

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 July 22, 2015 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

- Mikelle Williamson
- Jerry West
- Brent Anderson

**CRUSING BLOCK PARTY/ANTIQUA CARS/EVENTS**

**Re: Block Coleman Avenue for During Antiqua Car Event**

Alderman Lafontaine moved, seconded by Alderman Richardson to block Coleman Avenue on October 1, 2015 to host an Antiqua Car Block Party from 5:00 pm to 10:00 pm prior to the Cruisin the Coast © event. The City will not have to provide any Police, Fire or overtime.

During discussion, Mr. Anderson asked if the City could provide some port-o-lets.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**PUBLIC COMMENTS**

- Bill Beachwood

**ROLL CALL:**

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

**MAYOR'S REPORT:**

- The Mayor and Aldermen Lafontaine will be attending a meeting with the Board of Supervisors meeting to request funds for the Lighthouse/comfort station project on the beach. Ms. Yarborough told Board members that if 3 members of our Board attend that meeting it will be a quorum and notice will have to be posted as a special meeting. She said the best way to handle this if you're going to request something from the Board of Supervisors is to adopt a Resolution stating this is what the Board of Mayor and Aldermen are requesting or make a motion to give the Mayor authority to request those funds. Alderman Burke said he prefers to adopt a Resolution because this will speak for the entire Board, it's attached to the Minutes and there's no loss in translation. City Attorney Yarborough said she would prepare a Resolution for the special meeting coming up before the end of the month.

**AUDIT/FYE SEPTEMBER 30, 2014**

**Re: Jennifer Bell, CPA with Wright Ward, Hatten and Guel to present the Audit Findings for FYE 9/30/2014**

Alderman Burke moved, seconded by Alderman Lafontaine Fiscal Year Ending Budget of 9/30/2014 Audit as prepared and presented to the board members 2 by 2 several days ago. Ms. Jennifer Bell, CPA with Wright, Ward, Hatten and Guel, PLLC was present to explain and answer questions. **(EXHIBIT A)**

Ms. Bell said the City received a modified opinion for the 2<sup>nd</sup> year in a row, which is a "big improvement".

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**BAY-WAVELAND SCHOOL BOARD/ALLIANCE FOR GOOD GOVERNMENT**

**Re: Mrs. Lana Noonan was present to discuss the proposed ‘Safeway’s to School’ project regarding the proposed sidewalk installation in Bay St. Louis**

Ms. Noonan said that the Attorney General said the Bay-Waveland School District ‘could’, not ‘must’, use their tax millage revenue (part of which is from Waveland citizens) to improve infrastructure in Bay St. Louis on City property. It is now in the hands of the School Board as to whether to release these funds for this purpose from the School District Capital Reserve Account into the City of Bay St. Louis. She said taxpayers in Waveland who pay property taxes to support the school district will now be funding an infrastructure project in the City of Bay St. Louis. She is encouraging all Waveland citizens to call Mike Bell and Sherry Ponder (their School Board members) to vote NO to this use of Waveland’s taxes. She said Waveland’s tax dollars should be used in Waveland, not Bay St. Louis.

**CITY ATTORNEY’S COMMENTS:**

**Re:** Request to Spread on the Minutes the Court of Appeals of the State of Mississippi affirming the Judgment of the Hancock County Circuit Court upholding the termination of Clay Necaize of the case: Clay Necaize v. City of Waveland

**Re:** Explained the two (2) Docket of Claims motions, as will be presented hence forth related to the Streets Payroll Docket and the need for Alderman Piazza to recuse himself from voting on his son’s payroll, as Ms. Yarborough has recommended.

**ALDERMEN’S COMMENTS:**

**Re: Alderman Burke:**

- Requested the Board re-review the ‘no bonfire on the beach’ law as is currently in effect; he would like to see bonfires again. Perhaps we could establish a fee schedule for cleanup if necessary, fire inspection before and after and change the ordinance or rescind it. Mayor Smith said he would like to see this again also.

**Re: Alderman Richardson:**

- Requested an update from Asst. Chief Mike Prendergast on the re-issuing of the Tasers to Police Officers. Asst. Chief Prendergast said, “The only thing he told me is that he submitted something to Rachel (Yarborough) to look at”. Mrs. Yarborough said he sent it to her City email (which she does not get) so she just got it yesterday... a new Use of Force Policy. She’s not had a chance to look at it yet. Mayor Smith said he spoke with Chief Allen this afternoon and he is having problems with body cameras; of the ones they just bought, 12 have gone down; he is hoping to resolve that issue soon with the City Attorney.

**Re: Alderman Lafontaine:**

- Continued the discussion regarding the re-issuing of the Tasers to the Police officers and expressed concerns about the body cameras being in disrepair. The Police need these for their safety. Mayor Smith said new body cameras have been obtained, but they’re having problems with those also. Mayor Smith said Chief Allen told him as soon as the issue with the cameras is fixed, the Tasers will be good to go into service.

**Re: Alderman Piazza** had no comments.

**RSVP**

**Re: Claims**

Alderman Burke moved, seconded by Alderman Piazza to approve the RSVP Claims 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

**ALDERMEN'S COMMENTS (CONT.)**

**Re: Alderman Lafontaine**

- Requested an Executive Session at the end of the meeting to discuss some personnel issues with the Police Department.

**MINUTES**

**Re: Minutes of June 17, 2015 and July 7, 2015**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the minutes of the Regular Meetings of June 17, 2015, and July 7, 2015 as submitted by the City Clerk.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**DOCKET OF CLAIMS**

**Re: Docket of Claims - Streets Payroll portion only - in the amount of \$22,065.31 dated 7/22/15**

**\*Alderman Piazza recused himself and left the room at this time.**

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims – Streets Payroll portion only – in the amount of \$22,065.31 dated 7/22/15 as submitted. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Recusal: Piazza

Voting Nay: None

Absent: None

**Alderman Piazza re-entered the room at this time.**

**Re: Docket of Claims – Other than Streets Payroll in the amount of \$1,775,057.30 dated 7/22/15**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$1,775,057.30 dated 7/22/15 as submitted. **(EXHIBIT C)**

During discussion with regard to one of the docket items, the Board agreed that hoses and life rings shall not be supplied to the Pier because of the theft issue and not required by Regulation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**AMENDED BUDGET/BUDGET - 9/30/2015**

**Re: Amended Budget of 9/30/2015**

Alderman Burke moved, seconded by Alderman Piazza to approve the 9/30/2015 Amended Budget as presented. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**MINUTES/RESCIND MOTION/RSVP/BANKING**

**Re: Rescind motion related to RSVP Bank Account Signatory and replace with Mrs. Joann Lagasse**

Alderman Lafontaine moved, seconded by Alderman Burke to rescind the motion of 6/17/15 to approve City Clerk Lisa Planchard as signatory on the RSVP Bank Account with First Bank and instead approve Mrs. Joanne Lagasse as signatory on the RSVP account with Mayor Smith. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**AM-RISK INSURANCE/PUBLIC APPEARANCE**

**Re: Purchase Wind Insurance Deductible Buy Down**

Alderman Lafontaine moved, seconded by Alderman Burke to approve six month endorsement from AmRisk buying the Wind insurance deductible down to \$50,000.00 at a cost of \$38,918.88. Without this, the deductible will be \$950,000.00. Mr. Todd Dalton with Fox Everett Insurance was present to discuss. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**AGREEMENTS/PROPOSALS/LAURENCE LEYONS/URBAN TOOLBOX/COLEMAN AVENUE ECONOMIC DEVELOPMENT PLAN**

**Re: Mr. Laurence Leyens to proceed with Detailed Development Proposal for Coleman Avenue concerning Redevelopment**

Alderman Lafontaine moved, seconded by Alderman Burke to approve 'Urban Tool Box' to proceed with the detailed development proposal concerning the Redevelopment (Urban Renewal) Plan of Coleman Avenue under the prior approved contract with Urban Toolbox, as submitted by Mr. Laurence Leyens. Mr. Leyens was present to answer questions. **(EXHIBIT G)**

Mr. Leyens discussed the many components to his services and that his hourly contract with the City allows for him to have subcontractors. Ms. Yarborough confirmed that this will be an hourly contract; there will be no material involved. She asked if Mr. Leyens anticipates that a service contract will be

presented to the City. Mr. Leyens said if the City wants to go forward with the downtown redevelopment plan, it will be a separate contract. Mr. Leyens said the subcontractors are working the hours under his contract terms; he subcontracts municipal planning at or below his maximum rate of his contract. Ms. Yarborough said, "So you're not anticipating that this will be a separate contract with Orion Group." Mr. Leyens said, "Not at all; I don't see any reason to do it because we'll be working as a team." He said he wanted to get a design rendering so that people can see what we're talking about, one of his team members is an architect/designer. Alderman Burke said we need gateway/entry signs to Waveland; everything we've done for the past 10 years has not worked yet. Mr. Leyens said his team needs to be told, "This is where we want traffic to route, this is how we're going to leverage off the traffic, and please just think about economics."

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**CONTRACTS/CRS/COMMUNITY RATING SYSTEMS**  
**Re: Mr. Paul Pitts as CRS Coordinator**

Alderman Burke moved, seconded by Alderman Lafontaine to hire Mr. Paul Pitts as independent contractor to provide CRS (Community Rating Systems) compliance services to the City of Waveland at \$500.00 per month, including required signatures. Note: Mr. Pitts is also a Certified Floodplain Manager (CFM). This motion will also approve the independent contractor agreement with Mr. Pitts at a rate of \$500.00 per month upon receipt of final agreement by City Attorney, Rachel Yarborough. Mrs. Yarborough will write the agreement. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**BLIGHTED PROPERTIES/PUBLIC HEARINGS**  
**Re: Mrs. Bernie Cullen was Not Present to Discuss Properties**

Mrs. Bernie Cullen with Blighted Properties to discuss the following properties, as listed (Items 1-4)

1. 325 Favre: abandoned house and overgrown
2. 4096 Atlantic: open pool and over grown
3. 218 Surf: unoccupied house and overgrown
4. 603 Dufour: abandoned house, overgrown

**Re: Special Meeting to hold Public Hearing for Blighted Properties**

Alderman Richardson moved, seconded by Alderman Burke to approve a Special Meeting of 8/4/2015 at 6:00 p.m. to hold a public hearing re: Blighted Properties (other than those listed above).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**HANCOCK COUNTY BOARD OF SUPERVISORS/ROAD AND BRIDGE FUNDS/SOUTH STREET REPAIRS PROJECT/STREETS DEPARTMENT**

**Re: Public Works Director Brent Anderson to appear before the Hancock County Board of Supervisors to request Road and Bridge funds for South Street Repairs**

Alderman Burke moved, seconded by Alderman Lafontaine to authorize public works director, Brent Anderson to appear before the Hancock County Board of Supervisors 8/4/2015 to request approximately \$67,000 of Road and Bridge Funds for the purpose of raising a section of South Street and installing larger culverts and other Street's needs.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**HANCOCK COUNTY CHAMBER OF COMMERCE/ANNUAL TEACHER APPRECIATION DINNER/EVENTS/DONATIONS**

**Re: Sponsorship of Hancock County Teachers Appreciation Dinner**

Alderman Burke moved, seconded by Alderman Piazza to approve sponsorship for the Annual Teacher Appreciation Dinner to be held on August 3, 2015 at the Bay-Middle School in the amount of a \$500.00 Sponsorship level as determined by the Board. Not previously budgeted for.

Mrs. Yarborough noted that this is being put on by the Hancock County Chamber of Commerce and the City can donate to Economic Development Organizations, under MS. Code Section 21-19-44, which the Chamber of Commerce is.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**FIRE DEPARTMENT/PERSONNEL**

**Re: Transfer of Eddie Miller from Part-time to Full-time, pending the return of Firefighter Donald Peters**

Alderman Burke moved, seconded by Alderman Piazza to approve transfer of Firefighter Eddie Miller from (Part-time) to (Full-time, Temporary) status at a rate of \$11.62 per hour (effective 8/1/15) until Firefighter Donald Peters returns from a Workman's comp injury. Mr. Miller understands that in the event Mr. Peters returns to full active duty

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**POLICE STATION/CONTRACTS**

**Re: Ratify Contract Approval with J.O. Collins Contractor, Inc.**

Alderman Piazza moved, seconded by Alderman Burke to ratify contract approval and signature by Mayor, with J.O. Collins, Contractor, Inc. in the amount of \$4,750,000.00 for construction of the Police Building. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**BUSINESS INCUBATOR/ADVERTISING/LEASE SPACE/INCUBATOR**

**Re: Advertise for Lease Space, Units (A1, A2 & A9) and Unit A3, at the Waveland Business Incubator**

Alderman Burke moved, seconded by Alderman Piazza to advertise for lease space available at the Waveland Business Center (Incubator), specifically Unit A3 and the combined units of (A1, A2 and A9-approximately 2,403 square feet); cleaning costs of bathrooms to be split 5 ways.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**MDOT/SIDEWALKS PROJECT/GULF REGIONAL PLANNING COMMISSION**

**Re: Advertise for Engineering Services for Sidewalks Project**

Alderman Burke moved, seconded by Alderman Piazza to approve project activation request and advertise for engineering services for the MDOT Sidewalks project design through Gulf Regional Planning Commission. (Mr. Jason Chiniche was present to explain and answer questions).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**DELTA COMPUTER SYSTEMS/AGREEMENTS/CONTRACTS/SOFTWARE SUPPORT AGREEMENT/CONTRACTS**

**Re: Renew Computer Software Support Agreement with Delta Computers**

Alderman Burke moved, seconded by Alderman Piazza to renew the Computer Software Support Addendum Agreement with Delta Computer Systems, at a cost of \$1,910.00 per month including required signatures. **(EXHIBIT J)**

Mrs. Yarborough said she has some minor issues with the general terms provided by Delta and noted the revisions she would make to the contract, under the general terms, "That either party would be able to terminate the agreement within 60 days written notice, to scratch the sentence that states this agreement shall automatically renew at each annual period, and to add the language that this current Board cannot bind Successor Boards."

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**AGREEMENTS/SOUTHER MISSISSIPPI PLANNING & DEVELOPMENT  
DISTRICT/SENIOR COMMUNITY SERVICE  
Re: Agreement with SMPDD Senior Community Service Employment Program**

Alderman Burke moved, seconded by Alderman Piazza to ratify the Agreement between the City of Waveland and the Southern Mississippi Planning & Development District Senior Community Service Employment Program. (This due to the new fiscal year for SMPDD which began June 1, 2015).  
**(EXHIBIT K)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**DELTA WATER LLD/UTILITY BILLING DEPARTMENT/AGREEMENTS  
Re: Service Agreement with Delta Water LLC.**

Alderman Lafontaine moved, seconded by Alderman Burke to approve Professional Services Agreement between the City of Waveland and Delta Water LLC to assist the Utility Billing Department with various ongoing projects/needs within the Department, contract to include City Attorney's revisions. (Ms. Kathy Walker was present to answer questions). **(EXHIBIT L)**

Mrs. Yarborough said the contract appeared to be similar to a construction contract. She said she struck some specific language and offered some suggestions with changes that do not apply to the City of Waveland. She will work with Ms. Walker to finalize the service agreement. Ms. Yarborough said that to include SOW #3 would be including a services contract with a contract involving installing meters; installing meters should be considered separately. The revisions made by Ms. Yarborough shall only include SOW #1, not SOW #2 (the Board does not wish to pursue SOW #2).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**TRAVEL/CITY HALL/PURCHASING DEPARTMENT/COURT DEPARTMENT  
Re: Alderman Burke to attend MS. Urban Forestry and Green Infrastructure Seminar in Gulfport, MS., Purchasing Clerk Rachel Cullen to Accounts Payable Workshop in Gulfport, MS, Court Clerk Rhonda Cumming and Deputy Court Clerk Anitra Freeman to Court Clerk Seminar**

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

- a. Alderman Jeremy Burke to attend the Mississippi Urban Forestry and Green Infrastructure Seminar August 20 & 21, 2015 in Gulfport, MS. Cost to the City will be a \$25 luncheon fee and use of a City vehicle.
- b. Purchasing Clerk Rachel Cullen to the Organizing and Managing Accounts Payable Workshop on September 16, 2015 in Gulfport, MS. Cost to the City will be \$199.00 Registration fee and use of a City vehicle.
- c. Court Clerk Rhonda Cummings and Deputy Court Clerk Anitra Freeman to attend the Municipal Court Clerk Seminar September 16-18, 2015 in Jackson, Mississippi. Cost to the

City will be 2 nights lodging for each, 3 days per diem and use of a City Vehicle. (All costs for the seminar are to be reimburse3d by the MJC Board of Governors).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**DNA UNDERGROUND/SYCAMORE STREET EMERGENCY SEWER REPAIRS PROJECT  
Re: DNA Underground as Lowest, Best and most Responsible Bidder for Sycamore Street  
Emergency Street Repairs Project (Sycamore Street from Dicks to Edna Streets)**

Alderman Lafontaine moved, seconded by Alderman Burke to approve DNA Underground, LLC as lowest, best and most responsible bidder in the amount of \$42,795.00 for the Sycamore Street Emergency Sewer Repairs Project as recommended by Compton Engineering. Note: This is the Section of Sewer between Dicks and Edna Streets along Sycamore Street.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**CHANGE ORDERS/JEFF DAVIS-GULFSIDE SEWER IMPROVEMENTS  
PROJECT/PROJECTS/SEWER DEPARTMENT  
Re: Change Order #5 from HRL (Deduction in Cost) – Jeff Davis/Gulfside Sewer Improvements  
Project**

Alderman Burke moved, seconded by Alderman Lafontaine to approve Change Order #5 from HRL for the Jeff Davis/Gulfside Sewer Improvements Project, except to remove from the Change Order the 29 rain day extension to the contract portion of the change order.

Engineer Bruce Newton was present to discuss the Change Order. Mrs. Yarborough said by approving the Change Order, the completion date of April 8<sup>th</sup> contemplates that the Board's approves the 29 days requested in the submitted Change Order. Mr. Newton said this closeout change order is "time and money"; its 29 weather related days, bringing the substantial completion date to April 8, 2015. He said this Summary Change Order, (a close-out) of the project reflects a total deduction in the amount of \$267,202.75. He said the LD's, if the Board decides to pursue (that other letter gives you the amount of days and we have documentation by daily inspection reports). Mrs. Yarborough asked Mr. Newton to explain for the record an explanation of a "qualified rain-day". Mr. Newton said that if the contractor is unable to work out on the job that day because of weather (he gave an example of needing to put asphalt out on a road and if it rains the day before to wet the base sufficiently to prohibit the installation of asphalt) that would documented as a rain day; if he can go out and do pay items that he can get paid for, then that is not a rain day. Ms. Yarborough said under 1203 Section C of the General Terms of the Contract specifies *if the Contractor is delayed in the performance or progress of the work by Fire, Flood, epidemic, abnormal weather conditions, acts of God, acts of failures to act of Utility Owners not under the control of the Owner or other causes not the fault of and beyond control of owner and Contractor, then shall be entitled to an equitable adjustment in Contract times.* Mr. Newton said if a contractor can't work, he can't work; he wouldn't recommend payment to the Contractor if the work were done in inclement weather. Mrs. Yarborough said that when a Contractor takes a bid on a project in South Mississippi, contractors anticipate rain days. She referenced a phone conversation she had with Mr. Newton asking if the 29 additional days were from the request from November (in January the Board granted them a 90 extension), so is that from that extension time or are the 29 days representative of the whole 18 month project. Mr. Newton said, "I think we added some days on the previous Change Order; that 29 days would be added to what was previously approved for an extension." Ms.

Yarborough confirmed that since November there have been 29 documented rain days. Mr. Newton said, "Right". Mr. Newton said he did not feel that was excessive and wouldn't be putting this in writing. Ms. Yarborough said, "If the Board so chooses to grant the additional days, it would in effect be a waiver of \$14,500 of liquidated damages."

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**Re: Change Order #5 from HRL (29 Day Contract Extension portion of CO only) – Jeff Davis/Gulfside Sewer Improvements Project**

Alderman Burke moved, seconded by Alderman Richardson to approve the portion of the Change Order regarding additional contract time, specifically, a 29 day extension on Change Order #5, by HRL, for the Jeff Davis/Gulfside Sewer Improvements Project.

Mayor Smith said that the City has met with the Corp. of Engineers and if the Corp. does not receive copies of the cancelled checks to their office by 7/31/15, we stand a very good chance of not being reimbursed about \$85,000.00. He said Ms. Breaux, with the Corp. of Engineers, can't guarantee reimbursement for receiving anything past the end of July. Ms. Yarborough added that HRL is asking for Substantial Completion later on this agenda (Note: there is a punch list yet to be completed) and Invoice #18 on the agenda is a \$44,763.81 pay request. She said her concern is logistically considering and possibly approving substantial completion on one night and final payment in the same night; that is not what is contemplated by the contract documents, especially when there is a 6 page punch list attached. She said, even if we have to have a special meeting, by the contract documents, when you award final payment you are waiving any deficiencies. So, what that 6 page punch list is is recognition of 6 pages of deficiencies in the contract work so you can't recognize it in one night that there's work left to be done and then waive it in the next motion. I think that we're forced to do a lot of things and were over the barrel on this project, but I think we can do what we can to mitigate our position".

Alderman Lafontaine suggested the City hold the invoices to the last day of the project. Ms. Yarborough said that by contract because we got these invoices today, we can review them and disagree with them to some point. She said she believes it's going to be Mr. Newton's position that he will amend the Pay Application on final payment to reflect liquidated damages so that at least the Board has the opportunity to assess those 98 (or 129 depending on the change order) days if they so choose. She said if they are requesting substantial completion and it's on our agenda, she does not necessarily object to Mr. Newton explaining, "Here's why I believe, as the engineer on the project, that it's substantially complete and the date is July 15, 2015 and here is why." She added that the Board can disagree with it and follow the procedures in the contract, but the problem is if we follow those procedures we're not going to make our timeline to the Corp. of Engineers. Ms. Yarborough said that she was going to recommend payment of Invoice #18, but not #19, and #18 contemplates there is \$118,000 in retainage at 5%, which Mr. Newton's feels will be enough money to finish the punch list. Mr. Newton said much of the punch list has been completed. Ms. Yarborough confirmed that the Certificate for Substantial Completion just arrived at the City yesterday and the City has 7 days to object in writing to the engineers as to why we believe it is not substantially complete; the engineer than has 14 days to respond.

A vote was called for with the following results:

Voting Yea: Burke, Richardson

Voting Nay: Lafontaine, Piazza and Mayor who broke tie voting 'Nay'

Absent: None

**INVOICES/AMEC ENVIRONMENT & INFRASTRUCTURE/HMGP/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/GARFIELD LADNER MEMORIAL PIER REPAIRS PROJECT/PIER/SYCAMORE STREET SEWER REPLACEMENT/SEWER DEPARTMENT**

**Re: Invoice No. F20100250 from AMEC for the Citywide Drainage Improvements Project**

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 No. F20100250 from AMEC Environment & Infrastructure, Inc. in the amount of \$15,755.32 regarding the HMGP Citywide Drainage Improvements Project.
- b. Invoice 213-017-28 from Compton Engineering, Inc. in the amount of \$7,980.00 – Garfield Ladner Memorial Pier Repairs Project.
- c. Invoice 215-045-2 from Compton Engineering Inc. in the amount of \$450.00 – Sycamore Street Sewer Replacement. Note: (Section between Dicks & Edna Streets)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**INVOICES/CERTIFICATE OF SUBSTANTIAL COMPLETION/JEFF DAVIS-GULFSIDE SEWER IMPROVEMENTS PROJECT/SEWER DEPARTMENT**

**Re: Pay Requests #18 and #19 (Final) from Hensley R. Lee, Contracting, Inc.**

Alderman Burke moved, seconded by Alderman Piazza to approve Pay Request #18 and Pay Request #19 (Final) for Jeff Davis/Gulfside Sewer Improvements Project. Mr. Anderson has approved.

During discussion, Alderman Lafontaine asked whether this is something the Board can hold until the last day. Ms. Yarborough said it is because we just received them today so we would, under the contract, have time to review. As to Pay Request #19, Ms. Yarborough said at this time, in her opinion, it is premature. She noted that the Certificate of Substantial Completion agenda item should actually come before this issue on the agenda.

Alderman Burke withdrew his motion; Alderman Piazza withdrew is second on the motion. No vote taken.

**Re: Deny Approval of Substantial Completion Submitted by Hensley R. Lee, Contracting, Inc.**

Alderman Lafontaine moved, seconded by Alderman Burke to approve the Certificate of Substantial Completion from HRL (Hensley R. Lee Contracting, Inc.) related to the Jeff Davis/Gulfside Sewer Improvements Project.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, Lafontaine, and Piazza

Absent: None

**Re: Approval of Pay Requests #18 and #19 (Final) from Hensley R. Lee, Contracting, Inc.**

Alderman Lafontaine moved, seconded by Alderman Piazza to **TABLE** Pay Request #18 and Pay Request #19 (Final) for Jeff Davis/Gulfside Sewer Improvements Project. Mr. Anderson has approved.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**REQUESTS FOR CASH REIMBURSEMENT/CENTRAL FIRE STATION/ HUMAN RESOURCES/REVENUES & EXPENDITURES REPORTS**

Spread on the minutes the following as listed, (Items a-c):

- a) Request for Cash Reimbursement #47 R-110-379-01-HCCR in the amount of \$6,219.09 – Central Fire Station.
- b) Resignations of Part-Time Officers Tommy Askew effective July 13, 2015 and Juan Martinez effective August 1, 2015 from the Waveland Police Department
- c) Revenues and Expenditures Report of June 30, 2015 at this, the second meeting in July, 2015.

**EXECUTIVE SESSION**

**Re: Potential Litigation re: Jeff Davis/Gulfside Sewer Improvements Project & Personnel Issues re: Police Department**

Alderman Richardson moved, seconded by Alderman Lafontaine to consider Executive Session to prompt a closed discussion regarding personnel issues, Police Department and Potential Litigation regarding Jeff Davis/Gulfside Sewer Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Burke moved, seconded by Alderman Piazza to approve entering Executive Session for Potential Litigation regarding Jeff Davis/Gulfside Sewer Improvements Project. Police Department Personnel issue did not qualify for Executive Session.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Lafontaine moved, seconded by Alderman Burke 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

**CERTIFICATE OF SUBSTANTIAL COMPLETION/JEFF DAVIS-GULFSIDE SEWER IMPROVEMENTS PROJECT/RESCIND MOTION/MINUTES**

**Re: Certificate of Substantial Completion submitted by Hensley R. Lee, Contracting,**

Alderman Burke moved, seconded by Alderman Piazza to revisit Agenda Item #29.B, rescind the prior motion and vote; and approve the Certificate of Substantial Completion from HRL (Hensley R. Lee Contracting, Inc.) related to the Jeff Davis/Gulfside Sewer Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**INVOICES/PAY REQUESTS/JEFF DAVIS-GULFSIDE SEWER IMPROVEMENTS PROJECT  
Re: Pay Request #18 submitted by Hensley R. Lee Contracting**

Alderman Burke moved, seconded by Alderman Richardson to approve and issue payment for Pay Request #18 in the amount of \$44,763.81 for Jeff Davis/Gulfside Sewer Improvements Project. Mr. Anderson has approved.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**RE: Pay Request #19 submitted by Hensley R. Lee Contracting – Jeff Davis/Gulfside Sewer Improvements Project**

Alderman Burke moved, seconded by Aldermen Richardson to **TABLE** approval of Pay Request #19 from HRL in the amount of \$118,085.94 regarding the Jeff Davis/Gulfside Sewer Improvements Project until Wednesday, July 29, 2015 at 6:30 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**Aldermen's Comments: Cont.**

**Re: Alderman Lafontaine**

- Stated that he was very unhappy with fact that the Board has been discussing Tasers since the last administration and the City's Officers are still out there having to wrestle with people.

**ALDERMEN'S COMMENTS (CONT.)**

**Re: Alderman Lafontaine**

- Stated that he was very unhappy with fact that the Board has been discussing Tasers since last Administration and the City's Officers are still out there getting beat up.

**ADJOURN**

**Re: Adjourn Meeting at 10:01 p.m.**

Alderman Burke moved, seconded by Alderman Piazza to adjourn the meeting at 10:01 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on August 7, 2015.

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

The Minutes of July 22, 2015 have been read and approved by me on this day the 7th of August, 2015.

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

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