



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, May 3, 2016

1:30 PM

*Gulfport City Hall
Council Chambers*



1:30 p.m. Invocation, Pledge of Allegiance, Call to Order

The Mayor and Members of the Council met at City Hall at 1:30 P.M. Present: Mayor Billy Hewes, General Counsel Hugh Keating, Council members: Kenneth Casey, Ricky Dombrowski (in at 1:45 P.M., out at 3:10 P.M.), Ella Holmes-Hines (in at 1:41 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu.

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



Agenda Order Confirmation or adjustment of the agenda order

Motion to accept the agenda with the following adjustments; delete Policy Items#5 and #7, add Routine Agenda item #26, Ratification of State of Emergency as proclaimed by the Mayor on April 28, 2016, Moved By Myles Sharp, Seconded By Kenneth Casey

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



Presentation Agenda

• Mayor's Report

The President called for the Mayor's Report.

Mayor Billy Hewes welcomed everyone to the meeting and reported/announced on the following:

- The City of Gulfport received an unprecedented amount of rainfall on April 28 and 29. Flooding occurred in areas not flooding in years. Special thanks were given to staff members who worked above and beyond their normal duties to ensure the safety and quick recovery of our city.
- The American Red Cross, Gulfport Fire Department and Councilman R.Lee Flowers were acknowledged for their efforts in distributing free fire alarms to citizens.
- Retirement certificates were presented to the following members of the Gulfport Fire Department
 - Edward Agent – retired Lieutenant – hired 11/1/88; retired 4/30/16
 - Frank Skinner – retired District Chief – hired 11/1/88; retired 4/30/16
 - Barry Oaks – retired Lieutenant – hired 1/3/94; retired 4/30/16
 - James Ward – retired Engineer – hired 1/3/94; retired 4/17/16
 - Randall Johnson – retired Fire Inspector – hired 10/9/06; retired 1/15/16
- National Tourism Week was celebrated in the Gulfport Welcome Center on May 3rd.
- National Date of Prayer was held Thursday, May 5 at 12 noon – Barksdale Pavilion.
- Gulf Island Water Park opened May 7.
- MS Power "Bring It Day" for hazardous materials, May 7 at Plant Jack Watson.
- Senior Spring Fling was been rescheduled for Thursday, May 12. Including a light lunch, entertainment and fun for all seniors.

- Billy Waits with MS Engineering Group gave a monthly update on the progress of Dedeaux Road widening.
- Scott Levenway gave an update on the state legislation.
- Kimberly Nastasi of the Gulfport Chamber of Commerce presented an update of the agency.
- Attorney Steve Hendrix reported on the Gulfport Redevelopment Commission.

This concluded the Mayor's Report.

Policy Issues

Minutes / Appointment / Code Enforcement



1

Approval of minutes - for April 5 & 19, 2016.

Motion to Approve the minutes of April 5 & 19, 2016, Moved By Cara Pucheu, **Seconded By** Ella Holmes- Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



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 Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

No action taken during hearing.

Motion to Close the Hearing and Approve the Resolution, Moved By Cara Pucheu, **Seconded By** Kenneth Casey.

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

Motion to Suspend the Rules, Moved By Ella Holmes-Hines, **Seconded By** Cara Pucheu

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

Councilmember Holmes-Hines requested clarification by Code Enforcement to verify a parcel within list that was slated for demolition.



3

Resolution - ratifying the appointment of Cheryl Germany as Deputy City Clerk.

Motion to ratify appointment, Moved by Cara Pucheu, **Seconded By** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

Resolutions / Requests

4

Resolution - awarding bid and approving contract to Apple Construction, Co., for the construction of Bayou View Ball Fields Toilet Structure.

Motion to Approve Resolution, Moved By Cara Pucheu, **Seconded By** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

5

Resolution - approving Memorandum of Understanding with Gulf Island Water Park, LLC and authorizing the Mayor to execute the same.

DELETED



6

Resolution – by the Gulfport City Council awarding bid and approving contract to J.E. Talley Construction, Inc., for the Sportsplex Expansion Project (Project/Phase A) and authorizing the Mayor to execute the same.

Motion to Approve Resolution, Moved By Cara Pucheu, **Seconded By** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

7

Resolution - by the Gulfport City Council authorizing the retention of appraisals associated with various properties.

DELETED



8

Resolution - approving Professional Legal Services Contract with Harry P. Hewes related to the Recodification Project for the City.

Motion to Approve Resolution with Amendment of a (NTE) not to exceed of \$5,000 for administrative services, and a (NTE) not to exceed of \$20,000 for services performed by Harry Hewes, Moved By Myles Sharp, **Seconded By** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



9

Resolution - ratifying the Revised Closeout Report for KCDBG #R-109-202-04-KCR, Municipal Complex and Modification #10 to correct grant funding and extend the grant period to 4/30/16 for final closeout. Revised Closeout Report and Modification #10 corrects the outside project funding (FEMA, Insurance, HMGP, Bond) as per final MDA audit.

Motion to Approve Resolution, Moved By Rick Dombrowski, **Seconded By** Kenneth Casey

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



10

Resolution - approving Amendment No. 1 to License Agreement between Utility Service Communications, Inc., (Licensor) and Cellular South Real Estate, Inc., (Licensee) allowing for addition of certain and various pieces of equipment on Gulfport water tank located on 26th Street.

Motion to Approve Resolution, Moved By Myles Sharp, **Seconded By** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



11

Resolution - approving Amendment No. 2 to License Agreement between Utility Service Communications Co. Inc., (Licensor) and Cellular South Real Estate, Inc., (Licensee) allowing for addition of certain and various pieces of equipment on Gulfport's water tank located on Jackson Street.

Motion to Approve Resolution, Moved By Ella Holmes-Hines, **Seconded By** Myles Sharp

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



12

Request - to accept extension of Fastway Lane Improvements and start of the one (1) year warranty period.

Motion to Approve Request, Moved By Myles Sharp, **Seconded By** Kenneth Casey

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



13

Request - from the Police Department for permission to retire K-9, Paco and authorization to transfer him to his handler.

Motion to Approve Request, Moved By Cara Pucheu, **Seconded By** Rick Dombrowski

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



14

Request - from the Fire Department for authorization to reclassify Firefighter II position to Fire Inspector.

Motion to Approve Request, Moved By Ella Holmes-Hines, **Seconded By** Cara Pucheu

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

Budget Amendments / Docket of Claims



15

Budget Amendment #45 - to increase Federal Capital 276-630100 from money awarded from forfeitures.

Motion to Approve Budget Amendment Moved By R.Lee Flowers, **Seconded By** Kenneth Casey

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

- 16 Budget Amendment #44 - transfer of funds in the Police Department for purchase of vehicle.

Motion to Approve Budget Amendment Moved By R.Lee Flowers, **Seconded By** Kenneth Casey

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



17

- Docket of Claims - to be approved through May 4, 2016.

Motion to Approve the Docket of Claims in the amount of \$2,274,038.73, Moved By R.Lee Flowers, **Seconded By** Kenneth Casey

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu



Routine Agenda

Motion to Approve the Routine Agenda as Presented, Moved By Ella Holmes-Hines, **Seconded By** Rusty Walker

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

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

Approved on Routine Agenda

- 19 Privilege License Report - from October 1, 2015 thru March 31, 2016 - to be made a part of the minutes.

Approved on Routine Agenda

- 20 Conveyance Deed - regarding transfer of ownership of space in Evergreen Cemetery.

Approved on Routine Agenda

- 21 Letter - regarding bids received by Purchasing for Weapons - Police Department - to be made a part of the minutes.

Approved on Routine Agenda

- 22 Letter - regarding bids received by Purchasing for Gaston Hewes 10 Ton Condensing Replacement Unit - Leisure Services Department - to be made a part of the minutes.

Approved on Routine Agenda

- 23 Letter - regarding bids received by Purchasing for 4 Ton 3 Phase Seer Heat pump System - General Administration (City Hall) - to be made a part of the minutes.

Approved on Routine Agenda

- 24 Letter - regarding bids received by Purchasing for Cellular Body Wire - Police Department - to be made a part of the minutes.

Approved on Routine Agenda

25 Legal Notice – advertisement for bids for Water System Connection Across Bernard Bayou.

Approved on Routine Agenda

26 Ratification – of state of emergency as proclaimed by the Mayor on April 28, 2016.

Approved on Routine Agenda



Public Agenda

Citizen Forum - Thirty minutes shall be allowed for public input with a three minute time limit on each speaker.

The following citizens addressed the Council:

- **Mr. Howard Page, Steps Coalition representative.**
- **Ms. Anne Stewart, resident of 15101 S. Swan Road.**

A motion to Suspend the Rules, Moved By Ella Holmes-Hines, Seconded By Cara Pucheu

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

- **Ms. Mary Spinks Thigpen, resident of 199 Holly Circle.**
- **Mr. Ricky Toles, coach of Stop the Violence kick ball league.**

This concluded the Public Agenda.



Council Comments

Memorial Adjournment

- **Mr. Carl Fredricks Gates**
- **Mr. Marcus Shanteau**
- **Mrs. Scotty Barfield**
- **Ms. Regina Magee**
- **Mrs. Norma June Randolph Bass**
- **Mr. David Woods**
- **Mr. Jesse Parker, Sr.**
- **Ms. Mary Catherine Merrell**
- **Mr. Aaron Wilson**
- **Mr. Mike Edwards**



Executive Session

Upon advice of General Counsel, Motion to close the meeting to determine the need for executive session at 3:42 P.M., Moved By Myles Sharp, Seconded By Cara Pucheu

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

Absent: Ricky Dombrowski

Motion to come out of closed session and enter executive session at 3:44 P.M., Moved By Myles Sharp, Seconded By R.Lee Flowers

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

Absent: Ricky Dombrowski

The Council entered executive session at 3:44 P.M. In attendance: Members of the Council: Casey, Holmes-Hines, Walker, Sharp, Flowers and Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, Economic Development Director David Park (out at 4:40 P.M.), GRC Counsel Steve Hendrix (out at 4:04 P.M.), GRC Member Sal Domino (out at 4:04 P.M.), City Engineer Kris Riemann (in at 4:04 and out at 4:16 P.M.), Special Counsel Gary White (in at 4:04 P.M. and out at 4:16 P.M.), Clerk of Council Ronda Cole and Deputy Clerk of Council Cheryl Germany. The Council discussed litigation related to Dedeaux Utilities and potential litigation involving the Struthers property.

Motion to come out of executive session at 4:27 P.M., Moved By R.Lee Flowers, Seconded By Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

Absent: Ricky Dombrowski

Attorney Hugh Keating stated that no official action was taken during executive session.

After reconvening in open session, the following motions were made:

Motion to authorize special check, in the amount of \$2,679,219.00, payable to Dedeaux Utility Company, Inc. and David W. Jones, Attorney PLLC, to be applied to the total unpaid principle due on the judgement, and to authorize the execution of any and all releases necessary to effect the recognition of said payment, Moved By Myles Sharp, Seconded By Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

Absent: Ricky Dombrowski

Note: Councilwoman Holmes-Hines asked that a budget amendment be prepared for ratification at the next meeting.

Motion to Suspend the Rules, Moved By Myles Sharp, Seconded By Ella Holmes-Hines

Vote: Motion Carried By Unanimous Vote:

Aye: Kenneth Casey, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

Absent: Ricky Dombrowski

Councilmember Sharp gave an update on the Memorial Hospital Gulfport Bond Issuance and the fee structure related to the Bond Issue.

No council action was taken at this time.

Agenda Adjustments

Add Policy Item #14-A – Resolution by the Gulfport City Council directing the Gulfport Redevelopment Commission (GRC) to terminate real property Lease Agreement.

Setting of Next Meeting and Adjournment

There, being no further business to come before the Council, a Motion to adjourn in memory of Mr. Carol Fredericks Gates, Mr. Marcus Shanteau, Mrs. Scotty Barfield, Ms. Regina Magee, Mrs. Norma June Randolph Bass, Mr. David Woods, Mr. Jesse Parkers, Sr., Ms. Mary Catherine Merrell, Mr. Aaron Wilson and Mr. Mike Edwards until May 17, 2016 at 1:30 P.M. for a regular council meeting, Moved By R.Lee Flowers, Seconded By Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote:

Aye: Kenneth Casey, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

Absent: Ricky Dombrowski

City Clerk

Mayor