

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS on July 20, 2011 at 6:30 p.m., to take action on the following matters of city business

Present at the meeting were Mayor David A. Garcia and Aldermen Stahler, Geoffrey, Lafontaine and Kidd

Also present at the meeting was City Clerk Lisa Planchard and City Attorney Gary Yarborough.

#### **PUBLIC COMMENTS**

**Re: Mr. Alfred “Tiger” Harris**, with the Waveland Civic Association came before the Board to thank the City of Waveland, namely the Fire Department employees and Chief Mike Smith for their assistance with the recent Fishing Rodeo held for Special Needs children held at the Garfield Ladner Memorial Pier.

**Re: Ms. Regina Decrevel** came before the Board to discuss drainage and cleanup issues in the annexed area, especially on Indian and Oceans Streets. Ms. Decrevel gave a specific list of concerns regarding this area, noting a need for new culverts and grass cutting. Mayor Garcia asked Ms. Decrevel to provide the Board with her written list of her concerns.

**Re: Mr. Dwayne Bremer** complimented the Waveland Police Department for their prompt arrest of individuals within twenty-four hours each of these two major crimes. Mr. Bremer said he was very proud of his police department in his home town for their very fine work.

#### **COURT DEPARTMENT/MAYOR’S REPORT**

**Re: Court Clerk Paula Fayard** presented before the Board with an update of the current court collections report. Alderman asked if it would be better to more forward and suspend the Driver’s Licenses of those with outstanding fines or send a letter. Mayor Garcia agreed saying the Judge has fined them and the license should be suspended because these individuals are only buying time with the City by our sending a letter and not proceeding with the judge’s orders. Ms. Fayard will proceed with this instruction. Mayor Garcia said that he spoke with City Clerk Planchard about this very issue earlier today. Alderman Lafontaine, Alderman Kidd and Ms. Fayard discussed outstanding warrants. Alderman Lafontaine discussed the fines collected at this time of the year as compared to the previous year. Alderman Stahler questioned the number of tickets written by the police department and her concern for the 80% decrease as compared to last year, noting the major decrease beginning January 2011. Mrs. Fayard said that this report is generated through the computer program in her office (Court Clerk). Alderman Stahler questioned the significant decrease in ticket writing. Chief James Varnell came forward and said, “If you would really like to go into this, we’ll go into it”. Chief Varnell said, “December 8th, I believe this Board came into office, I think I remember there needed to be big change in the police department who were the Gestapo. We were supposed to be nice to people. We’ve given out a lot of warnings. We’re not here to make money, and I’ve been told that since 1979; we’re not a money making factory here. And if you’d like us to be, we will. Remember now, we’ve lost 6 police officers; we’ve cut the budget \$850,000. We can’t be everywhere at once and we can’t do everything that we used to do.” Mayor Garcia said “Let me take up for the Board there because I’m dealing with budget issues right now. You’re still back to your 2005 staffing in budget and in saying that we have less people (population) here. I don’t want you to try to turn something around on this Board.” Chief Varnell said, “I’m not trying to turn anything around on the Board.” Mayor Garcia said he wanted to make something real clear, he said the Chief said something about the Gestapo techniques and you want to be friendlier and we do. Mayor Garcia said, “But when I see that January (2011) tickets went from 512 last year to 82 this year, I think... and I’m going to say it like it is; 4,422 tickets were written last year and we’ve got 1,309 this year so far. From the time we went in office these numbers have gone from (see Exhibit as read by Mayor). Now having said that, “I

heard on the street that the reason the police officers are not writing the tickets because I took the tasers away from them. I'm not saying it's true, I'm not saying it's not. When I look at these numbers for the first time, something's got to be true on some sides because we've got speeding problems on Waveland Avenue and I've never asked you to stop writing tickets and you can't stand there and say I told you so." Chief Varnell said, "And I'm not." Mayor Garcia said that we don't want higher traffic fatalities because of speeding and things of that nature; we want the Police Officers to enforce the rules of the road and be fair and be courteous in doing that job. Chief Varnell said he had 3 to 4 Police Officers on the road previously and we have two now. The Chief said there are plenty of calls; the Officers are going from call to call and they cannot go sit and run radar somewhere for any amount of time. Alderman Lafontaine asked what the Police Department was down to. Alderman Lafontaine asked the Chief to clarify what 6 officers we were down. Chief Varnell said 2 Sergeants, a Lieutenant, a Captain and an Assistant Chief, all who had radar and road privileges. Mayor Garcia said that was due to a reduction in work force. The Chief said, "We still lost those people on the street". Chief Varnell said, "I mean we can give them a quota if you'd like to give them a quota." Mayor Garcia said, "I don't think we should give any police officer a quota." Alderman Lafontaine said, "I don't think we need to give them a quota, I think there's a difference between pulling people over for speeding or breaking the law and harassing them. If someone is breaking the law, you pull them over and write them a ticket, wouldn't you think." Chief Varnell said, "Are you saying we are pulling people over and harassing them." Alderman Lafontaine said, "No that's what you just said. Chief Varnell said, "I never said that." Alderman Lafontaine then said, "You said you were told to be the nice guys, don't bother people, write warnings, and then you said you weren't told that." Chief Varnell said the Mayor never told him this; the Aldermen never told him that, and then asked Alderman Lafontaine if he reads the paper. Alderman Lafontaine said yes, but when people are speeding, they should receive a ticket. Chief Varnell said they (the officers) are not turning their head the other way. Alderman Lafontaine said, "They would have to be for the numbers to be that much lower." Varnell invited Alderman Lafontaine to come by his office and he would show them the statistics. Lafontaine said he would love to. Chief Varnell said other reasons may be the Judicial System, not saying that Waveland's judicial system is any different than anywhere else, but he could go through the arrests from January to June (2011) and tell you how many people they've arrested for contempt of court, over and over and over again. We've had people for shoplifting, that have never been to court, never had a warrant issued for them and this is a major felony and now they're back again with a new felony shoplifting. Chief Varnell said, "How would you feel, I mean, you're wasting your time and you're wasting the city's money. You all are going to be crying to me about the budget and overtime." Alderman Lafontaine said, "I said at the last meeting, for the amount of overtime being paid out, the City could put more patrolmen on the streets to protect our citizens." Chief Varnell asked Mayor's Secretary Tammy Fayard about how many applications were received at City Hall. Mrs. Tammy Fayard said there were about 50, if not more. Alderman Lafontaine asked about the number of certified Police Officers who applied for the position. Chief Varnell said, "About 12, but he had cut it that number down to 8." Chief Varnell said, "If you recall, the overtime the Board is questioning was a 3 pay period month also." Alderman Lafontaine told the Chief, "No Jimmy, I can go back and show you where it's been going on for a long time, not just that one month". Alderman Kidd asked said the Board is not set about the number of part-time police officers that could be hired." Chief Varnell responded with there is one amount of money in his budget for part-time people, and when we reach that budget we can't pay them anymore. Audience member, Ms. Connie West said Music Street also has a problem with speeding. Alderman Kidd said the Board is not asking for the Officers to go out and start writing tickets, I'm just looking at the number of tickets written too. Chief Varnell said they could, the Kiln-Waveland Cutoff Road, Waveland Avenue, Nicholson Avenue, Old Spanish Trail, Jeff Davis and St. Joseph. He said he could put the whole police department out there every day and put the Administrators and Investigators and put them out there and they could write 2 books of tickets a day. Varnell said, "I mean is that what we want to do." Mayor Garcia said, "I think you are asking the Board and myself to make a decision based upon your job and that's your job. If you have complaints on Waveland Avenue on speeding, I think there should be a police officer down there running radar and it is the same for Avenue B. I don't think you should be sitting here

asking myself and four Board members if it's ok for you to go do that. That's your decision to go do that. I would recommend and I would hope that since we're getting citizen's complaints on it, that our police department is responding to that before we get a child killed or a fatality accident." Chief Varnell said, "We always respond to it." Alderman Lafontaine asked, "About the Court system, what do we need to do. Do we need to lock these people up?" Varnell said, "You can't; you can't lock them up for not paying their fines." (Inaudible, several audience members speaking at once) Mayor Garcia said, "We're recording the meeting. Let me clarify something; we're going to let the public to participate in the meetings as much as we can, but when it gets out of control we've got to take control back. State law says that we do not have to allow any input from the public, and we don't want to be like that, but there will be issues that we discuss and we will not discuss them all night because we have an agenda we have to get through and usually we get out of here between 11:30 pm and 12:00 am. at night anyway. So let's keep public comments to a minimum so we can have participation." City Attorney Gary Yarborough said there are limitations on it, but the bigger problem is that if you put someone in jail, you have to pay to keep them in jail. He said it just may not prove to be economically practical for a \$200 fine.

#### **MAYOR'S REPORT**

**Mayor Garcia** said City Attorney Gary Yarborough and he traveled to Washington D.C. last week to meet with FEMA Representative regarding two current second PW appeals. Representing the City in DC was Mr. Ernie Abbott. See additional comments;  
**(EXHIBIT A)**

With Fire Chief Mike Smith a member of the E-911, Mayor Garcia requested that that he contact the postal service's about changing the addressed in the annexed area. U.S. Postal District Manager Ms. Elizabeth Johnson spoke with Chief Smith about this issue. The City supplied Ms. Johnson a map and list of the streets affected. She informed Chief Smith that with time frames in place, the City will have to resubmit their request in January 2012; it can only be done between May 15<sup>th</sup> and June of each year.

Chief Smith also gave the Board an update of the property cleanups list and sending letters to owners to comply or go to court. Mayor Garcia asked Mike Smith to share with property owners that if they choose to leave the slab and do not take advantage to clean it up now; then at that later date it will be at their expense because FEMA will pull back the ICC funds for this purpose.

Ms. Gloria Cook recently celebrated her 80<sup>th</sup> birthday and the Mayor wished her a Happy Birthday.

#### **ALDERMEN'S COMMENTS:**

Alderman Stahler said she went to the ground breaking of the Hancock County Animal Shelter; it was a nice turn out from the Friends of the Animal Shelter and County representatives'.

Re: **Alderman Stahler** announced this Saturday's children's stage presentation at the Civic Center titled, 'Hector GreenTroll Finds his Smile". This is the Theatre Children's Program

Re: Meter Reading? Did this happen in July? Recovery Manager Brent Anderson said yes, he believed it was the first since Hurricane Katrina. He said they located probably 50 residents that were not in the system; not being charged for services, but has been corrected. He said they found a couple that were running 2 homes off of 1 meter. He said he utility crews have probably replaced 200 meters in the last 2 weeks and will have another 75 meters to be replaced. The South side of the railroad tracks is working well with the new electronic meters and they were able to read the entire south side in about 7 hours. Anderson noted that as meters are being replaced on the north side they are installing the electronic meters so reading will get quicker.

Alderman Kidd asked if in the near future, the meters will be read. Mr. Anderson said they should be read in August. Alderman Lafontaine inquired as to how many electronic meters the city has to install. Mr. Anderson said about 800. The annexed area will have all electronic meters.

Re: **Alderman Geoffrey** said a couple of new businesses have opened in the City; one is B&K Automotive on the Waveland Kiln Cutoff Road, and Monogram Me in the strip mall on Highway 90.

Re: **Alderman Lafontaine** said we should sit down and discuss having only 2 patrolmen on day and 2 on night shifts, and discuss the Court system. He said it sounds like it is not working very well the way they're doing things.

Re: With the recent rains, Alderman Lafontaine took pictures of Nicholson Avenue, Kiln Waveland Cutoff Road, and Waveland Avenue; for the amount of water getting held on these roads, they are flat, they do not have a crown on them and are not draining properly.

Re: **Alderman Kidd** asked about the Dollar General construction site (Idlewood entrance), specifically use of silt screening. Mr. Anderson said he had it taken care of; the silt screening was put back up with 1 hour of falling down.

Re: Alderman Kidd said he knew Mr. Anderson was driving around and looking at the flooded streets around the City. He has noticed very high grass in the main ditches and will get the names of those streets to him. He is also concerned about drainage by the ball park. Old Spur Station being re-worked right now with a house behind it, is he still using water without having a meter? Anderson said he's already come in and paid his deposits and made arrangements.

Re: With the Our Shopping Center being demolished; Kidd noticed that 2 driveways were taken up, whose property is this. Anderson said this is private property. Alderman Kidd asked specifically about the culverts under these driveways that were taken up. Mr. Bruce Newton said yes, if they (Reynolds) took it up, they're responsible and this would be on their punch list to put back.

#### **AMEND AGENDA**

#### **Re: Adopt Addendum to 7/20/11 Agenda for Consideration/BUDGET/AMENDED BUDGET**

Alderman Geoffrey moved, seconded by Alderman Stahler to amend the agenda to adopt the 7/2/111 Addendum and take action on items 5a, 5b, and 5c. **(EXHIBIT B)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

5a. Spread on the Minutes that The Fox Everett discussion has been removed and rescheduled to August 3, 2011.

5b. Spread on the minutes travel for Investigator Eddie Peterson and Officer Darrell Russell to Paulk County, Florida for purposes of prisoner extradition. Cost to the City is per diem of \$41.00 per day for each Officer for 2 days, and reimburse Investigator Skinner fees for lodging (Who put the lodging cost on his card) at a cost of \$90.72 (1 night).

5c. Alderman Kidd moved, seconded by Alderman Geoffrey to approve moving the following funds within the Amended Budget:

a. General Fund

1. From	Trf. to Other Funds	001-450-380	(\$103,000.00)
2. To	Streets, Utilities	001-201-630	\$ 80,000.00
3. To	Streets, Road Maint.	001-201-637	\$ 20,000.00
4. To	Streets, R&M Other	001-201-635	\$ 3,000.00

b. Utility Fund

1. From	Utilities, Sewer Div.	400-675-630	(\$ 15,000.00)
2. To	Utilities, R&M Emerg.	400-675-637	\$ 15,000.00

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

#### **MINUTES**

##### **Re: Meeting of June 22, 2011**

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the minutes of the regular meeting of June 22, 2011 as presented by the City Clerk. **(EXHIBIT C)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

#### **RSVP**

##### **Re: Claims**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the R.S.V.P. Claims. **(EXHIBIT D)**

During discussion, Alderman Kidd said he recently in the Civic Center on the weekend and asked if they could keep the building more clean and turn up the A/C when they are not in the building.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

#### **KEEP WAVELAND BEAUTIFUL BOARD**

##### **Re: Board Appointments**

Spread on the Minutes the following Board appointments to the Keep Waveland Beautiful Board:

- a. Melinda Tucker – Mayor Garcia
- b. Nora Wikoff – Alderman Stahler.
- c. Aleen Grieshaber – Alderman Geoffrey
- d. Mike Smith – Alderman Lafontaine
- e. L.J. Saucier – Alderman Kidd

#### **MR. PHILIP GARCIA/ STREETS/DRAINAGE**

Mayor Garcia said that although Mr. Garcia was not present, he did speak with Mr. Garcia about the ditch project that affects his property between Nicholson Avenue and McLaurin Streets. The Mayor reviewed Mr. Garcia's problems with him and Mr. Garcia agreed to put together a punch list of the problems he was having. Mayor Garcia has received the list, copied for the Board members and passed along to Brent Anderson, Public Works Director and Engineer Bruce Newton for resolution.

**MEMORANDUM OF UNDERSTANDING/CAROUSEL/BAY-WAVELAND  
MAIN STREET ASSOCIATION/AGREEMENTS/CONTRACTS  
Re: Memorandum of Understanding with the Main Street Association regarding  
the Carousel**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve a Memorandum of Understanding between the City of Waveland and the Bay-Waveland Main Street Association, Inc. to granting BWMS authority to collect funds, monies and donations on behalf of the City of Waveland for the purpose of funding the construction, building, planning and maintenance and all other matters related thereto, to house the carousel discussed herein. **(EXHIBIT E)**

During discussion, Ms. Tammy Fayard said she received an email from Ms. Kopke, who said she was satisfied with verbiage in the revised Memorandum of Understanding.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**MEETINGS**

**Re: Change the Meeting of Tuesday, August 2, 2011 to Wednesday, August 3, 2011**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to move the meeting of Tuesday, August 2, 2011 to Wednesday, August 3, 2011 due to State and County Elections being held in the Civic Center Board Room.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**CHANGE ORDERS/CITY HALL AND CITY HALL ANNEX/**

**Re: Approve Change Orders as Recommended by Digital Engineering**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the following Change Order as listed (Items a): **(EXHIBIT F)**

- a. Change Order No. 6 from BDA, PLLC for an increase of 6 calendar days in construction time and an additional \$15,637.37 for requested changes by owner – City Hall/City Hall Annex Building.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the following Change Order as listed (Item b):

- b. Change Order No. 2 from S.H. Anthony, Inc. in the amount of \$59,563.22 for quantity adjustments and 135 days to the contract; 2009 CDBG Sewer System Extension Project. **(EXHIBIT G)**

Alderman Kidd said he had a discussion with Engineer Bruce Newton regarding the change order. Mr. Newton told Alderman Kidd that this is a change order for quantities up and down, but is not a request for payment at this time.

Alderman Kidd asked about Mike Bell's sewage going into his back yard. Mr. Newton said they have had multiple visits to this site and conversations and Mr. Bell is hooked into the sewer system and they did run a line from the other side of the house; what we're talking about here is running another line from the other side street back to where his pool is. He's already hooked into the new system, and of course he has a grinder pump up under his covered roof, which the contractor will not go under there and touch (private property). Alderman Kidd said, "We all already agreed before that when they came out there, we agreed with Dwight Haskell come all the way to the back and then stopping and Mr. Bell would tie it in himself; they don't have to touch any concrete". Mr. Newton said, "And that may be where we stand, I'll have to check into this, no one has told me any different. I know it hasn't been done yet". Mr. Newton said he would talk to his guys tomorrow. Mr. Kidd said he would not go for a \$9,000 change order because this was agreed by the contractor to go up to there and he would take care of that part as long as they get it up to him.

A vote was called for with the following results:

Yea: Stahler and Geoffrey

Nay: Lafontaine and Kidd

Absent: None

Let the Minutes reflect that Mayor Garcia voted Yes to break the tie vote; motion passed.

City Attorney Gary Yarborough then asked whether Digital Engineering is recommending the 135 days; what the reason is for the 135 day. Newton said, "We did that back when we did the water... approval for the water... we must have not added any time back then. It was just an adjustment for the scope that we added way back when."

Alderman Lafontaine asked why they are having to adjust the manholes. Mr. Newton said that some of the elevations on the roads from the time, if you know the history back in that little area, from the time between design and construction a lot of gravel got hauled on those little roads... We adjusted some of the manholes to miss some utilities in the streets also. We just had to make some field adjustments on the manholes for elevation purposes to get them flush with the roadway. Mr. Newton said, "We had to make some adjustments on the vertical grade after the fact on some of these. I mean we had grades set in the original design plan, but if you got to shift the manholes around a little bit, for whatever reason, then you have to make some adjustments at the time."

City Attorney asked Mr. Newton if it was his recommendation to the Board that these change orders are necessary to the project, indispensable and commercially reasonable. Mr. Newton said, "Yes." City Attorney asked Mr. Newton when he expected the City Hall Project to be complete. Mr. Newton said that September 16<sup>th</sup>, 2011 still stands.

**CDBG GRANTS/JEFF DAVIS – GULFSIDE PROJECTS/JEFF DAVIS CONNECTOR SEWER SYSTEM IMPROVEMENTS PROJECT/EAST JEFF DAVIS SEWER SYSTEM IMPROVEMENTS/WEST JEFF DAVIS SEWER SYSTEM IMPROVEMENTS PROJECT/GULFSIDE STREET SEWER SYSTEM IMPROVEMENTS PROJECT**

**Re: Appoint Digital Engineering and Design as engineering firm for the CDBG Jeff Davis/Gulfside Projects**

Alderman Stahler moved, seconded by Alderman Kidd to appoint Digital Engineering for the Katrina/CDBG Jeff Davis/Gulfside Projects; specifically the Jeff Davis Connector Sewer System Improvements, the East Jeff Davis Sewer System Improvements, the West Jeff Davis Sewer System Improvements, and the Gulfside St. Sewer System Improvements.

Mr. Anderson noted this is a Corps of Engineers project; this project was originally one project designed by Digital Engineering, but the City did not have enough funds. Anderson said himself, Digital, the City, the Corp. of Engineers went to MDA and explained the City needed the project, but did not have enough funds. MDA agreed to break the projects into 4- \$1,000,000 projects and the Corp. would put in \$250,000 on each, but the design was already done when it was one project. The nature of the funding on this project is that the City pays and then is reimbursed by MDA/CDBG. The City will have maximum match of approximately \$23,000+/- on one, \$2,000+/- on another and nothing on the other two. Mr. Newton said if the projects come in higher than what is allotted, they will cut the scope and get it below the budget. He said if the bids come in lower, the City will have no out of pocket cost.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**REVENUES AND EXPENDITURES/NATIONAL GUARD  
RESERVE/TIDELANDS FUNDS FY 2013/TIDELANDS FUNDS FY  
2006/REQUESTS FOR CASH/DOWNTOWN SIDEWALK IMPROVEMENTS  
PROJECT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/WATER AND  
SEWER IMPROVEMENTS PROJECT – ANNEXED AREA/CIVIC  
CENTER/LIBRARY/FIRE STATION/COLEMAN AVENUE IMPROVEMENTS  
PROJECT/CITY HALL AND CITY HALL ANNEX/FARMER’S  
MARKET/POLICE DEPARTMENT/PERSONNEL  
Re: The month of July, 2011 (a)  
Re: Support Letter for National Guard Reserve (b)  
Re: Request for funding FY 2013 (c) (d)  
Re: Combine Tidelands funds FY 2002-2006 (e)  
Re: Requests for Cash (f-o)  
Re: Closing of Farmer’s Market (p)  
Re: Resignation of Chris Allen from Police Department (q)  
Re: Approval of Appraisal services for City Hall/City Hall Annex Project,  
specifically the 108 Bourgeois Property (r)**

Spread on the minutes the following items, (as listed, a-r):

- a. Statements of Revenues and Expenditures for the month of June 2011 at this, the second meeting of July, 2011 as presented by Comptroller, Tom Worrel **(EXHIBIT H)**
- b. Statement of support by the City of Waveland for the National Guard and Reserve
- c. Tidelands Request for Funding FY2013 in the amount of \$150,000 to Install 10 Parking Bays on the north side of Beach Blvd. **(EXHIBIT I)**
- d. Tidelands Request for Funding FY2013 in the amount of \$150,000 to provide additional Sand to beach for more beach access. **(EXHIBIT J)**
- e. Amended Request for Tidelands Funding FY2006 to combine FY2002-2006 and combine allotted funding in the amount of \$597,521.38 to provide continuation of the pedestrian pathway and bicycle path along the beach adjacent to Beach Blvd. from Coleman Avenue to the western city limits at Buccaneer State Park. According to Mr. Lagasse with Compton Engineering, this will provide that years 2002-2006 shall be closed into

- FY 2006 and other 'open' years (in addition to 2006) shall be 2010, 2011, 2012 and 2013 if that funding request is approved. **(EXHIBIT K)**
- f. RFC# R-109-379-03-KCR in the amount of \$71,152.95 – Downtown Sidewalk Improvements Project. **(EXHIBIT L)**
  - g. RFC# R-118-379-07-HCCR in the amount of \$310,076.96 – Citywide Drainage Improvements Project, Phase 2. **(EXHIBIT L)**
  - h. RFC# R-118-379-06-HCCR in the amount of \$180,783.18 - Water and Sewer System Improvements - Annexed Area. **(EXHIBIT L)**
  - i. RFC # R-103-379-01-KCR in the amount of \$0, Match Only – Civic Center, Library, Fire Station and Coleman Avenue Improvements Project. **(EXHIBIT L)**
  - j. RFC# R109-379-03-KCR in the amount of \$4,231.50 – Downtown Sidewalk Improvements Project. **(EXHIBIT L)**
  - k. RFC# R-118-379-06-HCCR in the amount of \$31,480.93 – Water System Extension, Annexed Area. **(EXHIBIT L)**
  - l. RFC# R-118-379-07-HCCR in the amount of \$17,290.38 – Citywide Drainage Improvements Project. **(EXHIBIT L)**
  - m. RFC# R118-379-02-HCCR in the amount of \$0, match only – Police Station. **(EXHIBIT L)**
  - n. RFC# R-109-379-02-KCR in the amount of \$10,470.94 – City Hall/City Hall Annex Building Project. **(EXHIBIT L)**
  - o. RFC#R-103-379-01-KCR in the amount of \$2,885.07 - Civic Center, Library, Fire Station and Coleman Avenue Improvements Project. **(EXHIBIT L)**
  - p. The closing of the Waveland Farmer's Market on Highway at the request of the Farmer's Market Director, Mrs. Janet Shaw due to lack of participation by vendors.
  - q. The resignation of Officer Chris Allen from the Waveland Police Department effective July 11, 2011, to attend the MS. Highway Patrol Trooper Academy.
  - r. Approval of professional appraisal and review appraisal services for potential acquisition of the property located at 108 Bourgeois Street regarding the City Hall/City Hall Annex Project. This property acquisition is related to additional parking needed for City Hall Complex.

Mr. Anderson inquired about item (p) regarding the Farmer's Market issue. He asked for future Board discussion that the current lean be moved to the Herlihy Park for citizen's use. No decision was made at this time.

#### **GARFIELD LADNER MEMORIAL PIER/PIER**

##### **Re: Waveland Fishing Club, Cost of Pier Passes for Summer Program**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve a request from the Bay-Waveland Middle School for admission and use of the Municipal Pier for an after-school program (Bay Waveland Fishing Club) during the 2011-2012 school year. There would be approximately 15 students and 2 to 3 adults every Tuesday, Wednesday and Thursday from 4:00 p.m. to 5:30 p.m. that would be using the pier. The Bay Waveland Fishing Club has agreed to purchase 3 pier passes at the regular annual price of \$30.00; each pass will provide for 5 students and 1 adult.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

#### **AGREEMENTS/BOARD OF SUPERVISORS**

**Re: Agreement with the Hancock County Board of Supervisors for Use and Occupancy for construction or adjustment of a Utility within road or Highway Right of Way**

Alderman Stahler moved, seconded by Alderman Kidd to remove the Permit Application for Use and Occupancy Agreement between the City and Waveland and Hancock County Board of Supervisors for the Construction or Adjustment of a Utility Within Road or Highway Right of Way, specifically installation of a Natural Gas Distribution Line in the Hancock County right of way along Beach Boulevard, as submitted by CDM and pending approval by City Attorney Gary Yarborough and Compton Engineering, Mickey Lagasse. (Tabled from the June 22, 2011 and July 5, 2011 Meetings)

During discussion, City Attorney Gary Yarborough said, "I spoke with Ben Benvenuti today; they have an agreement for Hemphill and Digital, if they agreed to go out there and pothole portions of the line and certify to CDM, Ben Benvenuti, notify me about an hour before the meeting that they would certify and submit plans that the three entities would be involved. As far as the time line for them to get that work done, I don't know what that's going to be. Let me talk to Bruce (Newton) to make sure they're alright with that." City Attorney Yarborough said he would place this issue back on the agenda when this is ready for action by the Board of Mayor and Aldermen.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**BIDS/GENERATOR BID**

**Re: Approve Kossen Equipment as lowest, best and most responsive bidder**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve Kossen Equipment as the lowest, best and most responsive bidder for the (2) trailer mounted mobile 140kw generators (to run lift stations), at a price of \$83,900.00. **(EXHIBIT M)**

City Attorney Gary Yarborough said, "And for the record, we noticed this and Madam Clerk please attach a copy of that notice to the record of the question 'Sealed Bids', Lightning Power sent in a fax, not a sealed bid, which was not compliant with the Bid requirements. I reviewed the bids, Kossen came in the low bid at \$83,900.00"

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**BUILDING DEPARTMENT/PURCHASING**

**Re: Approve payment of \$7,000 for May-July, 2011**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve payment of \$7,000.00 to Carrigee Consulting for building plan reviews and inspection services for the 7 week period May 16, 2011 – July 1, 2011, as contracted.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**PUBLIC COMMENTS**

There were no public comments.

**EXECUTIVE SESSION**

**Re: Potential Litigation, Civic Center and Contract Negotiations with Demery Grubbs.**

Alderman Stahler moved, seconded by Alderman Kidd to consider going into Executive Session to discuss Potential Litigation, Civic Center and Contract Negotiations with Demery Grubbs.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Geoffrey moved, seconded by Alderman Lafontaine to go into Executive Session to discuss Potential Litigation, Civic Center and Contract Negotiations with Demery Grubbs.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

With no positive or negative action taken Alderman Kidd moved, seconded by Alderman Geoffrey to come out of Executive Session.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**AMEND AGENDA/CONTRACTS/POTENTIAL LITIGATION**

**Re: Amend Agenda to Approve City Attorney to discuss potential contract arrangements**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to amend the agenda to approve City Attorney Gary Yarborough authority to discuss potential contract arrangements with Demery Grubbs.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**AGENDA/POTENTIAL LITIGATION/CONTRACTS**

**Re: Approve City Attorney to discuss potential contract arrangements**

Alderman Geoffrey moved seconded by Alderman Lafontaine to grant City Attorney Gary Yarborough authority to discuss potential contract arrangements with Demery Grubbs.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**ADJOURN**

**Re: Adjourn meeting at 11:05 pm.**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to adjourn the meeting at 9:52 pm.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on August 19, 2011.

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

The Minutes of July 20, 2011 have been read and approved by me on this day the 19<sup>th</sup> day of August, 2011.

\_\_\_\_\_  
David A. Garcia  
Mayor

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