



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, October 4, 2016

1:30 PM

*Gulfport City Hall
Council Chambers*

1:30 p.m.

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 September 20, 2016 at 1:30 P.M. Present: Mayor Billy Hewes, General Counsel Hugh Keating, Council members: Kenneth Casey, 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

Motion to accept the agenda with the addition of Policy Item #10-A, Emergency Services Contract with Enhanced Environmental & Emergency Services for services related to the city's sewer service, Delete Routine Item #15 at the request of Administration, Delete Approval of September 20, 2016 minutes from Policy Item#1, 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.

The Mayor called upon the Director of Gulf Coast Women's Center for Nonviolence and presented a proclamation designating October as "Domestic Violence Awareness Month".

Cruisin' The Coast got a big official kick off in downtown Gulfport. This was a record-breaking year for Gulfport's View The Cruise with 15,000 to 20,000 people strolling the streets, enjoying the live music and taking in the old school classic rides.

The City of Gulfport and Gulf Islands Waterpark presents "Halloween Nights of Lights" at Gulf Islands Water Park. The "spooktacular" light show will show weekly from Thursday through Saturday nights starting October 13th and ending Monday, October 31st.

Fishbone Alley ribbon cutting was a huge success. The "funky" alley would feature the work of local artists and would be an ever changing local art project.

Gulfport Mayor's Youth Council applications will soon be going into schools for students who are currently enrolled in 10th through 12th grades, attend school in the Gulfport School District or live within the city of Gulfport would be eligible.

The Port of Gulfport welcomes back Chiquita! The port has always been known as a banana port and is now the 2nd largest import facility in the nation for green fruits.

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of minutes for September 6 & 20, 2016.

Motion to Approve the minutes for September 6, 2016, 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

Code Enforcement / Planning

- 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 Roll Call Vote

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

Motion to Close the Hearing and Approve the Resolution, 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

- 3 Ordinance - rezoning tax parcel from R-1-10 (Single Family) to B-4 (Highway Business), located north of 6th Street, south of and adjacent to 7th Street, east of and adjacent to Dog Leg Road, and west of New Orleans Avenue - Case # 1608PC101 - Ward 7.

Motion to Suspend the Rules, 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

Motion to Adopt the Rezoning from R-1-10 to R-B (downgrade from original applicant's request to rezone to B-4), Moved By Cara Pucheu, **Seconded by** R.Lee Flowers

Vote: Motion Carried By The Following Roll Call Vote

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

Nay: Ella Holmes-Hines

Ordinance #2869

- 4 Certificate of Resubdivision - of tax parcel 0707B-01-002.000, containing 10.37 acres, to be divided into Lot "A" containing 7.23 acres and Lot "B" containing 3.14 acres, zoned R-1-15 (Single Family) (Located north of and adjacent to 3rd Street, south of and adjacent to Highway 53, east of and adjacent to Old Highway 49, and west of E Railroad Avenue) - Case # 0608PC112 - Ward 7.

Motion to Suspend the Rules, 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

Motion to Table until the end of the Meeting, 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 and Cara Pucheu

Absent: R.Lee Flowers (out of the room)

***Note:** The following action was taken after executive session.

Motion to Take Certificate of Resubdivision off the Table, 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

Motion to Suspend the Rules, 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

Motion to Remand back to Planning for revision of resubdivision plat and submittal of corrected survey, 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

- 5 Certificate of Resubdivision (Short Form) - of tax parcel 0707H-01-005.000 into into "Lot A" containing 8.797 acres and "Lot B" containing 11.159 acres, located north of Duckworth Road, south of S Swan Road, east of Old Highway 49, and west of and adjacent to Highway 49 - Case # 1610PC140 - Ward 7

Motion to Approve Certificate of Resubdivision, 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

Resolutions

- 6 Resolution - approving Legal Services Contract for services related to Domestic Violence Investigator and authorizing the Mayor to execute the same.

Motion to Approve, 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

- 7 Resolution - approving Amendment #7 to the contract with Utility Partners, LLC and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Ella Holmes-Hines, **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

- 8 Resolution - approving Supplemental Agreement #3 with G.T. Development & Contracting, LLC, for the widening of Three Rivers Road and Creosote Road - Phase 2 Project and authorizing the Mayor to execute the same.

Motion to Approve, 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

- 9 Resolution - authorizing the Mayor to submit to the Mississippi Department of Transportation a Project Activation Request for the Seaway Road Multiuse Pathway and for related purposes.

Motion to Approve, Moved By Myles Sharp, **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

- 10 Resolution - authorizing acceptance of Mississippi Office of Homeland Security Grant for the Fire Department and authorizing the Mayor to execute the same.

Motion to Approve, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 10-A Resolution - approving Short Form Service Contract with Enhanced Environmental & Emergency Services, Inc., for emergency work related to the city's sewer system and authorizing the Mayor to execute the same.

Motion to Approve, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

Docket of Claims

- 11 Docket of Claims - to be approved through October 5, 2016.

Motion to Approve the Docket of Claims, in the amount of \$1,855,971.94, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

Routine Agenda

Motion to Approve the Routine Agenda as Amended (deletion of #15) , Moved By R.Lee Flowers, **Seconded by** Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote

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

Absent: Rusty Walker

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

Approved on the Routine Agenda.

- 13 Public Records Requests - for the month of July & August 2016 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 14 Letter of Recommendation - requesting expenditure of funds for Public Works Department related to APWA Accreditation - to be made a part of the minutes.

Approved on the Routine Agenda.

- 15 Letter of recommendation - regarding the City of Gulfport's right to exercise the right for an extension of Term Contract Group C3 - Hot Bituminous Pavement.

Deleted from Agenda.

- 16 Legal Notice - Advertisement for Bids for the Herring Road Water and Sewer Improvements Project.

Approved on the Routine Agenda.

- 17 Legal Notice - advertisement for bids for Term Contracts Group B - Sod, Group C - Sundry Road Materials, Group C1 - Limestone, Washout Materials, Group C2A - Culvert & Ram Neck Piping, Group C8 - Infield, Track and Walkway, Group J - Ductile or Cast Iron Grates & Frames, Group J1 - Water & Sewer Line Supplies, Group J2 - Pre-Cast Concrete Manholes, Group K - Pumps for Lift Stations, Group N - Chemical for Water Purification and Sewage Treatment and Group N1 - Chlorine, Group O - Hot Extruded Thermoplastic & Street Making Signs, Group P - Street Marking Signs, Group P3 - Furnish and Install Fencing, Group U - Electronic Equipment & Group Z - Portable Restrooms.

Approved on the Routine Agenda.

Public Agenda

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

**The following individual addressed the Council:
Dr. Brenda Matthews, resident of 1618 Rich Avenue.**

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- Mrs. Viola Rhynes
- Pastor Delbert Lamar Hall

Executive Session

Upon advice of General Counsel, Motion to enter closed session to determine the need for executive session at 3:19 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 at 3:20 P.M., 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 and Cara Pucheu

Motion to Enter Executive Session at 3:22 P.M., 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 and Cara Pucheu

The Council entered executive session at 3:22 P.M. In attendance: Members of the Council: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu; Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Assistant City Attorney Margaret Murdock (out at 3:29 P.M.), Assistant City Attorney Dustin Uselton, GRC Counsel Steve Hendrix (out at 3:39 P.M.) City Attorney Jeff Bruni (in at 3:24 P.M.) and Clerk of Council Ronda Cole. The Council discussed the need to enter executive session to discuss litigation related to Orange Grove Community Center, Dedeaux Utility update, FEMA settlement update, Struthers settlement update and property damage settlement.

Motion to Exit Executive Session at 4:00 P.M., 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 and Cara Pucheu

Attorney Hugh Keating stated no official action was taken in Executive Session.

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

Motion to Authorize the Mayor to Execute Release related to Struthers Property, Made 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 and Cara Pucheu

Motion to authorize the Mayor or his designee to accept a check from State Farm Insurance in the amount of Seven Thousand Four Hundred Sixty Dollars and 27/100 (\$7,460.27) per the jury verdict awarded to the City of Gulfport in City of Gulfport v. Carol Kais on September 13, 2016, execute the Satisfaction of Judgement to be filed, and to execute any and all necessary documents to effectuate resolution of this matter, 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 and Cara Pucheu

Motion to authorize the City Attorney's Office to withdraw the City's request for arbitration related to Project Worksheet 10970 (upsizing and redesign), Moved By Myles Sharp, 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 and Cara Pucheu

Motion to authorize the City, by and through the City Attorney's office, to take and and all steps as may be required to settle the City's claim against Nicholas Wallace and/or his estate and/or his insurer (USA Insurance Companies - Claim No. 33847) for the total sum of \$1,750.00 with respect to an incident that occurred on March 2, 2015 on Highway 605 at Seaway Road, and the Mayor be authorized to sign and and all releases as may be required to resolve this matter, subject to approval of the same by the Legal Department, Moved By Myles Sharp, 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 and Cara Pucheu

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 Mrs. Viola Rhynes and Pastor Delbert Lamar Hall until 1:30 P.M., October 18, 2016 for a regularly scheduled council meeting, Moved By R.Lee Flowers, Seconded By Ella Holmes-Hines

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 (out of room)

City Clerk

Mayor

Agenda Adjustments

Add Policy Item #10-A Resolution - approving Short Form Service Contract with Enhanced Environmental & Emergency Services, Inc., for emergency work related to the city's sewer system and authorizing the Mayor to execute the same.

Delete Routine Item #15