



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, August 16, 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., on the above date, same being an adjourned meeting from a regular council meeting held on August 2, 2016 at 1:30 P.M. **Present:** Mayor Billy Hewes, General Counsel Hugh Keating, Councilmembers: Kenneth Casey (out at 4:02 p.m.), Ricky Dombrowski, 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 Confirmation or adjustment of the agenda order

The President called for the following adjustments to the agenda:

Addition of Policy Items:

- 17-A Courthouse Road Utility Relocation Certification**
- 17-B Hatten Lane Change Order #2**
- 17-C Hatten Lane Certificate of Substantial Completion**
- 17-D Resolution approving revised CDBG Certification**
- 17-E Rescinding of letter to AMR**

Deletion Policy Items:

- 8 Establishment of EMS District**
- 18 Budget Amendment for CDBG**

Deletion of Routine Agenda Item:

- 36 Advertisement for RFP for Ambulance Services**

Motion to Approve Agenda as Adjusted, Moved By Myles Sharp, Seconded by Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

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

Presentation Agenda

- **Mayor's Report**

The President called for the Mayor's Report at this time.

Mayor Billy Hewes welcomed everyone to the Gulfport City Council meeting.

A moment of silence was requested for those who have lost their lives in the Louisiana flood, and prayers were asked for our neighboring state as they begin recovery from this disaster.

One Coast-One Relief - The Mayor reported that the response to this call for assistance has been exceptional! One 18 wheeler was filled, with another enroute. The Mayor updated that trucks would depart at 6:30 on Wednesday, August 17 to distribute goods to the East Baton Rouge area. Thanks were given to everyone making donations, or assisting in any way with this effort to help Louisiana flood victims.

Bow Ties & Beignets + Bacon - Mayor Hewes reported that the event, scheduled for Friday, August 26, 2016 is near sell-out capacity! The Mayor reminded everyone that the financial goal of \$25,000 would assist the Harrison County Emergency Children's Shelter.

Upcoming Events:

Senior's BBQ - Thursday, August 18 from 9 a.m. to 2 p.m. at the Barksdale Pavilion. Sponsored by the City and Boyington Rehabilitation Services.

Shrimp Bowl - Friday, August 19, at Biloxi High School.

Cinema by the Shore - Friday, August 19 at Jones Park. Showing will be "Star Wars: The Force Awakens". Pre-activities begin at 6:30 p.m. with bounce houses, games, photo booth and the robotics team. Movie begins at 7:45.

JLUS Community Meeting - Thursday, August 30 at 4:30 p.m. at Westside Community Center. The public is invited!

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of minutes - for August 2, 2016.

Motion to Approve the Minutes of August 2, 2016, Moved By Ella Holmes-Hines, **Seconded by** Cara Pucheu

Vote: Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, 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 Hearing, Moved By Cara Pucheu, **Seconded by** Myles Sharp

Vote: Motion Carried by Unanimous Roll Call Vote

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

There being no one present, to object, Motion to Close the Hearing and Approve By Kenneth Casey, **Seconded By** Ella Holmes-Hines.

Vote: Motion Carried by Unanimous Roll Call Vote

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

- 3 Certificate of Resubdivision - of tax parcels 0911D-02-026.000 and 0911D-02-025.000 containing an aggregate of 0.36 acres, to be combined into one parcel, zoned R-2 (Single Family) (Located north of 25th Street, south of and adjacent to 26th Street, east of and adjacent to Gulf Avenue, and west of Roberts Avenue) - Case # 1607PC084 - Ward 3.

Motion to Approve Certificate of Resubdivision, Moved By Ella Holmes-Hines

Councilmember Holmes-Hines withdrew her motion to approve

Motion to remand to Planning Commission for fact finding related to proper notification procedure, Moved By Ella Holmes-Hines **Seconded by** Ricky Dombrowski

The following addressed the Council at this time:

Mr. Christopher Carr, resident of 2516 Gulf Avenue.

Mr. Greg Holmes, Planning Administrator.

Motion to table, subject to recall, Moved By Ella Holmes-Hines, **Seconded By** Myles Sharp

Vote: Motion Carried By Unanimous Roll Call Vote

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

***Note: The following action was taken later in the meeting, out of agenda order:**

Motion to bring Certificate of Resubdivision off the table, Moved By Ella Holmes-Hines, **Seconded by** Myles Sharp

Vote: Motion Carried By Unanimous Roll Call Vote

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

Councilmember Ella Holmes-Hines removed her Motion to Remand to Planning Commission.

Motion to Approve Certificate of Resubdivison, Moved By Ella Holmes-Hines, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 4** Certificate of Resubdivision - of tax parcels 0909O-01-015.000 and 0909O-01-014.000 containing an aggregate 35,421 ± square feet, into 17,974 sq-ft parcel “A” and 18,512 sq-ft parcel “B” being zoned R-1-7.5 (Single-Family) (Located north of Quincy Avenue, south of Shady Side Circle, east of Quincy Avenue, west of and adjacent to Courthouse Road) - Case #1607PC087 - Ward 4.

Motion to Approve Certificate of Resubdivison, Moved By R.Lee Flowers, **Seconded by** Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 5** Ordinance - rezoning tax parcels 0811G-04-040.000 and 0811G-04-041.000, containing 23,357 square feet ±, from R-2 (Single Family) to B-1 (Neighborhood Business), (located north of and adjacent to 19th Street, south of and adjacent to 20th Street, east of 17th Avenue, and west of and adjacent to Pratt Avenue) - Case #1607PC083 - Ward 3.

Motion to Adopt the Ordinance rezoning property from R-2 to the revised recommendation of R-B, Moved By Ella Holmes-Hines, **Seconded by** Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote

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

Ordinance #2862

- 6** Ordinance - dedicating to the public use a portion of municipal real property located south of and adjacent to Carl Legett Road and for related purposes.

Motion to Adopt Ordinance, Moved By R.Lee Flowers, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

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

Ordinance #2863

Resolutions / Requests

- 7 Resolution - approving the Third Amended and Restated Bylaws of the Gulfport Redevelopment Commission and for related purposes - tabled from June 7, 2016.

***Note: The Following Action was taken after executive session.**

Motion to Bring the Bylaws off the Table, Moved By Ricky Dombrowski, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

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

Absent: Kenneth Casey

The Council went through the proposed bylaws as presented by Councilmember Dombrowski.

Motion to Postpone the Bylaws and place the revised on the September 6th Agenda, Moved By Ricky Dombrowski, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

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

Absent: Kenneth Casey

- 8 Resolution - establishing an Emergency Medical Service District within the City of Gulfport, and for related purposes.

Deleted

- 9 Resolution - declaring certain and various vehicles, machinery, equipment, furnishings and other items to be surplus property, and authorizing the Mayor to execute the same.

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

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 10 Resolution - approving Engagement Agreement in conjunction with punitive damage claims against Halliburton and Transocean 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 Roll Call Vote

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

- 11 Resolution - approving property access approval form, and authorizing the Mayor to execute the same.

Motion to Table Resolution, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 12 Letter of Recommendation - regarding Supplement Agreement #1 for construction of Pass Rd. Traffic System Improvements Project.

Motion to Accept Letter of Recommendation regarding Pass Rd. Traffic System Improvements Project, Moved By Myles Sharp, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 13 Letter of Recommendation - approving Supplemental Agreement #1 to the Contract Agreement for Engineering Servicing related to the Landon Road Improvements Project.

Motion to Approve Letter of Recommendation Landon Rd. Improvements Project, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 14 Letter of Recommendation - regarding Summary Change Order #1 for the Courthouse Road Pier Dredge Project.

Motion to Approve Letter of Recommendation regarding Courthouse Rd. Pier Dredge Project, Moved By Ricky Dombrowski, **Seconded By** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 15 Letter of Recommendation - regarding Certificate of Substantial Completion for the Courthouse Road Pier Dredge Project.

Motion to Approve Letter of Recommendation regarding Certification of Completion for the Courthouse Rd. Pier Dredge Project, Moved By Ricky Dombrowski, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 16 Approval - of Letter of Engagement for the Gulfport Redevelopment Commission Audit FYE September 2016.

Motion to Approve Letter of Engagement, Moved By Ella Holmes-Hines, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 17 Request - from Gulfport First United Methodist Church for street closure scheduled for Wednesday, September 7, 2016.

Motion to Approve Request for Street Closure, Moved By Cara Pucheu, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

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

- Add Item #17-A** Resolution - approving Change Order #2 to the contract with Kappa Development for the Hatten Lane Improvements Project and authorizing the Mayor to execute the same.

Motion to Approve Change Order, Moved By Cara Pucheu, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

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

- Add Item #17-B** Resolution - approving Certificate of Substantial Completion for the Hatten Lane Improvements Project and authorizing the Mayor to execute the same.

Motion to Approve Certificate of Substantial Completion, Moved By Cara Pucheu, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

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

Add Item #17-C Resolution - approving Courthouse Road Utility Relocation Certification and authorizing the Mayor to execute the same.

Motion to Approve Relocation Certificate, Moved By Ricky Dombrowski, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

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

Add Item #17-D Resolution - approving revised CDBG Certification and authorizing the Mayor to execute the same.

Motion to Approve Certification, Moved By Ella Holmes-Hines, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

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

Add Item #17-E Motion - to rescind notice of withdrawal, from Mayor Hewes, from Interlocal Agreement for ambulance services (AMR).

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

Vote: Motion Carried By Unanimous Roll Call Vote

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

18 CDBG Budget Amendment - providing additional funding for 2015 Emergency/Minor Housing Repair Program.

Deleted.

19 Docket of Claims - to be approved through August 17, 2016.

Motion to Approve Docket of Claims, in the amount of \$2,705.254.72, Moved By Cara Pucheu, **Seconded by** Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote

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

Routine Agenda

Motion to Approve the Routine Agenda as Amended with the Deletion of Item #36, Moved By Cara Pucheu, **Seconded by** Myles Sharp

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 20 Acceptance - of previously approved, executed and recorded copy of Interlocal Cooperation Agreement between the City of Gulfport, City of Biloxi, and City of D'Iberville for cooperation in the regulation of Motor Vehicle For Hire and for other related purposes - to be made a part of the minutes.

Approved on the Routine Agenda.

- 21 Acceptance - of letter from the Mayor regarding City of Gulfport's notice of intent to not renew Interlocal Cooperation Agreement for the provision of ambulance services - to be made a part of the minutes.

Approved on the Routine Agenda.

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

Approved on the Routine Agenda.

- 23 Privilege Licenses Report - for the month of July, 2016 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 24 Biweekly Pay Distribution Journals - for the month of July, 2016 - to be made part of the minutes.

Approved on the Routine Agenda.

- 25 Year to Date Budget Report - for month ending July 31, 2016 - to be made part of the minutes.

Approved on the Routine Agenda.

- 26 Associated Adjusters Check Register - for the month of July, 2016 - to be made part of the minutes.

Approved on the Routine Agenda.

- 27 Request - to approve Vintage Vault to design, build, set up Holiday Light Show exhibit.

Approved on the Routine Agenda.

- 28 Letter of Recommendation - regarding bids received by Purchasing for Breakers (Harbor) - Leisure Services Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 29 Letter of Recommendation - regarding the purchase of Poles for the Wayfinding Project - Traffic Division - to be made a part of the minutes.

Approved on the Routine Agenda.

- 30 Letter of Recommendation - regarding bids received for a Sign Printing Machine - Traffic Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 31 Letter of Recommendation - regarding purchase of Streetlights - Traffic Department.

Approved on the Routine Agenda.

- 32 Letter of Recommendation - regarding Generic Office Supplies to be used by all departments.

Approved on the Routine Agenda.

- 33 Letter of recommendation - requesting approval to issue a purchase order to Universal Concepts for replacement of Harbor Light Show items lost in theft/vandalism - to be made a part of the minutes.

Approved on the Routine Agenda.

- 34 Letter of recommendation - requesting approval to issue a purchase order to Illustrative Ink, LLC to design, furnish and install a candy land wall for the Harbor Lights Show - to be made a part of the minutes.

Approved on the Routine Agenda.

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

Approved on the Routine Agenda.

- 36 Legal Notice - advertisement for RFP for Ambulance Services for the City of Gulfport EMS District.

Deleted from the Agenda.

Public Agenda

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

The following citizens addressed the Council:

- **Mr. Willie Span, resident of 2103 34th St.**
- **Ms. Lorraine Santos, resident of 902 W. Birch**

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- **Mr. Glenn Howard Page**

Executive Session

Upon advice of General Counsel, Motion to close the meeting to determine the need for executive session at 3:27 P.M., Moved By Myles Sharp, Seconded By Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote:

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

Motion to exit closed session and enter executive session at 3:33 P.M., Moved By R.Lee Flowers, Seconded By Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote:

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

The Council entered executive session at 3:33 P.M. In attendance: Members of the Council: Casey (out at 4:02 P.M.), Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu; CAO Dr. John Kelly, Mayor Billy Hewes, General Counsel Hugh Keating, City Attorney Jeff Bruni, Engineering Director Kris Riemann (out at 3:48 P.M.), Assistant City Attorney Dustin Uselton, City Clerk Linda Elias Attorney Steve Hendrix (in at 3:50P.M.), Clerk of Council Ronda Cole and Deputy Clerk of Council Cheryl Germany. The Council discussed the need to enter executive session to discuss litigation update involving Dedeaux Utilities, Rooms to Go Lease, and the Struthers Property.

Motion to exit executive session at 4:34 P.M., Moved By Ricky Dombrowski, Seconded By Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote:

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

Absent: Kenneth Casey

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

After reconvening in open meeting, the following actions were taken:

Motion to authorize the Administration to file appeal related to the Dedeaux Utilities Case and authorize special checks for filing fees, payment of appeal record and transcript, Moved By Myles Sharp, Seconded By Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote:

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

Absent: Kenneth Casey

Motion to authorize the settlement terms relating to the Struthers Property, Moved By Ella Holmes-Hines, Seconded By Ricky Dombrowski (terms as follows:)

1. Confirmation that the Lease has been terminated and all settlement negotiations are withdrawn and held for naught.
2. If the Tenant and Rosens desire to avoid the payment of all unpaid > rent and claims as may be allowed under the Lease, a complaint for > eviction and complaint for recovery on the personal guarantees, a > mutual release must be executed by and between the Tenant and the Rosens with the GRC and City not later than five (5) business days from date of receipt of the mutual release and the Tenant must completely vacate the premises on or before 30 days from the date of execution of the mutual release.
3. If Tenant and Rosens deliver the fully executed Mutual Release to the GRC and City by or before the end of five (5) business days from > the date of receipt of the mutual release, the Tenant may continue in possession of the premises for a period not to exceed 30 days from the date of execution of the mutual release for the limited purpose of winding-up its business and removal its remaining property (the "Wind-up Period").
4. During the Wind-up Period, assuming a mutual release has been duly executed, the Tenant may allow persons to enter the premises for the limited purposes of purchasing or removing the property of the Tenant. However, under no circumstances may Tenant accept, purchase or receive additional scrap, materials or property of any type on the lease premises during the Wind-up Period.

5. In the event Tenant and Rosens fail to deliver the fully executed Mutual Release on or before five (5) business days from date of receipt of the mutual release, all activity of the Tenant shall immediately cease and the gates to the leased premises shall be locked immediately.
6. Notwithstanding the execution of mutual releases, any property which remains on the premises after the Wind-up Period, will be deemed abandoned and all rights, title and interest therein or related thereto will be disclaimed, transferred and released to GRC.
7. Any property which exists on and along the front of the premises area adjacent to 34th St. must be immediately removed.
8. Upon delivery of the premises to the GRC, the premises and adjoining right of way must be delivered to GRC free and clear of cars, scrap, debris, etc
9. In the event mutual releases are executed, Tenant must provide GRC with 24 hour written notice by email to Steve Hendrix, counsel for GRC, of Tenant's need to enter upon the premises for purposes of selling or removing its property during the Wind-up Period.
10. GRC may, at its sole discretion, place security on the premises at any time after five (5) business days from date of Tenant's receipt of the mutual release.
11. Failure to deliver an executed Mutual Release within five (5) business days from date of receipt of the same by Tenant will result in GRC commencing its complaint for eviction and the City commencing its complaint for recovery against the personal guarantors of the Lease.

Vote: Motion Carried By Unanimous Roll Call Vote:

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

Absent: Kenneth Casey

In response to the lease amendments proposed by the John C. Robinson Foundation “Brown Condor Association” a Motion was Moved By, Ella Holmes-Hines, Seconded By Cara Pucheu, the following:

1. The “Early Termination” provision changes requested by the Association are acceptable.
2. The “Default” provisions must remain as presented by the City. The period of time to make repairs to the roof and HV/AC should be 12 months.
3. The “Rent and Taxes” provision may be amended to provide the City collect 10% of each ticket sold rather than \$.75 or \$1.50 for each ticket, as some tickets may be provided as complimentary.
4. The “Maintenance” provision relative to the time for repairs of the roof and HV/AC must remain at 12 months.
5. The “Insurance” provision will require coverage in the amount customarily required by the City.
6. An option to purchase will not be granted to the Association.

Vote: Motion Carried By Unanimous Roll Call Vote:

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

Absent: Kenneth Casey

Setting of Next Meeting and Adjournment

There being no further business to come before the Council, Motion to adjourn in memory of Mr. Glenn Howard Page until September 6, 2016 at 1:30 p.m. for a regular meeting, Moved By Ella Holmes-Hines, **Seconded** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote:

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

Absent: Kenneth Casey

City Clerk

Mayor