



City of Gulfport, Mississippi

Minutes - Final City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, April 22, 2014

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 City Council met at City Hall at 1:30 P.M., on the above date, same being an adjourned meeting from a special council meeting held on April 14, 2014 at 1:30 P.M. Present: Mayor Billy Hewes, Members of the Council: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu and General Counsel Hugh Keating.

Present 7 -

Councilmember Casey; Councilmember Dombrowski; Councilmember Holmes-Hines; Councilmember Walker; Councilmember Sharp; Councilmember Flowers and Councilmember Pucheu

Agenda Order

Confirmation or adjustment of the agenda order

The President called for confirmation or adjustment of the agenda order.

A motion was made by Councilmember Walker, seconded by Councilmember Holmes-Hines to accept the agenda was presented. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

Presentation Agenda

• Mayor's Report

The President called for the Mayor's Report.

At this time, Mayor Hewes recognized the 2014 6-A State High School Basketball Champions – The Gulfport High School Admirals! Last month, this group of young athletes accomplished what so many only dream of by capturing the high school 6-A championship by defeating Grenada 64-59. Coached by Gulfport-native Owen Miller, this team has made our city and our state very proud not only by their achievement on the court but by their sportsmanship and dedication as a team. The Mayor called upon Coach Owen Miller and Athletic Director Bryan Caldwell to come forward and introduce the championship team...after introduction of the team, the group of young men and their accomplishments were as follows:

- a. Record of 32-3
- b. Won the 9th state championship for Gulfport High School

- c. Ended the season ranked #3 in the Clarion Ledger Super 10
- d. Division 7 6-A champions
- e. Coach Miller was named the Clarion Ledgers Boys' Basketball Coach of the Year
- f. 2 members were named to the Clarion-Ledger All-State Team and one received the C-Spire Scholar Athlete Award

What an honor to share in this with these young men today and on behalf of the city, the Mayor declared this day as GHS Admiral Basketball 2014 State Champs Recognition Day and present each young man with a proclamation.

2. Recognition of Goodwill Industries – call on Jim Collins – the first full week of May would be known as Goodwill Industries Week within our city and they were recognized for the fine work this organization does in our city and throughout the world.

Upcoming Events:

Cinema By the Shore kicks off this Friday night in Jones Park with “DOLPHIN TALE” – IMMS will be out on site with activities for the whole family. This series will continue throughout the summer. Movie begins at 7:45 with activities beginning at 6:00 p.m.

National Prescription Drug Take-Back Day – this Saturday from 10:00 a.m. – 2:00 p.m. – drop off any unused, expired or unwanted prescription drugs at the Gulfport Police Department – no questions asked!

Clean and Green – Our citywide clean up begins this weekend in Ward 1 and will cycle throughout our city through the end of June. This is your opportunity to clean out your garages, your hard, old sheds and put it by the road. Each ward will have a specific trash pick-up dates where garbage will be picked up at the curb. For those wanting to get rid of your trash earlier, dumpsters will be provided in the ward we are working in at various sites. A detailed list of clean-up sites and dates by ward is available on our website.

March for the Babies for the March of Dimes – this Saturday in Jones Park – walk starts at 9:00 a.m.

Paintball Challenge on Friday, April 25th at 10:00 a.m. at the Seabee Base. This challenge would be a great team building effort.

Policy Issues

Minutes

- 1 Approval - of minutes for April 8 and 14, 2014.

A motion was made by Councilmember Flowers, seconded by Councilmember Casey, to approve the minutes for April 8 & 14, 2014. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 2 Ratification - of previous minutes for December 20, 2011 and January 18, 2012.

A motion was made by Councilmember Walker, seconded by Councilmember

Casey, to ratify the previous minutes for December 20, 2011 and January 18, 2012. The motion carried by the following vote:

Aye: 5 - Casey; Dombrowski; Walker; Flowers and Pucheu

Nay: 2 - Holmes-Hines and Sharp

Resolutions

- 3** Resolution - by the Mayor and Gulfport City Council commending the Gulfport High School Basketball Team on winning the State Basketball Championship, and for related purposes.
- A motion was made by Councilmember Casey, seconded by Councilmember Holmes-Hines, that this Resolution be Adopted. The motion carried by the following vote:**
- Aye:** 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu
- 4** Resolution - authorizing a special election to determine whether or not negotiable Bonds of the Gulfport School district in an amount not to exceed Forty One Million Two Hundred Forty Thousand Dollars (\$41,240,000) shall be issued for the purpose of purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunch rooms, vocational training buildings, school barns, garages for transportation vehicles and purchasing land therefor; establishing and equipping school athletic fields and necessary facilities connected therewith and purchasing land therefore; providing necessary water, light, heating, air conditioning and sewerage facilities for school buildings and purchasing land therefor; all above described projects being mainly for, but not all inclusive, the Gulfport High School; and paying the cost of borrowing funds therefor, and fixing a maximum amount of Bonds necessary to be issued for such purposes, including a General Obligation School Improvement Bond of the district for purchase by the Mississippi Development Bank; and/or General Obligation School Improvement Bonds of the District, in one or more Series, and to authorize any and all necessary expenditure by the City of Gulfport necessary to conduct such elections, and for related purposes.
- A motion was made by Councilmember Walker, seconded by Councilmember Casey, that this Resolution be Adopted. The motion carried by the following vote:**
- Aye:** 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu
- 5** Resolution - approving Amendment to the Agreement with Neel-Schaffer, Inc., relating to the EPA Brownsfields Grant Cooperative Agreement and authorizing the Mayor to execute same.
- A motion was made by Councilmember Pucheu, seconded by Councilmember Walker, that this Resolution be Tabled until the next council meeting. The motion carried by the following vote:**
- Aye:** 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu
- 6** Resolution to approve current and future cancellations of Deed of Trust and or Deed Restrictions for homebuyers and homeowners who have previously received CDBG, KCDBG or HOME funding for either homebuyer assistance or homeowner housing

rehabilitation and have met the affordability restrictions secured by the above legal documents.

A motion was made by Councilmember Holmes-Hines, seconded by Councilmember Flowers, that this Resolution be Adopted. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 7 Resolution - requesting items be declared as surplus property and authorizing disposal at public auction.

A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Letter be Approved. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 8 Resolution - approving Change Order #1 to the contract with J. Levens Builders, Inc., for the Citywide Paving Project - Phase 8.

A motion was made by Councilmember Casey, seconded by Councilmember Walker, that this Resolution be Adopted. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 9 Resolution - authorizing acceptance of Federal Surface Transportation Program (STP) Funding for Courthouse Road Improvements Project and committing the necessary non-federal match for the Project and stating the assurance of the City of Gulfport to activate the Project in FY 2014 and being construction by FY 2016.

A motion was made by Councilmember Casey, seconded by Councilmember Dombrowski, that this Resolution be Adopted. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 10 Resolution - accepting continuation of the Interlocal Governmental Cooperative Agreement between the City of Gulfport and Harrison County related to general services projects.

A motion was made by Councilmember Flowers, seconded by Councilmember Casey, that this Resolution be Adopted. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 11 Resolution - formally requesting assistance of the Harrison County Board of Supervisors with respect to repair of drainage issues at Keyser Lane in the City of Gulfport and seeking approval of said request by the Board.

A motion was made by Councilmember Walker, seconded by Councilmember Casey, that this Resolution be Adopted. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

Code Enforcement / Ordinances

12

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 for lot clean-ups and/or demolitions.

A motion was made by Councilmember Sharp, duly seconded by Pucheu to open the Code Enforcement Hearing. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

There being no one present to object, a motion was made by Councilmember Sharp, duly seconded by Councilmember Casey, to close the hearing and approve the Resolution. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

13

Ordinance - amending Sections 11-64(a) and 11-66(a) of the Code of Ordinances relating to increase of water and sewer rates.

A motion was made by Councilmember Flowers, seconded by Councilmember Holmes-Hines to table the Ordinance relating to increase of water and sewer rates and put to discussion.

A motion was made by Councilmember Walker, seconded by Councilmember Casey to suspend the rules. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

A motion was made by Councilmember Flowers to approve the consultant agreements related to bond issue. The motion failed for lack of a second.

A motion was made by Councilmember Flowers, seconded by Councilmember Walker to table the consultant agreements until the end of the meeting. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

A motion was made by Councilmember Walker, seconded by Councilmember Sharp to bring off the table. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

***Note: No council action was taken on the ordinance amending Sections 11-64(a) and 11-66(a) of the code of Ordinances relating to increase of water and sewer rates.**

- 13-A** Addendum - to the Legal Services Agreement with Dukes, Dukes, Keating and faneca, P.A. to represent the City as bond counsel.

A motion was made by Councilmember Walker, seconded by Councilmember Flowers, to approve the addendum to the Legal Services Agreement with Dukes, Dukes, Keating and Faneca, P.A., related to the bond issue, with a not-to-exceed amount of \$25,000. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 13-B** Approval - of Letter of contract with Government Consultants, Inc., for financial advisory services for the City of Gulfport.

A motion was made by Councilmember Walker, seconded by Councilmember Pucheu, to approve the Financial Advisory Services Letter of Contract with Government Consultants, Inc., with a not-to-exceed amount of thirty (30) basis points of the par amount of the bond. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 13-C** Recommendation - for underwriter counsel services for Jones Walker LLP related to bond issue for the City of Gulfport.

A motion was made by Councilmember Walker, seconded by Councilmember Casey, to approve the recommendation for underwriting services of Jones Walker related to the bond issue, with a note-to-exceed amount of \$40,000. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

- 14** Ordinance - amending Section III (J) Chart of permitted uses, of the City of Gulfport Comprehensive Zoning Ordinance (2) schedule of uses to allow a shooting range with Planning commission Approval in an I-3 Zoning District - Case #1403PC009.

Ordinance #2790

A motion was made by Councilmember Walker, seconded by Councilmember Casey, that this Ordinance be Adopted. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

Budget Amendments / Docket of Claims

- 15** Budget Amendment # 37 - to transfer budget line items within the EPA Brownfield Grant.

A motion was made by Councilmember Pucheu, seconded by Councilmember Flowers, that this Budget Amendment be Tabled. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

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Budget Amendment # 38 - to transfer funds within categories and increase the budget in the Legal Department.

A motion was made by Councilmember Holmes-Hines, seconded by Councilmember Casey, that this Budget Amendment be Approved. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

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Budget Amendment # 39 - to increase the Water/Sewer Fund Operations Supplies and Capital Outlay categories due to increased crews and associated costs.

A motion was made by Councilmember Sharp, seconded by Councilmember Flowers to suspend the rules. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

A motion was made by Councilmember Flowers, seconded by Councilmember Walker to table the Budget Amendment until later in the meeting for further clarification. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

A motion was made by Councilmember Walker, seconded by Councilmember Casey to bring the Budget Amendment off the table. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

A motion was made by Councilmember Walker, seconded by Councilmember Sharp to table until after executive session. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

A motion was made by Councilmember Walker, seconded by Councilmember Casey to bring the Budget Amendment off the table. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

A motion was made by Councilmember Walker, seconded by Councilmember

Casey, to approve amended Budget Amendment (as presented by the comptroller), contingent upon verifying previous amendments do not exceed 10% amendment allowed by law. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

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Docket of Claims - to be approved through April 23, 2014.

A motion was made by Councilmember Flowers, seconded by Councilmember Pucheu, that this Docket of Claims be Approved, in the amount of \$3,283.866.03. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

Routine Agenda

A motion was made by Councilmember Walker, seconded by Councilmember Pucheu to approve the Routine Agenda as presented. The motion carried by the following vote:

Aye: 7 - Casey; Dombrowski; Holmes-Hines; Walker; Sharp; Flowers and Pucheu

1

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

Approved on the Routine Agenda.

2

Request - permission to advertise for Request For Qualifications for Construction Technical Services Provider for CDGB and HOME Programs.

Approved on the Routine Agenda.

3

Request - permission to advertise for Request For Qualifications for Certified Lead Base Paint Inspector / Assessor for CDGB and HOME Programs.

Approved on the Routine Agenda.

4

Legal Notice - requesting permission to advertise for lease purchase options for the acquisition of 5 (five) E-One Custom Pumpers for the Fire Department.

Approved on the Routine Agenda.

5

Letter - regarding sole source designation for Vac-Con and request for purchase of 3-stage fan assembly - Public Works Department - to be made a part of the minutes.

Approved on the Routine Agenda.

6

Letter - from the Records Manager requesting approval of the Public Records request for the month of March 2014 - to be made a part of the minutes.

Approved on the Routine Agenda.

7

Monthly Check Register from Associated Adjusters for the month ending March 31, 2014.

Approved on the Routine Agenda.

8

Year-To-Date Budget Report for the month ending March 31, 2014.

Approved on the Routine Agenda.

Public Agenda

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

The President called for comments during the Citizen Forum.

The following citizens addressed the Council at this time:

- Mr. Kirk Hanson, representative of Gulf Mist Apartments.

This concluded the Public Agenda.

Council Comments

Executive Session

A motion was made by Councilmember Flowers, duly seconded by Councilmember Casey to close the meeting to determine the need for executive session. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

The Council entered closed session at 3:10 P.M. In attendance: Members of the Council: Casey, Dombrowski, Holmes Hines (in at 3:54 P.M.), Walker, Sharp, Flowers and Pucheu, Mayor Billy Hewes (in at 3:36 P.M.), CAO John Kelly, General Counsel Hugh Keating, Police Chief Leonard Papania (out at 3:47 P.M.), Director of Engineering Kris Riemann (in at 3:47 P.M.), Clerk of Council Ronda Cole and Deputy Clerk of Council Ashley Miller. The Council discussed the need to enter executive session to discuss potential and threatened litigation.

A motion was made by Councilmember Casey, duly seconded by Councilmember Walker to come out of closed session and enter executive session at 3:20 P.M. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

After discussion, a motion was made by Councilmember Flowers, duly seconded by Councilmember Pucheu to come out of executive session at 4:15 P.M. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

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

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

A motion was made by Councilmember Flowers, duly seconded by Councilmember Pucheu to authorize the release of the \$65,000 bond for Holliman Place Subdivision contingent upon a legally enforceable Agreement was in place, improvements to the pond were completed and all plans and improvements were approved by the City Engineer. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

Memorial Adjournment

- Mr. James H. Lockett Jr.
- Mr. Bobby Ray McBride

Setting of Next Meeting and Adjournment

There being no further business to come before the Council, a motion was made by Councilmember Flowers, duly seconded by Councilmember Holmes-Hines to adjourn in memory of Mr. James H. Lockett Jr., and Mr. Bobby Ray McBride until May 6, 2014 at 1:30 P.M. for a regular council meeting. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: None

City Clerk

Mayor