

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on March 1, 2016 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

Mr. Brian Therolf

**ROLL CALL:**

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, Lafontaine and Piazza along with City Clerk Lisa Planchard and Attorney Gary Yarborough.

Absent from the meeting was City Attorney Rachel Yarborough.

**MAYOR'S COMMENTS:**

**RESOLUTIONS/INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENTS/  
INTERNET INFRASTRUCTURE/CONTRACTS/AGREEMENTS/FIBER-OPTIC  
INFRASTRUCTURE/AMENDMENTS**

**RE: Amendment to Interlocal Governmental Cooperation Agreement for Fiber-Optic  
Infrastructure for Municipal Purposes**

Alderman Piazza moved, seconded by Alderman Burke to approve a RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF WAVELAND, MISSISSIPPI, TO APPROVE THE ATTACHED "AMENDMENT TO INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT BETWEEN BILOXI, GULFPORT AND D'IBERVILLE FOR FIBER-OPTIC INFRASTRUCTURE FOR MUNICIPAL PURPOSES, AND FOR RELATED PURPOSES, TO ADD THE CITY OF WAVELAND AS A PARTY TO THE AGREEMENT, AS AMENDED" AND TO AUTHORIZE APPROVAL OF REQUESTS FOR OTHER MISSISSIPPI COAST CITIES AND COUNTIES TO JOIN THE AGREEMENT, AS AMENDED, AND FOR RELATED PURPOSES. **(EXHIBIT A)**

Attorney Gary Yarborough said this will provide the infrastructure for a broad band internet service Coast wide; the functionality of the City will be similar to what the City has with our other franchise agreements, whether it's AT&T or otherwise, it just increases the capacity for the service coast wide is what they're attempting to do. He added that, basically the intent is to have a Resolution requesting the funds be used for a Coast wide broadband system. Alderman Lafontaine asked whether the City would have a voice in saying where it would be installed before the funding ended. Mayor Smith said that as of now there are 15 entities that have 'signed onto' this; there are 4 remaining that have not and Waveland is one of the 4; he said he was assured today that Waveland would have a seat at the table and have a vote. Alderman Richardson said he thought the entire Board was of the opinion that the Broadband is crucial for the expansion of our City and to bring businesses in; everyone wants to be sure there is not a cost to Waveland, that we are able to opt out if we feel we need to opt out. Mayor Smith said that is what he was assured of today. Mr. Yarborough read the termination clause to the agreement.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CASA/EVENTS**

Mayor Smith announced, on behalf of CASA, they request to use the Garfield Ladner Memorial Pier to have an event called 'The Light of Hope' in April, for which the specific date has not yet been set. Mayor Smith said as soon as he learns the date(s) he will bring this back before the Board.

**ATTORNEY'S COMMENTS**

- Mr. Yarborough had no comments at this time.

## ALDERMEN'S COMMENTS

### Re: Alderman Burke:

- Has the Hancock County Solid Waste meeting on Monday; Saturday will advertise for bids for household pickups, dumpster services (which they will try to opt into to get a lower rate for the whole County), and recycling bin services, hopefully 6 Countywide with 1 in Waveland.
- Waste Management overcharged Solid Waste and thus the City, so the City will have to determine an equation to credit back the overage to the citizens who overpaid once we are given the amount. They will open bids April 5, 2016 and award the contract April 11, 2016.

### Re: Alderman Richardson:

- Blighted Property (Lacoste) at the end of Margie Street (corner of Old Spanish Trail); he knows a letter was written. Last time he passed by, there were 37 parked vehicles then, now there are over 40. Mr. Yarborough said he would take a look at the Court agreement and call Alderman Richardson; it's been a few years since Mr. Yarborough has dealt with this issue.

### Re: Alderman Lafontaine:

- At the last water rates discussion with Delta Water, we reviewed installing some water meters for Apartment complexes and other places; do you know if we've made it any further with that. Mayor Smith said he discovered the water line going into Buccaneer Park and the whereabouts of a potential meter that's already there, but non-functioning, so he told Mr. Anderson today that he wanted that meter installed, the one out at Gulfgrove and also told him, according to the previous Public Works Director years ago, we could put meters on Waveland Avenue to meter west of those apartments. He also told Mr. Anderson that if the City did not have the ability to do it, then hire Delta Water to install them, so that should be done fairly rapidly,
- What is the progress on the park, getting the tennis courts finished? Mayor said the lines were painted today; it is progressing, but the Mayor is continually pulling Willie off to work on other things.  
City Clerk Planchard said one problem is that there is a crack in the slab so we're trying to get the company back out there to remedy that... tennis court.
- Asked M. Lagasse if we were ready for an update with the sewer readings. Mr. Lagasse said they contacted Delta Water to get some data, but it was not quite enough of the information he needed. Hopefully at the next meeting, he should have an update.
- Asked about sewer line camerawork around Gladstone Street. Mr. Lagasse said they were still working on a slightly lower price, but he thinks they are just going to move forward. Mr. Yarborough confirmed that this is a subcontractor of Compton that they are trying to negotiate that price with. Mr. Lagasse said the sub's reasoning was that even though it was a lot more footage, there's been a lot more of heavy cleaning and their claiming that the price is worth the work they're doing.
- St. Patrick's Parade coming up: please place more portlets down by the ball field at Central & Waveland Avenue.

### Re: Alderman Piazza

- Discussed condition of the Idlewood Pond and the need to have silt and sludge removed to improve drainage. M. Lagasse met with DMR and looked at prior data they had on pond and will eventually ask for permission to start chasing money to try and dredge the pond.

### Mayor Smith (Mayor's comments, continued):

- Introduced Cami Cornfoot, Chairperson of Economic Development citizens group; they will be coming to the Board soon with a Tax Abatement Ordinance for the Coleman Avenue District. Ms. Cornfoot described each of the three subcommittees that are part of the Ec. Development Committee: 1) Property Development committee 2) Destination Waveland committee (includes marketing and branding Waveland) and 3) the Community Development committee.

## DOCKET OF CLAIMS

### Re: Claims (Less the Streets Payroll portion)

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$302,931.87 dated March 1, 2016 as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **MINUTES**

#### **Re: Minutes of Blighted Property Public Hearing of February 11, 2016**

Alderman Piazza moved, seconded by Alderman Richardson to approve the Minutes of the Blighted Property Public Hearing of February 11, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Richardson, Piazza, Smith

Voting Nay: None

Abstain: Burke, Lafontaine

Absent: None

Attorney Yarborough said, "For the record, the abstentions will be considered a vote with the majority."

#### **AGREEMENTS/CONTRACTS/BONDS/FINANCING/BUDGET/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT**

#### **Re: Engagement Agreement with Butler Snow LLP for Bond Counsel, \$3M for Citywide Drainage Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve an Engagement Agreement with Butler Snow LLP, including required signatures, for bond counsel services related to issuance of the City of Waveland Hazard Mitigation Anticipation Note, Series 2016 in the Principal Amount not to exceed \$3,000,000 to provide funds necessary to pay invoices related to the Citywide Drainage Improvements Project in anticipation of reimbursement from FEMA/HMGP. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **RESOLUTIONS/LINE OF CREDIT/FINANCING/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/HMGP/GRANTS**

#### **Re: Revolving Line of Credit secured by HMGP Grant Anticipation Note, Series 2016, \$3M for Citywide Drainage Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Burke to approve a Resolution declaring the intention of the Board of Mayor and Aldermen to approve a revolving line of credit secured by a Hazard Mitigation Grant Anticipation Note, Series 2016 of the City in the maximum principal amount of not to exceed three million dollars (\$3,000,000.00) to raise money for the purpose of providing interim financing to defray the cost of (I) Construct Drainage Improvements Project to (16) sixteen watersheds (Basins) located within the City; and (II) approving a revolving line of credit secured by the 2016 note of the City, to be dated the date of delivery thereof, in the principal amount of not to exceed three million (\$3,000,000.00); and other related matters. (Citywide Drainage Improvements Project) **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**PLANNING & ZONING: (EXHIBIT E)**

- A. Gary Knoblock of Lightening Quick Signs, representing Waveland Dental Center/Dr. Hal Jones appeared before the commission** with a tabled request for a variance of 12' from the required sign height in order to have a sign with the overall sign height of 32'. This property is located at 110 Auderer Boulevard. Legal description: Part of lot 8, Section 33-8-14, City of Waveland, Hancock County, Mississippi.

Commissioner John Becker moved, seconded by Commissioner Clarence Harris to recommend that the Board of Mayor and Alderman approve the applicant's request for a variance of 12' from the required sign height in order to have a sign with the overall sign height of 32' and must meet all applicable building codes.

Alderman Lafontaine moved, seconded by Alderman Burke to follow the recommendation of the Planning and Zoning Board and approve the request as submitted.

Attorney Yarborough said that if the Board accepts this, "You are accepting this finding of fact that by resolution made by the City of Waveland Planning & Zoning Commission recommending the approval of the variance of 12' from the required sign height, for an overall sign height of 32'." Board members collectively said, "Yes."

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

- B. Helene Giles appeared before the commission** with a request that the City of Waveland abandon a platted but unopened street known as Maceo Street. The portion in question is between lots 1-20 Block 9, Bay St. Louis Land & Improvement Company. The street borders the City of Bay St. Louis city limits.

Commissioner Mike Kopke moved, seconded by Charlotte Watson to recommend that the Board of Mayor and Alderman approve the applicant's request to abandon Maceo Street, a platted but unopened street contingent upon approval of the City Attorney. The portion of Maceo Street is located in Block 9 BSL Land & Improvement Co. Subdivision with the following parcels 137P-2-35-102.000 (Lots 1-3), 137P-2-35-102.001 (Lots 4-6), 137P-2-35-103.000 (Lots 7-8), 137P-2-35-104.000 (Lots 9-10), 137P-2-35-105.000 (Lots 11-12), 137P-2-35-106.000 (Lots 13-15), 137P-2-35-106.001 (Lots 16-20) making the property line on each parcel extend to the city limit line of Bay St. Louis. (See attachment)

Alderman Burke moved, seconded by Alderman Piazza to follow the recommendation of the Planning and Zoning Board and approve the request as submitted, contingent upon the agreement by the City of Bay St. Louis that they do not oppose the abandonment and that there are also no other aggrieved property owners,

Mr. Yarborough asked Ms. Giles to come forward. Ms. Giles confirmed that she owns property on one side of this portion of the street to be abandoned; she said the other side is owned by the City of Bay St. Louis. Mr. Yarborough asked if there are any other people that use this portion of street for ingress or egress. Ms. Giles said that nobody uses it for ingress or egress at all; it's not needed at all. She added that 50+ years ago when these lots were starting to be developed, for some reason most of the houses

were built on the right of way. She said part of her shed is on it; the next door neighbor's house is on it. The other next door neighbor's barn is sitting on it; it's been that way for over 50 years now. Mr. Yarborough asked if anyone was present opposing abandonment of the road. He said, "Let the record reflect no one is here opposing the abandonment. If you are considering the abandonment, Board, you are making the factual finding under MS. Code Section 17-1-23 that the plot to be abandoned is no longer needed, nor necessary for public purposes. You also, by statute before any abandonment can be finalized, it would have to be agreed to by all adjacent property owners, so you (Ms. Giles) will have to go to the City of Bay St. Louis meeting and get their approval for that. And with the approval Board, you are making this contingent upon the agreement by the City of Bay St. Louis that they do not oppose the abandonment and that there are also no other aggrieved property owners. Mr. Yarborough asked Alderman making the motion if he would like this included within his motion for approval. Alderman Burke said, "Yes."

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**PURCHASING/POLICE DEPARTMENT/STATE CONTRACT**  
**Re: Purchase of Office Furniture/Storage, etc. items for new Police Building**

Alderman Burke moved, seconded by Alderman Lafontaine to approve purchase of furniture/storage/etc... items from Office Innovations in the amount of \$129,933.70 (all items are state contract) to equip the new Police building. This cost will be posted against the Police Contents PW. (See Exhibit for State Contract #'s) **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Purchase of APX Portable Model 2 Radios for Police Officers**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve purchase of 17 new APX 4000 Portable Model 2 Radios in the amount of \$49,987.17 for the Police Officers; state contract MSWIN#3429. This cost will be reimbursed through the MS. State Wireless Commission Monies designated for Waveland. Many of the older radios will be transferred to the Fire Department for their use. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CONTRACTS/AGREEMENTS/UTILITIES DEPARTMENT/GAS DEPARTMENT**  
**Re: NNS-SCO Agreement No. 39184 between Gulf South Pipeline Company LP and City of Waveland**

Alderman Burke moved, seconded by Alderman Lafontaine to approve NNS-SCO Agreement No. 39184, including required signatures, between Gulf South Pipeline Company LP and the City of Waveland (supersedes Agreement No. 39511) contingent upon Gulf South Pipeline providing the fee schedule and subject to attorney review. This Agreement incorporates the commercial terms agreed to

between Gulf South, its customers, and the Federal Energy Regulatory Commission's Trial Staff in the Stipulation and Agreement of RP15-65-000 Settlement. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**DONATIONS/SURPLUS PROPERTY/PARKS & RECREATION**

**Re: One Double Wall Ball Locker to Bay Waveland School District Athletic Department**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the donation of 1 Double Wall Ball Locker to the Bay-Waveland School District Athletic Department. (This item was sent to the City from Sport Supply Group in error and because of the high cost of return postage, Sport Supply Group donated the item to the City of Waveland Parks and Recreation Department).

During discussion, Mr. Yarborough said to the Board, "You would be making a factual finding that it's no longer needed for municipal purposes, it should be declared surplus and it is in the best interest of both the Bay Waveland School District and the City of Waveland to serve the public interests of the State of Mississippi to transfer for less than the fair market value under MS. Code Section 31-7-13. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**TRAVEL/CITY HALL/COURT/PERSONNEL/MAYOR'S OFFICE**

**Re: Mayor to MDOT LPA Project Development Manual Course, Oct. 19, 2016**

**Re: Court Clerk & Deputy Court Clerk to MS. Municipal Court Clerk's Annual Summer Conference, June 27-28, 2016**

**Re: Deputy City Clerk, Personnel Director to the MMSC Basic Understanding of Workers' Compensation and Municipal Liability March 30, 2016**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve travel for the following, as listed (Items a-c):

- a) Mayor Mike Smith to the MDOT LPA Project Development Manual Course October 19, 2016 in Hattiesburg, Mississippi.
- b) Court Clerk Rhonda Cummings and Deputy Court Clerk Anitra Freeman to attend the MS. Municipal Court Clerk's Annual Summer Conference, June 27-28, 2016 in Biloxi, Mississippi. Cost to the City will only be use of a City vehicle.
- c) Deputy City Clerk Tammy Fayard and Personnel Director April Chevis to the Mississippi Municipal Service Company Basic Understanding of Workers' Compensation and Municipal Liability Class Wednesday March 30, 2016 at Hinds Community College, in Raymond, Mississippi. Cost to the City will only be use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**ENGINEERING/MDOT/WAVELAND AVENUE SIDEWALKS IMPROVEMENT  
PROJECT/GRPC/ADDITIONAL FUNDING  
Re: Jason J. Chiniche PA, Inc. as Engineer for Design Phase of MDOT Waveland Avenue  
Sidewalks Improvement Project**

Alderman Burke moved, seconded by Alderman Richardson to select and approve Jason J. Chiniche PA, Inc. as Engineer for Design Phase of the MDOT Waveland Avenue Sidewalks Improvement Project (GRPC/MDOT) and authorize City Attorney to enter into contract negotiations and Scope of Work related thereto. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

Mr. Chiniche came forward at this time to discuss requesting additional funds from GRPC for Waveland Avenue Sidewalk Project. He said that MDOT has recommended City personnel have a meeting with their personnel and GRPC (David Taylor) to see if there are any additional funds that they can obligate towards the project. To get started, there will be a kickoff meeting for the design phase; at that meeting we can talk about requesting additional funds. This will in turn have an effect on the contract depending on the scope of whatever is come to an agreement. He said he's not sure, nor did David Seyfarth (MDOT) know if there were any additional funds; Mr. Seyfarth just recommended we sit down and speak with Mr. Taylor to see if there were any additional funds he could put toward the project. Mr. Chiniche added that if the City wishes to include the design phase cost in their match, you're required to put up 20% match with the entire project cost; if you want to include in those costs the design phase, then you can, but it's a different process you have to go through with MDOT. What that requires is all the design phase services to be approved by their consulting services division; it does add some time to the approval process, but does allow the City to put those services toward the match. He said the other process will cost a little more, but you're able to move the project forward a lot quicker and not knowing the total funds available for the project we really don't know what the match is going to be until that is decided by MDOT & GRPC. Mr. Chiniche said that the application amount of the grant was about \$1.6 million and out of that was \$260,000 for total engineering fees, which included the design phase and construction engineering and testing phase as well. He said you're really looking at two separate contracts; you have engineering design and engineering construction; with what they approved thus far you are short from the total amount that was applied for, but that is something that could be requested to provide the additional funding. At that point you would be able to finalize the contract to know exactly where you're going to go with the money. Alderman Lafontaine said that what we applied for was for both sides. Mayor Smith added that what happened was we were shorted from the amount that was applied for. Alderman Lafontaine said, "The problem with doing one side is that if you follow the school buses down through there, if you do one side, the children walk across in front of the bus and then they get on the other side and they walk on the shoulder of the road that's about 'that' wide and cars do not slow down for them. That street probably has more school bus stops than any other street in the City. I think we need to ask for the funding (to do both sides) and see what we can come up with to do both sides." Mayor Smith said that we need to do both sides, we applied for both sides, and he would do the best we can to get the money for the other side. Alderman Lafontaine said our long term goal is to make a complete loop throughout the City's north side with sidewalks on all of the main streets. With regard to how long the project should take to complete, Mr. Chiniche said it would depend on whether rights of way need to be acquired and whether the City will be doing 2 sides v. 1 side, but best case scenario he estimates 7 months for the PS&E stage to get approvals from MDOT, and about 6 months for the project itself depending on one side or two sides (longer for two); best case scenario it could be completed in 1 year 4 months. If rights of way come into play, then you could add another 6 to 9 months to that, i.e. approximately 2 years.

**CHANGE ORDERS/CONTRACTS/KAPPA DEVELOPMENT/CITYWIDE DRAINAGE  
IMPROVEMENTS PROJECT/STREETS  
Re: TABLE - Change Order No. 5, Kappa Development – Citywide Drainage Improvements  
Project**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Change Order No. 5 increasing the contract amount by \$12,625.00 as submitted by Kappa Development for the Citywide Drainage Improvements Project. Pickering representative, Frank Parker, was present to discuss.

Attorney Yarborough asked if this was for relocation of utilities. Mr. Parker said, "Yes and no, there's 8 culverts that have been installed on these three streets that we're proposing to raise and there's a 9<sup>th</sup> culvert that crosses Dicks Street that, if we don't raise that proposed culvert, you would have to do a lot of utility relocate... a 12" waterline, so this is to alleviate doing a utility relocate." Mr. Yarborough said, "So we're modifying the culvert location."

Mr. Parker: "Well we're raising it, that's the proposed plan, it's just raising the... basically keeping the flow under the ditches that you have there."

Alderman Burke said, "It's not like the landscape of the City changed since ya'll first designed it, you're coming here with stuff and I don't think we put in any utilities, unless ya'll can correct me otherwise."

Mr. Parker: "I'm not sure the timing of that utility, regarding line; I know it's been since 2009 to 2011 is when the work and the Gulf Regional Projects begun."

Mr. Yarborough: "How was this originally designed? How is it designed now before the change?"

Mr. Parker: "Um, basically everything flows down to Herlihy and it basically, Herlihy is much lower so they have a pipe there, so everything was basically put on grade to tie into that, so the existing, the proposed ditching and culverts were much lower."

Alderman Richardson: "This is probably going to help a lot what we've been talking about the 10 foot deep ditches in that area because a lot of the culverts are 18" below the driveways already, so we realized just by going out there, how low they were and how deep the ditches were going to be in that area."

Alderman Lafontaine: "I can agree with you on that Bobby; I think the homeowners would love to see those ditches not as deep as what they were because whenever you and I met out there a few times, it was never our understanding that the ditches were going to be half as deep as what they were."

Alderman Richardson: "Or why?"

Alderman Lafontaine: "Where do we stand with the funding for it though Gary (Yarborough) with raising them up after it's already been put down?"

Mr. Parker: "I believe there's a minor credit for some dirt, the dirt reduction, yea, just not much, \$270.00"

Mr. Yarborough: "So this has already been put down and we're modifying it?"

Mr. Parker: "That's right."

Alderman Burke: "Wait, you already did the work."

Mr. Yarborough asked, "Well, have we already paid for the work?"

Mr. Parker: "Uh, not all of it, some of it we have."

Mr. Yarborough: "You've already paid for the culvert to be put it."

Mr. Parker: "Yes, I have."

Alderman Burke: "So why do we have a Change Work Order; it's already done."

Mr. Parker: "Well, it's lower than what..."

Mr. Yarborough, "Well, has this Change Order work been done or are you still proposing it?"

Mr. Parker: "No this Change Order work has not been done. The proposed change order work is to remove and reset the pipe; that's what the change order is."

Alderman Lafontaine said, "Basically they installed the culverts and now they want to go back and raise the culverts."

Mr. Yarborough: "So how many culverts is it?"

Mr. Parker: "I believe it's 8."

Mr. Yarborough: "And it's because of the locations of utilities?"

Mr. Parker: "Two answers: I believe that the City wanted to minimize the depth of the ditches in that area and that intersection of Dicks and Tabor, that 12" water main would have had to be lowered. And we'd of had to cut in Inserta valves, which are not cheap. Even though the line was put in in the last 5 years, I believe there's no way to cut it off except possibly back in Waveland or maybe."

Alderman Lafontaine: "I don't know that that's a new line that's been put in in the last 5 or 6 years."

Mr. Parker: "I thought that was the Utility Authority line that was put in with Gulf Regional; I'd have to ask Brent (Anderson). Brent would know more than. Did Waveland have some Gulf Regional project work?"

Alderman Lafontaine: "The Utility Authority went through and did some, but I don't think it went through there. I thought that was just down Waveland Ave., Sears Ave., South Street and Central, wasn't it. I don't know that the Utility Authority line went through there; I thought that was our water line there because that was the issue was uh, they would have to remove that 12" water line and



whenever we had first heard about this, it was right around the Holidays and Brent had said he's not cutting that water line at the Holidays."

Mr. Yarborough: "So what would we have to do if we kept the culverts where they are?"

Mr. Parker: "Well, if you didn't put the culvert in at Dicks, it would basically be high point and it would block all the drainage, or you could lower it. You don't want to do... you don't want to go under the water line."

Alderman Burke, "It sounds like a design flaw."

Mr. Yarborough: "Has the culvert work already been approved in prior invoices?"

Mr. Parker: "At least 6 of them have."

Mr. Yarborough: "So when did you discover that this was an issue?"

Mr. Parker: "When did we discover this issue? We met before Christmas."

Alderman Lafontaine: "It was around the Holidays."

Mr. Parker: "Before Christmas."

Alderman Lafontaine: "When we were told about it because Bobby & I met there, the Mayor and I met there a couple times and the discussion was... how deep the ditches were dug in front of the residence there, I mean the ditches... now they're going to be 10' wide and 4' deep and that was the whole discussion, and that's whenever they told us that they're going to have an issue with the water line over by Dicks Street."

Mr. Yarborough: "When did either Kappa or Pickering know that there was an issue with the water line?"

Mr. Parker: "At that time."

Mr. Yarborough: "Ok, was that the first time you found out was that day?"

Mr. Parker: "Gary, I don't recall."

Mr. Yarborough: "I'm asking because I've got a contract that says that the contractor's responsible for inconsistencies or the placements of the utility lines and it shall not be a reason for additional cost. And I've got a Change Order that's requesting additional costs because of the placement of a utility line. So I'm trying to figure out how we got here."

Mr. Parker: "OK."

Alderman Burke, "We're not going to pay them twice for the same thing; if we didn't pay them it wouldn't be as hard, but we already paid them."

Mayor Smith, "Yes, my concern is it might not be reimbursable."

Mr. Yarborough: "If we've already been paid for some of the culvert work we will not be reimbursed the entirety of it. So what is the recommendation from Pickering as the Engineer?"

Mr. Parker: "As requested by the City, we have prepared this Change Order to raise the culverts that were installed and reduce the cut in the ditches. Our recommendation is the City..."

Mr. Yarborough: "So that your recommendation is there's nothing to do with the placement of the utility lines?"

Mr. Parker: "It has to do with the depth of the ditches and the depth of the culverts in that area because..."

Alderman Lafontaine: "But hold on now, I mean the way you're saying requested by the City, who requested it cause I can see where this is headed right now. We did not request that you go in and do this Change Order based on that, because actually the Mayor and I talked about we were going to try and do subsurface in front of some of those houses where it was at. We did not request that you raise it up; you're taking something that we discussed about..."

Mr. Parker: "Ok, well I'm misinformed then, I'm misinformed."

Alderman Lafontaine: "Because we went back there and asked to have the elevations of them shot."

Mr. Parker: "They shot them."

Alderman Lafontaine: "Because our original meeting was that the ditches wasn't going to be that deep and then all of a sudden they go through there and dig ditches and they're 'this' deep in front of the people's houses."

Mayor Smith: "And close to 10' wide."

Alderman Lafontaine: "So it wasn't requested based on that fact, because at that point we was told what's done is done and that's whenever we said well we may have to look into doing subsurface there. It's not being requested based on fact that we uh, we looked at it; it's being changed because of the fact that of the utility, unless somebody else in the City requested it."

Mr. Yarborough: "Does it need to be moved because of the utilities or not?"

Mr. Parker: "I'm going to read from the letter that Andy (Phelan) wrote; this is the person that did the design; not me."

Mr. Yarborough: "And if you'll say it speaks for itself, it seems to me that it says that there's a conflict in the utilities. We can beat around the bush or we can say it's the utility conflict."

Alderman Piazza: "Mayor, can we go ahead and we table this and you, and the attorney and this gentleman here (Mr. Parker) and whoever else... let's get together and let's find out what's going on."  
Mayor Smith: "That sounds good to me. I'm with Shane; I know what we discussed out there about the ditches and we never talked about utilities... not out there."

Mr. Yarborough: "Is this going to impact the critical path of the project, or no they're already behind contract time anyway so that may be."

Mr. Parker: "They won't give us a critical path, so I can't answer that."

Alderman Lafontaine moved, seconded by Alderman Piazza to **TABLE** Change Order No. 5 increasing the contract amount by \$12,625.00 as submitted by Kappa Development for the Citywide Drainage Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**POLICE BUILDING/CHANGE ORDERS/CHANGE DIRECTIVES/ARCHITECTS/  
Re: Construction Change Directive No. 2 – J.O. Collins Contractor, Inc.**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Construction Change Directive No. 2 by J.O. Collins Contractor, Inc. for the Police Building Project in the amount of \$32,100.81 as recommended by Architect Nofie Alfonso. **(EXHIBIT K)**

Chief David Allen came forward to explain the CCTV and Security measures described in the Change Directive. City Attorney Yarborough asked Ron Duckworth, Comptroller to note on the invoices related to this that is a separately unpaid item, not a duplication of benefits. The Police Building plans had some cameras, but this Change Directive is for additional cameras according to Chief David Allen. Mr. Yarborough told Mr. Duckworth to be sure to submit this one through MDA for reimbursement.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**INVOICES/ACCOUNTS PAYABLE/LIGHTHOUSE/TIDELANDS FUNDING/CITYWIDE  
SEWER IMPROVEMENTS PROJECT/FACILITIES PLAN/SRF/CITYWIDE DRAINAGE  
IMPROVEMENTS PROJECT  
Re: Invoices from Compton Engineering**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the following invoices submitted by various Contractors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources (if required), as listed (Items a-c):

- a) Invoice #215-068-5 from Compton Engineering in the amount of \$2,820.00 –Lighthouse Design, Outdoor Recreation. **(EXHIBIT L)**
- b) Invoice #215-065-10 from Compton Engineering, Inc. in the amount of \$13,995.00 – Citywide Sewer Improvements Projects/Facilities Plan and Related Services/SRF. **(EXHIBIT M)**
- c) Invoice #215-065-11 from Compton Engineering in the amount of \$12,776.80 – Citywide Sewer Improvements Projects/Facilities Plan and Related Services/SRF. **(EXHIBIT N)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Pay Application (Invoice) No. 15 from Kappa Development**

Alderman Burke moved, seconded by Alderman Richardson to approve payment of Pay Application (Invoice) No. 15 submitted by Kappa Development in the amount of \$141,591.33 - Citywide Drainage Improvements Project. *(See revised motion below)*

During discussion, Mr. Yarborough asked if this is still Pickering's position that this should be paid.

Mr. Frank Parker (Pickering) said, "Yea".

Mr. Yarborough: "What is the total amount of ... how much thousand?"

Alderman Richardson: "\$141,591.33".

Mr. Yarborough: "And is it Pickering's position that this allows sufficient retainage in the instance of Kappa walking off the job?"

Mr. Parker: inaudible

Mr. Yarborough: "And also calculating liquidated damages."

Mr. Parker: "Yes, you do have the bonding company to go back to also, correct?"

Alderman Lafontaine, "We've been down that road; I don't want to go down that road again... with bonding companies on other projects."

Alderman Burke asked that since we've written Kappa about concerns with the contract do we need to pay them.

Mr. Yarborough: "We have a liquidated damage penalty of \$400 a day. Lisa, did we receive email today from them?"

Ms. Planchard: "Just AMEC's letter."

Mr. Yarborough: "Did AMEC recommend payment or not?"

Ms. Planchard: inaudible

Mr. Yarborough: "Mr. Parker, is it your recommendation to this Board that Pickering is properly certifying the payment requested by Kappa?"

Mr. Parker: "I did such by letter doing that."

Mr. Yarborough: "And it's your recommendation to the Board that that certification is a proper certification of the amount and quantities requested by Kappa?"

Mr. Parker: "Yes sir."

Mr. Yarborough: "And is required under the contract?"

Mr. Parker: "Yes sir."

Mr. Yarborough: "I'd like to move to have a motion to have a closed discussion to consider Executive Session related to potential litigation."

**EXECUTIVE SESSION:**

**Re: Consider to Prompt a Closed Discussion- Kappa HMGP Citywide Drainage Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding potential litigation related to the HMGP Citywide Drainage Improvements Project; Kappa Development.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Enter Executive Session - Kappa HMGP Citywide Drainage Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Richardson to enter Executive Session regarding potential litigation related to the HMGP Citywide Drainage Improvements Project; Kappa Development.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Exit Executive Session - Kappa HMGP Citywide Drainage Improvements Project**

Alderman Piazza moved, seconded by Alderman Lafontaine to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Pay Application (Invoice) No. 15 from Kappa Development (continued)**

During discussion, Mr. Yarborough said that we can consider a motion to approve and authorize partial payment of Pay Application (Invoice) No. 15 as certified by Pickering Engineering; certification was for the amount of \$141,591.33. Motion shall be to authorize payment in the amount of \$136,171.05 as recommended by the Project Manager, AMEC Foster Wheeler Environment & Infrastructure. Payment has been certified by Pickering Engineering; Pickering has stated on the record that it is a properly certified amount and that there is sufficient retainage in the event the contractor defaults on the work, and also calculating for liquidated damages. As indicated in the letter of February 29, 2016 from AMEC, work billed under the Invoice No. 15 includes billings for previously rejected change orders, which Pickering had submitted to the City of Waveland but which the City would not have agreed; those reductions account for the reduction in the price. This motion also authorized the City Attorney to notify Kappa under the contract for the basis for the reduction of the invoice.

Alderman Burke moved, seconded by Alderman Richardson approve and authorize partial payment of Pay Application (Invoice) No. 15 as certified by Pickering Engineering; certification was for the amount of \$141,591.33. Motion shall be to authorize payment in the amount of \$136,171.05 as recommended by the Project Manager, AMEC Foster Wheeler Environment & Infrastructure. Payment has been certified by Pickering Engineering; Pickering has stated on the record that it is a properly certified amount and that there is sufficient retainage in the event the contractor defaults on the work, and also calculating for liquidated damages. As indicated in the letter of February 29, 2016 from AMEC, work billed under the Invoice No. 15 includes billings for previously rejected change orders, which Pickering had submitted to the City of Waveland but which the City would not have agreed, those reductions account for the reduction in the price. This motion also authorized the acting City Attorney to notify Kappa under the contract for the basis for the reduction of the invoice. **(EXHIBIT O)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

Alderman Richardson moved, seconded by Alderman Burke to spread on the minutes the letter from AMEC of February 29, 2016 regarding Pay Application (Invoice) No. 15 from Kappa.  
**(EXHIBIT P)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**TASK ORDERS/CONTRACTS/AGREEMENTS/CITYWIDE SEWER IMPROVEMENTS  
PROJECT/ FACILITIES PLAN/SEWER DEPARTMENT**

**Re: Task Order No. 6 approved at 2/17 meeting corrected to Task Order No. 4 (clerical error by Engineering firm)**

Alderman Piazza moved, seconded by Alderman Burke to reflect in the minutes that Task Order 6 related to the Citywide Sewer Improvements/Facilities Plan, submitted by Compton Engineering and approved by the Board of Mayor and Alderman at their meeting of 2/17/16 was actually Task Order No. 4 for the same project, clerical error; void Task Order 6 in the amount of \$33,790.00 and instead approve Task Order No. 4 in the amount of \$33,790.00 with same conditions and provisions cited by the City Attorney in the minutes of 2/17/16. **(EXHIBIT Q)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**SPREAD ON THE MINUTES:**

Spread on the minutes the following as listed, (Items a&b):

- a) Statement of Economic Interest for Alderman Charles Piazza. **(EXHIBIT R)**
- b) Letter from Digital Engineering dated 2/22/16 confirming all punch list items related to the Jeff Davis/Gulfside Sewer Improvements Project have been completed by Hensley R. Lee (HRL) Contractors. **(EXHIBIT S)**

**RFQ'S/BIDS/EVALUATIONS/STORMWATER MANAGEMENT PLAN UPDATE**

**Re: Authorize Board members to Evaluate RFQ's related to Stormwater Mgmt. Plan Update**

Alderman Piazza moved, seconded Alderman Burke to authorize Board of Mayor and Aldermen to evaluate RFQ's related to the Stormwater Management Plan Update; RFQ's opened 2/17/16.

During discussion, City Clerk Planchard explained that these evaluation sheets were identical to the last ranking sheets that we used on the Waveland Avenue Sidewalks Project in December; if you will rate each of the five engineering firms by the four (4) criteria, reading aloud each of the four and the percentage weight each of those carries. She explained that each category can be rated from 1 to 10 with no need to add anything up; just sign at the bottom of each evaluation sheet. Ms. Planchard will input the data into a self-calculating work paper and summarize the results to be presented to the Board at their next meeting for recommendation and approval.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**\*\* NOTE: ALDERMAN PIAZZA RECUSED HIMSELF FROM THE MEETING AT THIS TIME**

**DOCKET OF CLAIMS**

**Re: Docket of Claims – Streets Payroll Portion only**

Alderman Lafontaine moved, seconded by Alderman Burke to approve the Docket of Claims, Streets Payroll portion only, in the amount of \$14,450.74 as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Recused: Piazza

Absent: None

**ADJOURN**

**Re: Adjourn Meeting at 8:22 p.m.**

Alderman Lafontaine moved, seconded by Alderman Burke to adjourn the meeting at 8:22 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

The foregoing minutes were presented to Mayor Smith on April 8, 2016.

\_\_\_\_\_  
Lisa Planchard,  
City Clerk

The Minutes of March 1, 2016 have been read and approved by me on this day the 8<sup>th</sup> of April, 2016.

\_\_\_\_\_  
Mike Smith,  
Mayor

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