



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, January 17, 2017

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 January 3, 2017 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 Confirmation or Adjustment of the Agenda

Motion to Approve Agenda as Presented, 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.

The Mayor announced the National Day of Racial Healing Dinner tonight at Cafe' Climb at 6:00 P.M. and invited the public to attend.

An official presentation was awarded to Public Works directors and staff members by Mr. Chuck Williams, Region 6 Director of the American Public Works Association on recent accreditation by the APWA. Of note is that the City of Gulfport is the only municipality to hold this distinction within the State of Mississippi. Governor Phil Bryant has, in addition, issued a proclamation for this award, which is forthcoming.

Lt. Joseph Ashmore, Patrol Division with the Gulfport Police Department is awarded the 20-Year Service Pin.

The next Blue Crew game will be with the D'Iberville Police Dept. and D'Iberville High School Solution team, and will be held at Gulfport High School on January 26, 7:00 p.m. Admission is free!

Policy Issues

Minutes / Appointment

- 1 Approval of minutes - for January 3, 2017.

Motion to Approve, Moved By R.Lee Flowers, **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
- 2 Request - to ratify the appointment of Alex North to serve on the City of Gulfport Election Commission.

Motion to Approve Appointment, 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

Code Enforcement / Planning / Ordinances

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- 3 Code Enforcement Hearing - on resolution to declare that certain properties are in such a state of uncleanness 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

There being no one present to object, Motion to Close the Code Enforcement Hearing and Approve the Resolution, Moved by Kenneth Casey, **Seconded by** Cara Pucheu
- 4 Ordinance - rezoning property from T5 (Urban Center Zone) to T4+ (General Urban Zone "Plus") located north of Beach Drive, south of Township Road,

east of and adjacent to Markham Drive, and west of Phillips Drive - Case # 1611PC152 - Ward 2.

Motion to Adopt the Ordinance Moved By Ricky Dombrowski, **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

Ordinance 2886

- 5 Ordinance - rezoning property from R-1-15 (Single Family) to B-1 (Neighborhood Business) located north of Huntington Circle, south of Hunters Chase Way, east of Chase Meadow Way, and west of and adjacent to Three Rivers Road - Case # 1612PC161 - Ward 7.

Motion to Adopt the Ordinance, 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

Ordinance 2887

- 6 Ordinance - amending section 7-117(c) of the Code of Ordinances of the City of Gulfport related to Animal Control Officer Training, and for related purposes.

Motion to Adopt the Ordinance, 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

Ordinance 2888

Resolutions / Recommendations / Requests

- 7 Resolution - approving award to Pileum Corporation for purchase of body worn cameras and related software, to approve contract/agreement between the City and Pileum Corporation and Utility Associates, Inc. for said equipment and software, 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

- 8 Resolution - approving contract award to J.E. Borries, Inc. for Lay-By Pier - Bert Jones Yacht Basin 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 - approving Agreement with Levanway & Associates, PLLC, for legislative affairs and authorizing the Mayor to execute same.

Motion to Approve, Moved By R.Lee Flowers, **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

- 10 Resolution - requesting assistance of the Harrison County Board of Supervisors with respect to improvements to the East North Gulfport Park, seeking approval of said request by the Board, 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, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 11 Resolution - establishing just compensation for acquisition of parcels related to the Brickyard Bayou Drainage Project, and authorizing the Mayor to execute the same.

Motion to Approve, 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

- 12 Recommendation - accepting Meridian Avenue for Perpetual Maintenance.

Motion to Accept Recommendation, Moved By Kenneth Casey, **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

- 13** Recommendation - approving full and final settlement for construction for Pass Road Traffic Signal System Improvements Project.

Motion to Accept Recommendation, 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

- 14** Request - approving Memorandum of Understanding between the City of Gulfport and Harrison County Development Commission concerning grass maintenance along Seaway Road, and for other related purposes.

Motion to Approve Request, 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

- 15** Request - for special check totaling \$34,534.00 payable to the Mississippi Department of Revenue for 7% sales tax collected from vendors during the Gulfport Harbor Lights Event.

Motion to Approve Request for Special Check, 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

Budget Amendments / Docket of Claims

- 16** Budget Amendment #12 - requesting increase to Capital Funds in the amount of \$8,676.00, due to receipt of drug-related forfeitures - Police Department.

Motion to Approve, Moved By Ricky Dombrowski, **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

- 17 Budget Amendment #13 - requesting increase to Federal Capital Funds in the amount of \$451,590.36, due to receipt of forfeiture money - Police Department

Motion to Approve, Moved By Ricky Dombrowski, **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 Budget Amendment #14 - to reallocate unused funds in the amount of \$281,839.00 from Tideland 2013 Yacht Basin Fund to the Tideland 2014 Yacht Basin Fund - Leisure Services.

Motion to Approve, Moved By Ricky Dombrowski, **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

- 19 Docket of Claims - to be approved through January 18, 2017.

Motion to Approve Docket of Claims, in the amount of \$1,788,209.18, Moved By Ricky Dombrowski, **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

Routine Agenda

Motion to Approve the Routine Agenda as presented, 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

- 20 Resolution - awarding and/or rejecting bids for lot cleanup and/or demolition of certain property within the City of Gulfport and providing for the assessment of costs for said properties.

Approved on the Routine Agenda.

- 21 Associated Adjusters Check Register - for the month of December, 2016 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 22 Biweekly Pay Distribution Journals - for the month of December, 2016 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 23 Year to Date Budget Report - for month ending December 31, 2016 - to be made a part of the minutes.

Approved on the Routine Agenda

- 24 Letter - regarding bid awarded by Purchasing for Mini Excavator Rental - Maintenance Garage - to be made a part of the minutes.

Approved on the Routine Agenda

- 25 Letter - regarding bid awarded by Purchasing for Well Point Pump Rental - Maintenance Garage - to be made a part of the minutes.

Approved on the Routine Agenda

- 26 Letter - regarding bid awarded by Purchasing for Hydraulic Repair Kit - Maintenance Garage - to be made a part of the minutes.

Approved on the Routine Agenda

- 27 Letter - regarding bid awarded by Purchasing for Laptop Computers - Police Department - to be made a part of the minutes.

Approved on the Routine Agenda

- 28 Letter - regarding bids received by Purchasing for Term Contract Group C3 - Hot Bituminous Pavement - to be made a part of the minutes.

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.
- As no citizens participated in the forum, the Public Agenda was concluded.

Council Comments

Memorial Adjournment

- Rev. Lee James Adams, Jr.
- Mrs. Joyce "Joy" Dove

Executive Session

Upon advice of General Counsel, Motion to Enter Executive Session at 2:26 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, Cara Pucheu

The Council entered executive session at 2:26 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 Dustin Uselton, Clerk of Council Ronda Cole and Deputy Clerk of Council Cheryl Germany. The Council discussed the need to enter executive session to discuss a litigation matter regarding the Orange Grove Community Center, and a possible street vacation on Westside.

Motion to Exit Executive Session at 2:47 P.M., 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

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

Upon reconvening in open meeting, the following action was taken:

Motion authorizing and approving the expenditure of monies up to \$5,000.00 (from the general fund) to go toward payment of fees and services associated with participating in mediation in connection with the pursuit of the case of City of Gulfport vs. Frank Genzer, Jr., Architects (d/b/a Genzer WHLC, PLLC), Washer Hill Lipscomb (MS), PLLC, and Genzer-WHLC Architecture, Joint Venture to include fees related to use of the mediator and facilities, and to authorize and approve the expenditure of monies up to \$5,000.00 (from the general fund) to go toward the payment of filing fees associated with increasing the City's claim amount for recovery in the above pending arbitration proceeding up to \$1 million in damages, or the maximum amount allowed under the rules of the American Arbitration Association to utilize a single arbitrator, whichever is greater, exclusive of interest, fees, and costs.

Motion to Approve, Moved By Myles Sharp, Seconded by Ella Homes-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

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 Rev. Lee Adams, Jr. and Mrs. Joyce "Joy" Dove until 1:30 P.M. February 7, 2017 for a regularly scheduled council meeting, Moved By Ella Homes-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