



City of Gulfport, Mississippi

2309 15th Street
Gulfport, MS 39501

Minutes - Final City Council

Tuesday, December 21, 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 8th day of December 2010.
Present: Mayor Schloegel, Members of the Council: Casey, Roland, Holmes-Hines (in at 2:44pm), Walker, Dombrowski, Flowers and Pucheu, Chief Administrative Officer Dr. John Kelly and Assistant City Attorney Margaret Murdock.

Present 7 -

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

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 adjust Policy Items, #1 to #27A and to delete item Policy Item #8. The motion was duly seconded by Councilmember Flowers and put to the following vote:

Yeas: Dombrowski , Casey, Roland, Walker, Flowers and Pucheu

Nays: None

Absent: Holmes-Hines

Presentation Agenda

• Mayor's Report

The President called for the Mayor's Report.

The Mayor called on Executive Director Scott Radcliff, MS Sports Commission to give an over view of the Sport Commission Programs.

The Mayor wished everyone a safe Merry Christmas and a Happy New Year.

This concluded the Mayor's Report.

Policy Issues

Appointments/Code Enforcement

- 2 Letter - requesting ratification of appointment to the Gulfport Planning Commission.

A motion was made by Councilmember Casey, duly seconded by Councilmember Flowers, that this ratification of appointment 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

- 3 Code Enforcement Hearing - on resolutions to advertise for bids for lot clean-ups and/or demolitions.

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

Ordinances

- 4 Ordinance - rezoning property B-4 to R-1-5 - located west of and adjacent to Mississippi Avenue, south of and adjacent to Tyler Street, north of Harrison Street - Case #1011PC150 - Ward 6.

Ord. 2710

A motion was made by Councilmember Holmes-Hines, duly seconded by Councilmember Casey, that this Ordinance 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

- 5 Ordinance - rezoning two properties from T3 to T4L (Westside Community Plan) - located west of and adjacent to Camp Avenue, east of Woodward Avenue, south of Old Pass Road and north of W. Railroad Street - Case #1011PC152 - Ward 1.

A motion was made by Councilmember Milner-Roland, duly seconded by Councilmember Casey, that this Ordinance be Approved. Whereupon the President declared the motion *failed* by the following vote:

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

- 6 Ordinance - rezoning property from T3 to T4L (Westside Community Plan) - located east of and adjacent to Camp Avenue, west of Broad Avenue, south of 11th Street and north of W. Railroad Street - Case #1011PC153 - Ward 1.

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

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

Resolutions/Requests

- 7 Resolution - to amend the 2007 and 2010 Annual CDBG Action Plans.

A motion was made by Councilmember Flowers, duly seconded by Councilmember Casey, 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

Out of Room: 1 - Holmes-Hines

- 8 Resolution - approving Change Order #1 to the contract with Reynolds, Inc., for the Area 1 Water and Sewer System Replacement Project - tabled at the December 7th meeting.

deleted

Deleted during adjustments

- 9 Resolution - approving Amendment #1 to the Professional Services Agreement with MSEG for Water Resources, Transportation, and Economic Development Infrastructure Program.

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

- 10 Resolution - approving Change Order #1 to the contract with Gulf Equipment Corporation for the Jones Park Improvement Project, Phase III (Jones Park Drive South).

A motion was made by Councilmember Roland, 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

- 11 Resolution - authorizing the City of Gulfport by and through the Police Department to accept an Enforcing Underage Drinking Laws.

A motion was made by Councilmember Casey, 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

- 12 Resolution - authorizing the City of Gulfport by and through the Police Department to accept Coastal Narcotics Enforcement Grant.

A motion was made by Councilmember Casey, 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

- 13 Resolution - authorizing the City of Gulfport by and through the Police Department to accept Alcohol Countermeasure Grant.

A motion was made by Councilmember Pucheu, duly seconded by Councilmember Casey, 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- approving Designation of Alternate Applicant Agent in connection with the Disaster Relief Act in coordination with FEMA and MEMA.

A motion was made by Councilmember Pucheu, 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

- 15 Letter - requesting permission to hold a carnival at 8022 Hwy 49 from January 27, 20011 - February 6, 2011 and March 17, 2011 - March 27, 2011.

A motion was made by Councilmember Pucheu, duly seconded by Councilmember Casey, that this request be Approved pending a copy of an endorsement to the City as an additional name insured on their insurance policy. Whereupon the President declared the motion carried by the following vote:

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

Budget Amendments

- 16 Budget Amendment #34 - to budget 2011 Coastal Narcotics Enforcement Team Grant

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 17 Budget Amendment #35 - Request to budget grant for Enforcing Underage Drinking Laws.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 18 Budget Amendment # 36 - to budget Alcohol Countermeasure Grant.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 19 Budget Amendment #37 - request to fund Stop Violence Against Women Grant.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 20 Budget Amendment # 38 - request to fund receipt of Drug Forfeiture Funds.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 21 Budget Amendment # 39 - request to budget funds for Narcotics Task Force.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 22 Budget Amendment # 40 - request to transfer funds within CDBG Projects.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 23 Budget Amendment # 41 - request to transfer funds within public works to fund privatization contract through the month of May.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 24 Budget Amendment # 42 - request to rollover capital outlay to fund prior year commitments unpaid at previous year end.

A motion was made by Councilmember Walker, duly seconded by

Councilmember Flowers, 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

- 25 Budget Amendment #43 - request to budget NRCR Grant for Flat Branch Improvements.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 26 Budget Amendment #44 - to allocate CSX Railroad funds received to Ward 2 parks, recreation and green space.

A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, 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

- 27 Docket of Claims -to be approved through December 22, 2010.

A motion was made by Councilmember Pucheu, duly seconded by Councilmember Flowers, that this Docket of Claims 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

- 27-A Letter - requesting reconfirmation of appointment of Fire Chief for the City of Gulfport.

A motion was made by Councilmember Holmes-Hines, duly seconded by Councilmember Casey to Ratify the reconfirmation of appointment. 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 Pucheu 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 Routine Agenda

- 2 Check Register - from Associated Adjusters for the month of November 2010.

Approved on Routine Agenda

- 3 Year to date budget report - for month ending November 2010.

Approved on Routine Agenda

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

Approved on Routine Agenda

- 5 Letter - regarding bid awarded by the Purchasing Manager for fitness equipment for the Orange Grove Community Center - to be approved and made a part of the minutes.

Approved on Routine Agenda

- 6 Letter - regarding bid awarded by the Purchasing Manager for a Hybrid Control Station Combiner- Police Dept 911 dispatch - to be approved and made a part of the minutes.

Approved on Routine Agenda

- 7 Letter - regarding bid awarded by the Purchasing Agent for monitors for the Municipal Complex- Police Department - to be approved and made a part of minutes.

Approved on Routine Agenda

- 8 Letter - regarding bid awarded by the Purchasing Manager for Appliances for the Municipal Building- Police Dept - to be approved and made a part of the minutes.

Approved on Routine Agenda

- 9 Letter - regarding bid awarded by the Purchasing Agent for envelopes for the Water Department - to be made a part of the minutes.

Approved on Routine Agenda

- 10 Letter of recommendation - from the Purchasing Manager regarding bid award for In Car Video Camera - Police Department.

Approved on Routine Agenda

- 11 Letter of recommendation - from the Purchasing Agent for potable water tanks- Public Works Department.

Approved on Routine Agenda

- 12 Letter - requesting to advertise for Jones Park Pavilion Replacement project and associated Parking Areas within the next 45 days.

Approved on Routine Agenda

13

Legal Notice - to advertise for bids for hazard mitigation additions to the Robert J. Curry Public Safety Center.

Approved on 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:

- Mr. Richard Marsh, resident of 34th Avenue.
- Ms. Mila Parker, resident of Gulfport, MS.

Executive Session

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

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

Nays: None

Absent: None

Whereupon the President declared the motion carried.

The Council entered closed session at 3:52 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, Assistant City Attorney Chelsea Brannon and Chief Administrative Officer John Kelly. The City Attorney advises the need for executive session to discuss prospective litigation caused by the BP oil spill.

After discussion, Councilmember Walker moved to come out of closed session and go into executive session at 3:56 pm to discuss the above-referenced matter. The motion was seconded by Councilmember Pucheu and duly passed by the following vote:

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

Nays: None

Absent: None

After discussion, Councilmember Walker moved to come out of executive session at 4:16 p.m. The motion was seconded by Councilmember Flowers and duly passed by the following vote:

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

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

After reconvening in Open Meeting, the following actions were taken:
Councilmember Walker moved to grant permission for administration to hire a consultant to determine whys & means and methods to look at the offer that was made by BP and to negotiate with BP for the claim and to pay them an amount not to exceed 15% above the \$480,000 that was already offered. Councilmember Pucheu seconded the motion with the following results:

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

Councilmember Walker stated he had not seen the actual amount offered, so just above the amount offered to the city. Council President Dombrowski recognized Councilmember Walker's statement.

Whereupon the President declared the motion carried.

Setting of Next Meeting and Adjournment

There being no further business to come before the Council, Councilmember Walker moved to adjourn until 2:30pm, January 4th 2011 for a regular council meeting. The motion was seconded by Councilmember Pucheu passed by the following vote:

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