



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, December 3, 2019

1:30 PM

*Gulfport City Hall
Council Chambers*

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

The Members of Council met at City Hall at 1:30 P.M., on the above date, same being an adjourned meeting from a Special Call Meeting on November 26, 2019 at 3:00 P.M.

Present: CAO Dr. John Kelly, General Counsel Hugh Keating, Clerk of Council Brittany Rodgers, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker (out at 3:16 P.M.), Myles Sharp, R.Lee Flowers, and Cara Pucheu.

Absent: Mayor Billy Hewes.

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

Agenda Order

Motion to Accept the Agenda with the following amendment, move item 4 to be taken up as item 29 - A, 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

- **Mayor's Report**

Policy Issues

Minutes

- 1 Approval of Minutes - for October 22, 2019.

Motion to Approve Minutes for October 22, 2019, 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

Attachment(s):

[October 22, 2019 - Minutes](#)

- 2 Approval of Minutes - for October 25, 2019 SCM.

Motion to Approve Minutes for October 25, 2019 SCM, 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

Attachment(s):

[October 25, 2019 SCM - Minutes](#)

Code Enforcement / Planning

- 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 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

The following Citizen(s) addressed the Council:

- Rashid Abdul Salaam - 624 North Forest Drive

Motion to Close the Hearing and Approve the Resolutions, 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

Attachment(s):[CE Postings](#)[Resolution - Authorizing Advertisement for Bids - Signed](#)[Resolution - Authorizing Advertisement for Bids on 624 North Forest Drive - Signed](#)

- 4 Final Plat - approval of a 3-lot subdivision (Gulfport Promenade) on a tax parcel zoned B-2 - Lorraine Road - Case # 1910PC116 - Ward 6

Moved to be taken up as item 29 - A

Ordinances

- 5 Ordinance - amending Chapter 5, Article IV of the City of Gulfport Code of Ordinances, and for related purposes.

Motion to Adopt Ordinance, 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

Attachment(s):[Ordinance 3023 - Signed](#)**Resolutions**

- 6 Resolution - appointing Hearing Officer pursuant to House Bill 991 (2019 Regular Legislative Session, Mississippi Legislature), 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

Attachment(s):[Resolution - Hearing Officer - HB 991 - Signed](#)

- 7 Resolution - authorizing and approving a Ground Lease between Memorial Hospital at Gulfport and the Mississippi State Port Authority, and for related purposes.

Motion to Concur, 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

Attachment(s):

[Resolution - MHG Ground Lease with MS Port Authority - Signed](#)

- 8 Resolution - approving Eleventh Amendment to the City's Contract with Utility Partners, LLC, to add Utility Service Positions to the Contract, authorizing the Mayor (or designee) to execute the same, 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

Attachment(s):

[Resolution - 11th Amendment UP - Signed](#)

- 9 Resolution - approving One for One Register Exchange Agreement Between the City of Gulfport and Master Meter, Inc., authorizing the Mayor (or designee) to execute the same, 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

Attachment(s):

[Resolution - One for One Register Exchange Agreement - Master Meter - Signed](#)

- 10 Resolution - approving three (3) "Standard Commercial Security Agreements" between the City of Gulfport and All Safe Technologies, LLC, authorizing the Mayor to execute the same, and for related purposes.

Motion to Approve, Moved By Ella Holmes-Hines, **Seconded by** Ron Roland

Motion to Table, 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

- 11** Resolution - approving Temporary Use Access License Agreement with Azteca Systems, LLC, authorizing the Mayor to execute the same, 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

Attachment(s):

[Resolution - Use Access License Agreement - Azteca Systems - Signed](#)

- 12** Resolution - approving Right of Entry in favor of the Mississippi Department of Marine Resources (and others), authorizing the Mayor to execute the same, 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

Attachment(s):

[Resolution - Right of Entry - DMR - Signed](#)

- 13** Resolution - authorizing Vacation and Release of Easement, authorizing the Mayor to execute Instrument effectuating said Release, 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

Attachment(s):

[Resolution - Vacation and Release of Easement - Signed](#)

- 14** Resolution - authorizing a Donation of Funds to Gulf Coast Center for Nonviolence, Inc., pursuant to Miss Code Ann. § 21-19-65 and 21-17-1(8) (rev. 2015), 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

Attachment(s):

[Resolution - Gulf Coast Center for Nonviolence Donation - Signed](#)

- 15** Resolution - authorizing a Donation of Funds to the CASA of Harrison County, Inc., pursuant to Miss. Code Ann. § 21-19-65 and 21-17-1(8) (rev. 2015), and for related purposes.

Motion to Approve, 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

Attachment(s):

[Resolution - CASA Donation - Signed](#)

- 16** Resolution - authorizing a Donation of Funds to the Gulfport School District pursuant to Miss. Code Ann. §§ 21-19-49(4), 17-3-1 and 17-3-3, and for related purposes.

Motion to Approve, Moved By Ron Roland, **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

Attachment(s):

[Resolution - Gulfport School District Donation - Signed](#)

- 17** 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 for related purposes.

Motion to Approve, 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

Attachment(s):

[Resolution - Gulf Coast Symphony Orchestra Expenditure - Signed](#)

- 18** Resolution - authorizing an expenditure of funds in support of the Harrison County Motor Vehicles for Hire Authority, pursuant to Interlocal Agreement, 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

Attachment(s):

[Resolution - Harrison County Motor Vehicle For Hire Authority Expenditure - Signed](#)

Budget Amendments / Docket of Claims

- 19** Budget Amendment #15 - to accept donation check for S.W.A.T. Team.

Motion to Approve Budget Amendment #15, 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

Attachment(s):

[Donation for S.W.A.T. Team \(operating supplies\)](#)
[Budget Amendments - FYE 2020 - 15](#)

- 20** Budget Amendment #16 - to increase County/Local from restitution and forfeiture on drug cases.

Motion to Approve Budget Amendment #16, 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

Attachment(s):

[November 20th \(capital\)](#)
[Budget Amendments - FYE 2020 - 16](#)

- 21** Budget Amendment #17 - to fund the purchase of 2 new Trailers - Litter Crew & Traffic.

Motion to Approve Budget Amendment #17, 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

Attachment(s):

[BAPW - FUND TRAILER PURCHASE FOR LITTER CREW & TRAFFIC - 11-22-19](#)
[Budget Amendments - FYE 2020 - 17](#)

- 22** Docket of Claims - to be approved through December 4, 2019.

Motion to Approve Docket of Claims, in the amount of \$2,301,106.73, 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

Attachment(s):

[Resolution - Docket of Claims - Signed](#)

[Docket](#)

[Docket by Vendor](#)

[Docket by Org-Obj-Proj](#)

Routine Agenda

Motion to Approve Routine Agenda, as presented, not to include 29 - A , 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

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

Attachment(s):

[Resolution - Awarding-Rejecting Bids - Signed](#)

- 24** Approval - of Engagement Letter with Mauldin & Jenkins for auditing services for the City of Gulfport for FYE September 30, 2019.

Attachment(s):

[Engagement Letter - Mauldin & Jenkins Audit FYE 9 30 2019](#)

- 25** Legal Notice - advertisement for RFP - City of Gulfport Wellness Clinic Service Provider.

Attachment(s):

[Legal Notice - RFP - Wellness Clinic Service Provider](#)

- 26** Letter - regarding bid awarded by Purchasing to Ludwig Building Enterprises for a metal building - Fire Station 3 - to be made a part of the minutes.

Attachment(s):

[Ludwig Building Enterprises - Metal Building - Fire Station 3](#)

- 27 Letter - regarding bid awarded by Purchasing to Kustom Signals, Inc., for Directional Radar Units - Police Department - to be made a part of the minutes.

Attachment(s):

[Kustom Signals, Inc - Directional Radar Units - Police Department](#)

- 28 Letter - regarding bid awarded by Purchasing to Turf Masters Lawn Care, Inc., for Mini Lights - Gulfport Harbor Lights Winter Festival - to be made a part of the minutes.

Attachment(s):

[Turf Masters - Mini Lights](#)

- 29 Ratification - of Easements and Deeds for Three Rivers Road/Duckworth Road Sewer Improvements Project - to be made a part of the minutes.

Attachment(s):

[Easement - Allen Jerry&Jeffrey - Recorded](#)

[Easement - Allen Jerry&Peggy - Recorded](#)

[Easement - Bosarge - Recorded](#)

[Easement - Gramma - Recorded](#)

[Right of Way Deed - Harrington - Recorded](#)

[Right of Way Deed - Lawrence Recorded](#)

[ROW Deed - Ashton Apartment Partners - Recorded](#)

- 29 – A Final Plat - approval of a 3-lot subdivision (Gulfport Promenade) on a tax parcel zoned B-2 - Lorraine Road - Case # 1910PC116 - Ward 6

Motion to Table, 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

The following actions were taken after Executive Session

Motion to Take off the Table, 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

Council President Rusty Walker out at 3:16 P.M. - Vice President Myles Sharp took over as Chair

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

Motion to Amend Approval with ..., 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

Attachment(s):

[Plat - Case # 1910PC116](#)

Public Agenda

The President called for comments during the Public Agenda.

The following Citizen(s) addressed the Council:

- Gilbert Ramsey

This concluded the Public Agenda

Council Comments

Memorial Adjournment

[Mr. Reynauld Eugene Dunlap](#)

[Mr. Robert L. Jones](#)

[Mr. Charles E. Holmes](#)

[Ms. Kate Ellington](#)

Executive Session

Upon the advice of General Counsel, Motion to Enter Closed Session to make a preliminary determination of the necessity for Executive Session at 2:41 P.M., Moved By Kenneth Casey, 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 Closed Session at 2:42 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, CAO Dr. John Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni (in at 2:45 P.M.), and Clerk of Council Brittany Rodgers.

Motion to Exit Closed Session at 2:45 P.M., 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

No official action was taken during Closed Session.

Upon hearing from General Counsel regarding the nature of the request for Executive Session, Motion to Enter Executive Session at 2:46 P.M. for strategy discussion with respect to pending litigation associated with the fire on Fishbone Alley, Moved By Ella Holmes-Hines, 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

The Council entered Executive Session at 2:46 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, CAO Dr. John Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, and Clerk of Council Brittany Rodgers.

Motion to Exit Executive Session at 2:49 P.M., Moved By R.Lee Flowers, 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

No official action was taken during Executive Session.

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

*** Council took up the previously tabled item 29 - A ; See item 29 - A for action(s) taken ***

Motion to authorize and approve acceptance of \$9,388.18 in settlement of the City's claim against Murky Waters, on May 17, 2019, as a result of the acts/omissions of the Murky Waters restaurant/Murky Waters, LLC along "Fishbone Alley" in between 13th and 14th Streets in Gulfport; to authorize the Mayor to execute whatever documents are necessary to effectuate this resolution, as approved by the City Attorney; and to authorize the City Attorney's Office to do whatever further or additional acts are necessary to effectuate this resolution; including dismissing or withdrawing any legal proceedings, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

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. Reynauld Eugene Dunlap, Mr. Robert L. Jones, Mr. Charles E. Holmes and Ms. Kate Ellington, until December 17, 2019 at 1:30 P.M. for a Regular Council Meeting, Moved By Kenneth Casey, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

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

Absent: Rusty Walker

City Clerk

Mayor

Agenda Adjustments

- 29 – A** Final Plat - approval of a 3-lot subdivision (Gulfport Promenade) on a tax parcel zoned B-2 - Lorraine Road - Case # 1910PC116 - Ward 6