



Minutes - Final City Council

Tuesday, November 16, 2010

2:30 PM

2:30 p.m.

Invocation, Pledge of Allegiance, Call to Order

The Mayor and Members of the Council met at City Hall at 2:30 pm., on the above date; same being an adjourned meeting held on the 10th day of November 2010. Present: Mayor Schloegel, members of the Council Casey, Roland, Holmes-Hines, Walker, Dombrowski, Flowers and Pucheu, Chief Administrative Officer Dr. John Kelly and Assistant City Attorney Margaret Murdock (absent for item P-2) City Attorney Jeff Bruni (in attendance for item P-2 only) .

Agenda Order

Confirmation or adjustment of the agenda order

After announcing a quorum, the President called for confirmation or adjustment of the agenda order.

Councilmember Walker moved to add item, P-21, resolution, to reject bids submitted on audio/visual systems for the Robert J. Curry Municipal Complex and request permission to re-advertise and to delete item P8. The motion was duly seconded by Councilmember Flowers and put to the following vote:

Ayes: Casey, Holmes-Hines, Dombrowski, Casey, Roland, Walker, Flowers, Pucheu

Nays: None

Absent: None

Whereupon the President declared the motion carried.

Presentation Agenda

Present 7 -

Councilmember Casey; Councilmember Milner-Roland; Councilmember Holmes-Hines; Councilmember Walker; Councilmember Dombrowski; Councilmember Flowers and Councilmember Pucheu

• Mayor's Report

The President called for the Mayor's Report.

The Mayor thanked Ms Virginia Adolph for the invocation at today meeting. Ms. Adolph is married to Pastor Sonny Adolph of First Missionary Baptist Church. The Mayor presented a proclamation to Ms. Adolph for the churches celebration of its 150th Anniversary.

Mayor Schloegel announced the City of Gulfport will host an exciting

Christmas parade this Saturday, Dec. 4, at 10:30 a.m. and to come early and enjoy doughnuts, hot chocolate and Christmas music in Sugarplum Wonderland, then after the parade, stick around for photos with those famous holiday faces at Sugarplum Wonderland. Santa and his elves, the Grinch, Rudolph and others will be wandering through Lighthouse Park, and Walgreens will be taking free photos of your children with Santa. Bring your cameras, your youngsters and the entire family to Sugarplum Saturday in Gulfport.

The Mayor announced that the City offices will be closed next Thursday in observance of Thanksgiving.

This concluded the Mayor's Report.

Policy Issues

Minutes/Planning/Code Enforcement

- 1 Approval of minutes - for October 5, 2010.

 A motion was made by Councilmember Flowers, duly seconded by Councilmember Pucheu, that this Minutes be Approved. Whereupon the President declared the motion carried by the following vote:

 Aye: 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 2 Appeal regarding denial by Zoning Board of a Variance Request - located west of and adjacent to Bert Avenue, east of Olive Avenue, south of Second Street and north of E. Beach Boulevard. Case #1009ZB124. Ward 2.

 A motion was made by Councilmember Milner-Roland, duly seconded by Councilmember Pucheu, that this appeal be uphold to the Zoning Board of Adjustments and Appeals recommendation to deny the requested variance. Whereupon the President declared the motion carried by the following vote:

 Aye: 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 3 Code Enforcement Hearing - on resolutions to advertise for bids for lot clean-ups and/or demolitions.

 A motion was made by Councilmember Roland, duly seconded by Councilmember Pucheu, that this Resolution be adopted with the deletion of parcel 19 - 0811F-01-024.000, 2012 21st Avenue for advertisements. Whereupon the President declared the motion carried by the following vote:

 Aye: 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 4 Hearing - regarding applicants requesting an extension on their FEMA trailer or MEMA Cottage due to special circumstances.

 Councilmember Pucheu moved to deny the following request from applicants requesting an extension on their FEMA trailer.
 The motion was duly seconded by Councilmember Flowers and put to

discussion:

Councilmember Dombrowski called on applicants to give an statement on why they would need the extension.

After discussion, Councilwoman Pucheu withdrew her motion and Councilmember Flowers withdrew his second on the motion.

A motion was made by Councilmember Holmes-Hines moved to approve the request until January 31, 2011 for Mr. Donald Ray Robinson, 4300 Illinois Avenue and Mr. Sam Arnold, 3012 21st Street . The motion was, duly seconded by Councilmember Casey. Whereupon the President declared the motion carried by the following vote:

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

5

Letter - requesting permission to stay the permitting process on designated MEMA Cottages due to being located in a T-3 SmartCode Zoning District.

Councilmember Milner moved to approve the request to allow the stay of MEMA Cottages for the following:

- 529 Woodward Avenue
- 703 Reginault Avenue
- 914 38th Avenue

The motion was duly seconded by Councilmember Casey and carried by the following vote:

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

Ordinances

6

Ordinance - amending the Code of Ordinances relating to tap fees.

Ordinance 2705

A motion was made by Councilmember Pucheu, duly seconded by Councilmember Flowers, that this Ordinance be Adopted. Whereupon the President declared the motion carried by the following vote:

Aye: 6 - Casey; Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

Nay: 1 - Holmes-Hines

Resolutions/Requests

7

Letter - from International Relief and Development, US requesting waiver of permit fees related to construction of homes - tabled at the October 19, 2010 council meeting.

Councilmember Roland moved to take the following request from International Relief and Development off the table. The motion was duly seconded by Councilmember Casey put to the following vote:

YEAS: Casey, Holmes-Hines, Roland, Walker, Dombrowski, Flowers, Pucheu
NAYS: None
ABSENT: None

Whereupon the President declared the motion carried.

**The Council President stated the motion on the floor was to approve the request.
The President called for the vote on the approval with the following results:**

Aye: 2 - Casey and Holmes-Hines

Nay: 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

- 8** Resolution - approving the revised employee handbook and approving reproduction and distribution of the handbook to current and future employees for implementation.

Deleted

Deleted

- 9** Resolution - by the Gulfport City Council authorizing closing of all city offices in observance of the holiday season as proclaimed by the Governor of the State of Mississippi.

**Councilmember Holmes-Hines moved to adopted the resolution. The motion was duly seconded by Councilmember Casey and put to discussion.
After discussion, Councilmember Flowers moved to approved the resolution with November 18, 2010, be the only day that the city observe from the Governors recommendation. The motion was duly seconded by Councilmember Pucheu and put to the following vote:**

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

- 10** Resolution - approving a plan of finance including the issuance by the Capital Trust Agency of its Revenue Bonds in one or more Series for the financing or refinancing of certain Capital Airport Projects in Gulfport, Mississippi and authorizing the Mayor to execute Interlocal Agreement.

A motion was made by Councilmember Pucheu, duly seconded by Councilmember Walker, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:

Aye: 6 - Casey; Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

Nay: 1 - Holmes-Hines

- 11** Resolution - approving an agreement with Johnson Controls, Inc., for the purpose of providing and facilitating Energy Efficiency Improvements in the City of Gulfport.

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

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

- 12 Resolution - by the Gulfport City Council to reject and/or disqualify "bid" and award a contract in connection with the Water, Sewer, and Storm Systems Replacement Area 3C Project.
- A motion was made by Councilmember Roland, duly seconded by Councilmember Walker, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**
- Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 13 Resolution - authorizing vacation of easement granted to the City of Gulfport by Sterling Drug, Inc.
- A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**
- Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 14 Resolution - reconfirming and extending the status of a state of emergency due to the discharge and release of oil or other hazardous substances that has resulted and continues to occur in the Gulf of Mexico.
- A motion was made by Councilmember Walker, duly seconded by Councilmember Pucheu, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**
- Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 15 Resolution - authorizing the City of Gulfport by and through the Police Department to accept an Occupant Protection Grant.
- A motion was made by Councilmember Flowers, duly seconded by Councilmember Pucheu, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**
- Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 16 Letter - ratifying contributions to outside agencies previously approved in the FY 2010-2011 budget.
- A motion was made by Councilmember Flowers, duly seconded by Councilmember Walker, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**
- Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 17 Letter - requesting to extend balcony into City Right of Way located at 1321 21st Avenue - remanded at the November 2nd council meeting.
- Councilmember Roland and duly seconded by Councilmember Flowers to approve the request and put to discussion.**
- Councilmember Walker moved to table the request to the next council meeting: The motion was duly seconded by Councilmember Flowers and put to**

the following vote:

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

Budget Amendments

- 18 Budget Amendment #30 - to transfer funds to Three Rivers Rd Project to fund denied MDOT funding.

The council asked for this item to be taken up at the end of the meeting.

On motion by Councilmember Holmes-Hines and seconded by Councilmember Casey, the City Council voted to approve Budget Amendment #30 and to authorize the Legal Department to take any and all steps required to attempt to recover from Parnell Construction any funds paid to MDOT on account of Parnell's failure to comply with the applicable DBE requirements for the project and to authorize the issuance of special checks concerning this matter.

The motion passed by the following vote:

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

- 19 Budget Amendment #31 - to budget funds for the Occupant Protection Grant received for the Police Department.

A motion was made by Councilmember Pucheu, duly seconded by Councilmember Holmes-Hines, that this Budget amendment be Approved. Whereupon the President declared the motion carried by the following vote:

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

Docket of Claims

- 20 Docket of Claims - to be approved through November 17, 2010.

A motion was made by Councilmember Pucheu, duly seconded by Councilmember Dombrowski, this Docket of Claims be Adopted. Whereupon the President declared the motion carried by the following vote:

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

- 21 Resolution - to reject bids and re-advertise for an audio/visual system in the Robert Curry Public Safety Building.

add-on

A motion was made by Councilmember Walker, duly seconded by Councilmember Roland, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:

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

Routine Agenda

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

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

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

Approved on the Routine Agenda.

- 2 Letter - from the Records Manager requesting approval of the Public Records request for the month of October 2010 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 3 Letter - regarding emergency purchase authorization for the repair of drainage pipes on Anniston Avenue.

Approved on the Routine Agenda.

- 4 Letter - requesting permission to purchase a mobile stage.

Approved on the Routine Agenda.

- 5 Letter - regarding bid awarded by the Purchasing Manager for Push Bumper & Steel Window Bars for the Police Department.

Approved on the Routine Agenda.

- 6 Letter - regarding bid awarded by the Purchasing Manager for single antenna radar packages for the Police Department.

Approved on the Routine Agenda.

- 7 Letter - regarding bid awarded by the Purchasing Manager for Master Meter AMR Hardware for the Water Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 8 Letter of recommendation - regarding bids received for term contract items - Group P3 - fencing materials.
Approved on the Routine Agenda.
- 9 Letter of recommendation - regarding bid received for potable water tank for 30th Avenue Well.
Approved on the Routine Agenda.
- 10 Letter of recommendation - regarding bids received for Municipal Court gallery seating.
Approved on the Routine Agenda.
- 11 Letter - requesting permission to advertise for Hurricane Katrina Permanent repairs to the Centennial Museum.
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.**

Council Comments

The President called for comments during the Public Forum.

The following individuals address the Council:

- Ms. Sandra Wyche, 3525 Nunnally Street
- Ms. Mary Spinks Thigpen, resident of 199 Holly Circle.

This concluded the Public Forum.

Executive Session

Councilmember Flowers moved to close the meeting in order to determine the need for an executive session. The motion was seconded by Councilmember Pucheu, and duly passed by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Roland, Flowers, Pucheu
Nays: None
Absent: None

The Council entered closed session at 5:03 pm. Those in attendance were, Mayor Schloegel, Members of the Council: Casey, Roland, Holmes-Hines, Dombrowski, Walker, Flowers and Pucheu, Council Clerk Kathy Johnson, City Attorney Jeff Bruni, and Chief Administrative Officer John Kelly, Engineering Director Kris Riemann. The City Attorney advises that the need for executive session to discuss pending and prospective litigation.

After discussion, Councilmember Walker moved to come out of closed session and go into executive session at 5:07 pm to discuss the above-referenced matters. The motion was seconded by Councilmember Pucheu and duly passed by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Roland, Flowers, Pucheu
Nays: None
Absent: None

After discussion, Councilmember Walker moved to come out of executive session at 5:24 p.m. The motion was seconded by Councilmember Pucheu, and duly passed by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Roland, Flowers, Pucheu
Nays: None
Absent: None

The City Attorney announced that no official action was taken in Executive Session.

After reconvening in Open Meeting, the following actions were taken:

On motion by Councilmember Holmes-Hines and seconded by Councilmember Casey, the City Council voted to authorize a budget amendment transferring funds (\$75,000) from the Water Tower Restoration Account to the appropriate account applicable to the acquisition of water and sewer easements and a temporary construction easement from Larry and Patsy White (Cause No. D2401-2002-1166) and to authorize the issuance of a special check in that amount.

The motion passed by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Roland, Flowers, Pucheu
Nays: None
Absent: None

On motion by Councilmember Holmes-Hines and seconded by Councilmember Casey, the City Council voted to approve Budget Amendment #30 and to authorize the Legal Department to take any and all steps required to attempt to recover from Parnell Construction any funds paid to MDOT on account of Parnell's failure to comply with the applicable DBE requirements for the project and to authorize the issuance of special checks concerning this matter.

The motion passed by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Roland, Flowers, Pucheu

Nays: None

Absent: None

Setting of Next Meeting and Adjournment

There being no further business to come before the Council, Councilmember Holmes-Hines moved to adjourn until 2:30pm, December 7th 2010 for a regular council meeting. The motion was seconded by Councilmember Casey passed by the following vote:

Ayes: Casey, Dombrowski, Holmes-Hines, Walker, Roland, Flowers, Pucheu

Nays: None

Absent None

Councilmember, Ward 1

Councilmember, Ward 5

Councilmember, Ward 2

Councilmember, Ward 6

Councilmember, Ward 3

Councilmember, Ward 7

Councilmember, Ward 4

Deputy City Clerk