City of Gulfport, Mississippi

Minutes

City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, January 21, 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 January 7, 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, 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 amendments; change the order of items 9 and 10, and delete item 8 and 13 at the Administration's requ, 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

Presentation Agenda

- **Mayor's Report**

Policy Issues

Minutes

1 Approval of Minutes - for November 5, 2019.

Motion to Approve Minutes for November 5, 2019, 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):
November 5, 2019 Minutes

2 Approval of Minutes - for November 19, 2019.

Motion to Approve Minutes for November 19, 2019, 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):
November 19, 2019 Minutes

3 Approval of Minutes - for November 26, 2019 SCM - Committee Hearing.

Motion to Approve Minutes for November 26, 2019 SCM, 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
Abstain: Cara Pucheu

Attachment(s):
November 26, 2019 Committee Hearing Minutes

Code Enforcement / Planning

4 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 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 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):
CE Postings
Resolution - Authorizing Advertisement for Bids - Signed

5 Certificate of Resubdivision - divide one parcel into three parcels Zoned R-2 (Single-family) - 53rd Avenue - Case # 1912PC159 - Ward 1.

Motion to Approve Certificate of Resubdivision, 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):
Certificate of Resubdivision - Case 1912PC159 - Signed

Ordinances

6 Ordinance - to rezone tax parcel from R-1-7.5 (Single-family) to R-B (Residence business) - Creel Circle - Case # 1912PC161 - Ward 5

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

Amend Motion to change R-B to R-O, 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 President called the question for the Motion as amended:

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 3024 - Signed

Resolutions

7 Resolution - approving Lease Agreement with the Gulfport School District (Mills Avenue Property), authorizing the Mayor to execute the same, 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, Rusty Walker, Myles Sharp, R.Lee Flowers
Nay: Cara Pucheu
Absent: Ella Holmes-Hines (out of room)

8 Resolution - approving Sponsorship Agreement between the City of Gulfport and Carter Green Investments, LLC, relative to the Annual Harbor Lights Winter Festival at Jones Park, and for related purposes.

- Deleted -

9 Resolution - approving Memorandum of Agreement with Mississippi Transportation Commission on the BUILD - Interconnecting Gulfport Project, and for related purposes.

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

Motion to Table, 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 following actions were taken after Executive Session

Motion to Take off the Table, Moved By Myles Sharp**, 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

The President called the question on the original Motion:

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 - MOA MTC BUILD - Interconnecting Gulfport Project - Signed

10 Resolution - approving Neel Schaffer, Inc. to serve as Environmental and Planning Consultant for BUILD - Interconnecting Gulfport Project, and for related purposes.

Motion to Table, 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 following actions were taken after Executive Session

Motion to Take off the Table, Moved By Myles Sharp, **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

Motion to authorize the Administration to select Neel-Schaffer Inc., to serve as Environmental and Planning Consultant for BUILD-Interconnecting Gulfport Project, and to authorize the Administration to negotiate a Contract to be brought back to the Council for approval, Moved By Ron Roland, **Seconded by** Rusty Walker

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):
Recommendation for P and E Consultant – BUILD Interconnecting Gulfport Project
Master Services Selection Letter Request

11 Resolution - approving Revised Supplemental Agreement #2 with Jay Bearden Construction related to Courthouse Road Improvements Project, and for related purposes.

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

Attachment(s):
Resolution - SA 2 Jay Bearden - Courthouse Road Improvements Project - Signed

12 Resolution - approving Certificate of Substantial Completion for the Three Rivers and Mays Road Sewer Improvements Project, authorizing the Mayor to execute the same, 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

Attachment(s):
Resolution - Certificate of Substantial Completion Three Rivers - Mays Road Sewer Improvements Project - Signed

13 Resolution - authorizing an expenditure representing Gulfport's share of the Local Match Funds for the Federal Transit Authority Grant for Coast Transit Authority's Multimodal Overpass/Tram Bridge Project, and for related purposes.

- Deleted -

14 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 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 - GPD Expenditure - Signed

15 Resolution - authorizing expenditures for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport with respect to the activities of the Gulfport Police Explorers, 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 - GPD Explorers Expenditure - Signed

16 Resolution - approving the temporary closure of municipal right of way for the 2020 Susan G. Komen Race for the Cure to be held on Saturday, May 16, 2020, and for related purposes.

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

Attachment(s):
Resolution - Susan G Komen Race for the Cure Road Closure - Signed

17 Resolution - approving the temporary closure of municipal right of way for the 2020 Gulf Coast Heart Walk to be held on Saturday, September 26, 2020, and for related purposes.

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

Attachment(s):
Resolution - Gulf Coast Heart Walk Road Closure - Signed

18 Resolution - approving public display of fireworks at the Culmination of the Sounds by the Sea Harrison County Concert Event, 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 - Sounds by the Sea Fireworks - Signed

Budget Amendments / Docket of Claims

19 Budget Amendment #25 - to set up accounts for NRCS Community Road Drainage Project.

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

Attachment(s):
BAPW - FUND NRCS EWP COMMUNITY ROAD PROJECT - 1-8-2020
NRCS - Community Road
Request for Extension - Community Road (revised)
NR194423XXXXC022_NOA_Amend 00001
Budget Amendments - FYE 2020 - 25

20 Budget Amendment #26 - to increase line item 286-630100 (capital) from restitution.

Motion to Approve Budget Amendment #26, 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):
CNET 286 Account (signed)
Budget Amendments - FYE 2020 - 26

21 Budget Amendment #27 - to increase Count/Local from drug forfeiture.

Motion to Approve Budget Amendment #27, 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):
Forfeiture 277 Account (signed)
Budget Amendments - FYE 2020 - 27

22 Budget Amendment #28 - to fund GRPC Pavement Management Plan.

Motion to Approve Budget Amendment #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

Attachment(s):
BAPW - FUND GRPC PAVEMENT MANAGEMENT PLAN - 1-8-20
PAVEMENT MANAGEMENT PLAN GRPC APPROVAL LETTER - 12-11-19
Budget Amendments - FYE 2020 - 28

23 Budget Amendment #29 - to set up FRA Accounts for Quad Gates at Highway 49 & CSX Railroad Project.

Motion to Approve Budget Amendment #29, 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):
BAPW - SET UP FRA ACCOUNTS FOR QUAD GATES AT HWY 49 & CSX RR - 1-11-20
Recommendation to Approve Grant Agreement - Quad Gates at Highway 49 & CSX RR
Request Authority to Advertise - Quad Gates at Highway 49 CSX Railroad
BAPW - FUND QUAD GATES AT HWY 49 & CSX RR 2- 10-29-19
Budget Amendments - FYE 2020 - 29

24 Budget Amendment #30 - to increase funds for Courthouse Road Improvements Project.

Motion to Approve Budget Amendment #30, 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):
APPROVAL LETTER FROM GPRC - ADDITIONAL FUNDING COURTHOUSE ROAD IMPR PROJECT - 1-14-2020
BAPW - TRANSFER FUNDS TO COURTHOUSE ROAD IMPROVEMENTS PER GRPC - 1-14-2020
Budget Amendments - FYE 2020 - 30

25 Docket of Claims - to be approved through January 22, 2020.

Motion to Approve Docket of Claims, in the amount of $2,118,148.23, 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

Attachment(s):
Docket
Docket by Vendor
Docket by Org-Obj-Proj
Resolution - Docket of Claims - Signed

Routine Agenda

Motion to Approve Routine Agenda, as presented, 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

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

Attachment(s):
Resolution - Awarding - Rejecting Bids - Signed

27 Associated Adjusters Check Registers - for workers' comp and general liability claims paid during December, 2019 - to be made a part of the minutes.

Attachment(s):
Associated Adjusters Check Registers - December 2019
Memorandum - Associated Adjusters - December 2019

28 Bi-Weekly Payroll Report - for the month of December, 2019 - to be made a part of the minutes.

Attachment(s):
Memorandum - Payroll Journals - December 2019
Bi-Weekly Payroll Report - December 2019

29 Public Records Requests - for the month of December, 2019 - to be made a part of the minutes.

Attachment(s):
Public Records Requests - December 2019

30 Year-to-Date Budget Report - for the month of November, 2019 - to be made a part of the minutes.

Attachment(s):
Year-To-Date Budget Report - November 2019

31 Legal Notice - Advertise for RFP for Engineering Services - Quad Gates at Highway 49 & CSX Railroad Project.

Attachment(s):
Request Authority to Advertise - Quad Gates at Highway 49 & CSX Railroad

32 Letter - regarding recommendation related to RFP for Water Tank Maintenance - to be made a part of the minutes.

Attachment(s):
Recommendation - RFP Water Tank Maintenance
Submittal.ATM
Submittal.Suez
RFP
RFP

33 Ratification - Facility Use Agreement - to be made a part of the minutes.

Attachment(s):
Facility Use Agreement - Gulf Sportz LLC

34 Request - issuance of a special check to Jay Bearden Construction for Pay Application #22 related to Courthouse Road Improvements Project.

Attachment(s):
MEMO - RECOMMENDATION TO APPROVE REVISED SA 2 FOR JAY BEARDEN AT COURTHOUSE RD FOR CONDUIT - 1-14-2020
MEMO - REQUEST SPECIAL CHECK FOR PAY APP 22 TO JAY BEARDEN FOR COURTHOUSE RD PROJECT - 01-14-2020
BAPW - TRANSFER FUNDS TO COURTHOUSE ROAD IMPROVEMENTS PER GRPC - 1-14-2020
PAY APP #22 - JAY BEARDEN CONSTRUCTION - COURTHOUSE ROAD IMPROVEMENTS - 1-14-2020

Public Agenda

The President called for comments during the Public Agenda.

The following Citizen(s) addressed the Council:

- William Tapper - 3944 Monterey Drive

The concluded the Public Agenda.

Council Comments

Memorial Adjournment

Mr. Cono Anthony Caranna II

Mr. Gary T. Hargrove

Mrs. Pamela Prout Swanier

Mrs. Theresa Helen Barnes

Mr. Brandon R. Miller

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 2:31 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

The Council entered Closed Session at 2:34 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Director of Public Works Wayne Miller, Director of Engineering Kris Riemann (in at 2:36 P.M.), and Clerk of Council Brittany Rodgers.

Motion to Exit Closed Session at 2:39 P.M., 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

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 2:41 P.M. for (1) strategy involving litigation filed by certain members of MS Sound Coalition and State of Mississippi related to the MS Sound and Lake Pontchartrain Protection Act, and (2) strategy involving litigation related to BUILD - Interconnecting Gulfport Project, 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

The Council entered Executive Session at 2:41 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Director of Public Works Wayne Miller, Director of Engineering Kris Riemann, and Clerk of Council Brittany Rodgers.

Motion to Exit Executive Session at 3:25 P.M., 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

No official action was taken during Executive Session.

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

*** See Items 9 and 10 for action(s) taken***

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. Cono Anthony Caranna II, Mr. Gary T. Hargrove, Mrs. Pamela Prout Swanier, Mrs. Theresa Helen Barnes, and Mr. Brandon R. Miller, until February 4, 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

_____
Clerk

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Mayor