City of Gulfport, Mississippi

Minutes

City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, May 19, 2020	**1:30 PM**	***Gulfport City Hall Council Chambers***

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

The Mayor and Members of Council met at City Hall at 1:30 P.M., on the above date, same being an adjourned meeting from a Regular Meeting on May 5, 2020 at 1:30 P.M.

Present: Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Clerk of Council Brittany Rodgers, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines (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 Agenda, with the following adjustments; delete items 8 and 13 at the Administration's request, and add item 14 - A - Resolution - authorizing an expenditure (via equipment in-lieu of funds) for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport, and for related purposes., 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 March 3, 2020.

Motion to Approve Minutes for March 3, 2020, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
March 3, 2020 - Minutes

2 Approval of Minutes - for March 17, 2020.

Motion to Approve Minutes for March 17, 2020, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
March 17, 2020 Minutes

3 Approval of Minutes - for April 7, 2020.

Motion to Approve Minutes for April 7, 2020, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
April 7, 2020 Minutes

4 Approval of Minutes - for April 21, 2020.

Motion to Approve Minutes for April 21, 2020, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
April 21, 2020 Minutes

5 Approval of Minutes - for May 5, 2020.

Motion to Approve Minutes for May 5, 2020, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
May 5, 2020 Minutes

Resolutions

6 Resolution - appointing Lyman Seymour as an additional Deputy City Clerk for the City of Gulfport, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
Resolution - Lyman Seymour as Deputy City Clerk - Signed

7 Resolution - approving Agreement with PPM Consultants, Inc., authorizing the Mayor to execute the same, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
Resolution - PPM Consultants Agreement - Signed

8 Resolution – approving Certificate of Partial Substantial Completion of Downtown Streetscape Improvements Project Phase III, authorizing the Mayor to execute the same, and for related purposes.

- Deleted -

9 Resolution - approving Full and Final Settlement for Construction and Engineering on the Ship Island Ferry Boat Terminal Facility Improvements Project (Pavilion and Pier), authorizing the Mayor to execute the same, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
Resolution - Ship Island Ferry Boat Terminal Full and Final Settlement - Signed

10 Resolution - approving Lease Agreement with John Deere Financial, authorizing the Mayor to execute the same, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
John Deere Lease Agreement - Signed

11 Resolution - authorizing negotiations to acquire right of way easements and related interests and to do any acts necessary and legal, including prosecution in Special Court of Eminent Domain, to obtain title for the City under Miss. Code Ann. § 11-27-81, et seq., and, if necessary, to expedite the "Landon Road Widening Project", authorizing special checks to acquire the property interests stated herein, and for related purposes.

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

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

Attachment(s):
Resolution - Landon Road (Anchor & MidSouth Rail) ED - Signed

12 Resolution - authorizing the City of Gulfport, through the Gulfport Police Department, to accept High Intensity Drug Trafficking Area Grant Award Number G-20-GC-0003A, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
Resolution - HIDTA Accept and Approve - Signed

13 Resolution - authorizing acceptance of Grant from the Southern Rail Commission, approving Subaward Agreement pertaining to the same, authorizing the Mayor to execute said Agreement(s), and for related purposes.

- Deleted -

14 Resolution - reconfirming and extending the status of a State of Emergency due to the spread of COVID-19 and potentials associated impacts which threaten to affect areas within the City, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
Resolution - COVID - Extension #4 - Signed

14 – A Resolution - authorizing an expenditure (via equipment in-lieu of funds) for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
Resolution - Advertising - MHG - Stage - Signed

Budget Amendments / Docket of Claims

15 Budget Amendment #61 - to transfer to fund CIPP Lining of Storm Drain at Roxbury Estates.

Motion to Approve Budget Amendment #61, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
BAPW - transfer to fund CIPP Lining at Roxbury Estates - 5-8-2020
Budget Amendments - FYE 2020 - 61

16 Budget Amendment #62 - to increase Capital (286) from restitution.

Motion to Approve Budget Amendment #62, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

Attachment(s):
May 8th (signed)
Budget Amendments - FYE 2020 - 62

17 Docket of Claims - to be approved through May 20, 2020.

Motion to Approve Docket of Claims, in the amount of $1,701,707.78, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

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, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

18 Associated Adjusters Check Registers - for workers' comp and general liability claims paid during April, 2020 - to be made a part of the minutes.

Attachment(s):
Memo - Associated Adjusters
Associated Adjusters Check Registers - April 2020

19 Bi-Weekly Payroll Report - for the month of April, 2020 - to be made a part of the minutes.

Attachment(s):
Memorandum -Payroll Journals
Bi-Weekly Payroll Report - April 2020

20 Privilege License Report - for the month of April, 2020 - to be made a part of the minutes.

Attachment(s):
Privilege License Report - April 2020

21 Letter - regarding bid awarded by Purchasing to Gibson Maintenance for Cart Path Overlay Phase 1 - Leisure Services - to be made a part of the minutes.

Attachment(s):
Memo - Cart Path Overlay Phase I
Cart Path Overlay Phase 1 - Tab Sheet

22 Ratification - of Easements for Our Road Sewer Improvements Project - to be made a part of the minutes.

Attachment(s):
Easement - Thomas - Recorded
Easement - Blacklidge - Recorded

23 Ratification - of Mayor's Executive Order No. 7 (May 5, 2020) - to be made a part of the minutes.

Attachment(s):
Executive Order No. 7 - May 5, 2020

24 Ratification - of Mayor's Executive Order No. 8 (May 8, 2020) - to be made a part of the minutes.

Attachment(s):
Executive Order No. 8 - May 8, 2020

25 Ratification - of Oaths of Office - to be made a part of the minutes.

Attachment(s):
Oath of Office - Kandi Brown
Oath of Office - Shauna Miller
Oath of Office - Amber Sumrall

26 Request - to purchase repairs for Aerial Ladder Truck for the Fire Department from Sunbelt Fire.

Attachment(s):
Aerial Ladder Truck Repairs & Certification - Sunbelt Fire

Public Agenda

Council Comments

Memorial Adjournment

Mr. Ritchie Moffett
Mrs. Bobbye Wills
Mr. Calvin Johnson
Mr. John Bogles
Dr. Lewis Edward Alexander, Sr.
Rev. Nathaniel Miskell
Mr. Steve "June Boy" Hunter, III

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 1:52 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

The Council entered Closed Session at 1:52 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines (teleconference), Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, and Clerk of Council Brittany Rodgers.

Motion to Exit Closed Session at 1:53 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

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 1:53 P.M. for strategy discussion involving litigation associated with the City's claim in the BP Oil Spill proceedings; and Strategy discussion involving pending litigation involving Jay Bearden Construction Co., Inc., 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

The Council entered Executive Session at 1:54 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines (teleconference), Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, Attorney Mariano Barvie (out at 2:12 P.M.), Director of Engineering Kris Riemann (in at 2:12 P.M.), and Clerk of Council Brittany Rodgers.

Motion to Exit Executive Session at 2:31 P.M., Moved By Cara Pucheu, **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

No official action was taken during Executive Session.

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

Motion to authorize and approve settlement of the City's claims associated with the Haliburton Energy Services, Inc. ("HESI") / Transocean settlement funds (emanating from the 2010 oil spill in the Gulf of Mexico on the BP-operated Macondo Prospect (Deepwater Horizon drilling rig disaster)), identified as Claim No. 5F8E5CD689 in these proceedings, to include acceptance of settlement funds to come from a formula established by the Claims Administrator, and waiver of any appeals associated with this settlement/proceedings; to authorize the Mayor to execute whatever documents are necessary to effectuate this resolution and settlement; and to authorize the City's Attorneys to do whatever further or additional acts are necessary to effectuate this resolution, including dismissal or withdrawal of any legal proceedings or claims on the City's behalf, all with the understanding that nothing done in connection with this will waive or nullify any of the City's rights, claims, interests, defenses, and title to or associated with any of these properties or areas, Moved By Myles Sharp, **Seconded by** Cara Pucheu

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

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. Ritchie Moffett, Mrs. Bobbye Wills, Mr. Calvin Johnson, Mr. John Bogles, Mr. Lewis Alexander, Rev. Nathaniel Miskell, and Mr. Steve "June Boy" Hunter, III, until June 2, 2020 at 1:30 P.M. for a Regular Council Meeting, 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

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Clerk

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Mayor

Agenda Adjustments

14 – A Resolution - authorizing an expenditure (via equipment in-lieu of funds) for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport, and for related purposes.