on December 10,2017, caused by Neyatica Jackson while driving a vehicle owned by Twila Johnson, resulting in damage to a City owned light pole , Moved By Myles Sharp, **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

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Motion to authorize the Legal Department to acquire the required drainage easements and ingress/egress easement from Entrust Group, Inc. (FBO Conrad Fournier & Nellie McGarry) for the Brickyard Bayou Drainage Project for a total sum of $15,000 in light of the cost of prosecuting the matter in court, and to authorize the issuance of any special checks as may be required to finalize the aquisition, 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

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Motion to declare surplus property currently under lease to Cellular South Real Estate, Inc., at Milner Stadium and to approve a Lease Agreement with Cellular South Real Estate, Inc., and authorize the Mayor to execute the same on behalf of the City, 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

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General Counsel Hugh Keating advised the need to enter Executive Session to continue the discussion in reference to Dedeaux Utilities.

Motion to enter Executive Session @ 3:43 P.M., Moved By Myles Sharp, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote
Aye: Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu
Absent: Kenneth Casey

In attendance: Councilmembers: Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, General Counsel Hugh Keating, City Attorney Jeff Bruni, City Clerk Linda Elias, Attorney Peter Abide (Representative for Dedeaux Utility Company, Inc., et al (in at 3:56 P.M.)), Attorney Nicole Sullivan (Representative for Dedeaux Utility Company, Inc., et al (in at 3:56 P.M.)), Clerk of Council Ronda Cole, and Deputy Clerk of Council Brittany Rodgers. Absent: Kenneth Casey.

Motion to exit Executive Session at 4:04 P.M., Moved By R.Lee Flowers, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote
Aye: Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu
Absent: Kenneth Casey

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

Upon reconvening in an open meeting, the following action was taken:

Motion to Authorize the City Attorney's Office to negotiate a full and final resolution of all issues, claims, and matters for the sum of $2 Million, to be paid in two interest free installments and four checks, in the amount of $225,000 representing interest and $775,000 representing value to be paid within twenty (20) days of agreed Order of Dismissal and $225,000 representing interest and $775,000 representing value to be paid on or before October 20, 2018, in full and final settlement of the City of Gulfport's pending litigation and appeals against the Dedeaux Utilities Company* for the terms and on the conditions as discussed with the City Attorney and set forth in the Settlement Proposal from Dedeaux Utility Company, Inc.* by letter dated March 19, 2018 and as amended and initialed on by Counsel for both the City of Gulfport and City of Biloxi* and that letter being attached to the minutes as an exhibit to this resolution and to be formalized in a settlement agreement and to include, without limitation, a full and final dismissal with prejudice of pending

litigation and/or appeals and a covenant not to sue; and to authorize the Mayor to approve and execute whatever settlement agreements or releases are 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 and settlement, including, but not limited to, having these proceedings dismissed, Moved By Myles Sharp, **Seconded by** Ron Roland

*** should be Dedeaux Utility Company, Inc., et al**

Vote: Motion Carried By Unanimous Roll Call Vote
Aye: Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu
Absent: Kenneth Casey

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 Mrs. Jerry Sue Woodcock Hargrove and Mrs. Eloise Marie Malley, until April 3, 2018 at 1:30 P.M. for a Regular Council Meeting, Moved by Ron Roland, **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
Absent: Kenneth Casey

City Clerk

Mayor

Agenda Adjustments

23 – A - Rapiscan Systems Classic Expenditure