

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 October 19, 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.

MAYOR'S REPORT – (EXHIBIT A)

(Tape of meeting for listening available via records request, in Meeting folder)

Re: Mayor Garcia asked to let the record show the presence of Aldermen Stahler, Geoffrey, Lafontaine and Kidd, as well as City Clerk Lisa Planchard. The Mayor noted that City Attorney Gary Yarborough was on his way to the meeting as he had just returned from a trip to Dallas, Texas.

Re: Mayor Garcia spoke about the calls regarding the newly placed (visibly darker) beach sand. The Mayor said he spoke with Mrs. Susan Reis at the Corps of Engineers out of the Mobile, District (Alabama) who explained that the current sand has a clay base and it would eventually bleach to white sand. He said Mrs. Reis assured him that the sand would eventually turn white in color.

Re: Senators Cochran and Wicker released a Press Statement stating Waveland has been approved for 6.98 million from FEMA (100% FEMA paid) for Hazard Mitigation work, specifically, the Waveland Drainage Improvements project intended to improve storm water runoff infrastructure for residential and commercial properties within the city limits. Pickering Engineering has performed preliminary studies on the 29 watersheds and basins.

Re: Thank you to Ms. Judee English for volunteering her time and equipment and cutting the grass at the Elwood Bourgeois Park. The Mayor also thanked Aldermen Geoffrey and Lafontaine, along with Assistant Fire Chief Tony Mallini and Public Works Director Brent Anderson for their help in cutting the grass at the cemetery. Mayor Garcia also thanked Fire Chief Mike Smith for cutting the grass along Central Avenue, with a special thank you to Mrs. Marilyn Smith who has helped in the Utility Department every day, almost full time, since the volunteer program has began.

ALDERMEN'S COMMENTS

Re: Alderman Stahler thanked everyone for the volunteer effort with Coastal Cleanup and noted the day of the Wave Fest was absolutely beautiful. She said it was good food and good music, saying she thought a good time was had by all.

Alderman Stahler said she attended the Hancock County Development Commission Strategic Commission. The Commission presented their 5 year strategy plan for economic development. Waveland will be very much involved in this effort.

***Mayor Garcia asked to let the record show the arrival of City Attorney Gary Yarborough (6:42 pm).**

Re: Alderman Geoffrey asked about the drainage issues related to a resident on Kyle Circle. Recovery Manager Brent Anderson provided explanation.

Re: Alderman Geoffrey also inquired about the junk accumulation problem at the corner of Old Spanish Trail and Margie Street. Mr. Anderson said correspondence had been sent and he's waiting on the response.

Re: Alderman Lafontaine questioned the progress of an emailed request. Mayor Garcia said you will have this tomorrow (Thursday).

Re: Alderman Lafontaine said he had the name of someone who wanted to volunteer their services to help with the City of Waveland website. Mayor Garcia said Kerney Breland had already offered, but please get the name of the volunteer to the Mayor.

Re: Alderman Lafontaine said that he spoke with a supervisor from CSX about cutting grass along the railroad tracks. Mr. Anderson stated that the grass had been cut today.

Re: Alderman Lafontaine asked about the process for renting the Business Incubator. Mr. Yarborough provided explanation about the possibility of the Magnolia Business Alliance leasing the entire Business Incubator.

Re: Alderman Lafontaine asked about the possibility of receiving messages regarding Ward 3 resident complaints. Mr. Anderson said he receives most of the complaints by email and will forward these to each Alderman to make them aware. He also asked about the return of furloughed employees and whether that would have to be placed before the Board for a vote. The Mayor explained there were currently only 2 employees brought back on the clock. Mr. Yarborough noted the furloughed employees are still employees of the City of Waveland and the Mayor has authority to bring them back; this would not necessitate a vote of the Board.

Re: Alderman Kidd said he was also at Wave Fest, which was a great success in his opinion.

Re: Alderman Kidd said that he had the same questions as Alderman Lafontaine about the laid off and furloughed employees. Comptroller Janet Dudding provided explanation of financial issues as they relate to bringing back furloughed employees.

Re: Alderman Kidd asked if the Volunteers could keep up with the number of people coming on the Pier.

PUBLIC COMMENTS

Re: Mrs. Brenda McComb questioned lights being left on at the Business Incubator. The Mayor explained that this is the contractor's decision; the City does not even have a key to the building as yet, nor have they taken possession.

Re: Mr. Dwayne Bremer informed the Board of a charity baseball game to benefit the Shriners.

MINUTES

Re: Minutes of August 17, 2011, September 21, 2011 and October 4, 2011

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the minutes of the regular meetings of August 17, 2011 September 21, 2011 and October 4, 2011 as submitted by the City Clerk. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims Nos. 69358-69446 – Docket presented October 4, 2011

Spread on the Minutes the Docket of Claims approved by the Board at their last October 4, 2011 Board meeting, being numbered 69358-69446, and 69447-69452, as submitted by the City Clerk. **(EXHIBIT C)**

DOCKET OF CLAIMS

Re: Approve Payment of highlighted invoices on Docket spreadsheet

Alderman Lafontaine moved, seconded by Alderman Kidd to approve payment of highlighted invoices (yellow with letter 'D') listed on the proposed 10/19/2011 Docket spreadsheet schedule, as proposed by the City Clerk. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

RSVP

Re: Claims

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the RSVP Claims as submitted. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

REVENUES AND EXPENSE REPORTS

Re: The Months of July, August and September, 2011

Spread on the minutes the Revenues and Expense Reports for the months of July 2011, August 2011, and September 2011 at this the second meeting of October 2011, as submitted by Comptroller Janet Dudding. **(EXHIBIT E)**

BOND COVENANT FUND/UTILITY FUND/BUDGET/BANKING

Re: Create Bond Covenant and Authorize Transfer from the Utility Fund to the Bond Covenant Fund

Alderman Stahler moved, seconded by Alderman Geoffrey to authorize the creation of a Bond Covenant Fund and authorize transfer from the Utility Fund to the Bond Covenant Fund to fully fund the covenants. Comptroller Janet Dudding offered explanation.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CITY DONATIONS/DISASTER FUND/GENERAL FUND/BUDGET/BANKING

Re: Unrestrict City Donations Bank Account and Transfer funds from the Disaster Fund to the General Fund for personnel costs

Alderman Stahler moved, seconded by Alderman Kidd to unrestrict City Donations bank account # 013822605 and transfer those funds from the Disaster Recovery Fund to the General Fund for personnel costs. Comptroller Janet Dudding offered explanation.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

HEALTH INSURANCE/PUBLIC APPEARANCE

Re: Ms. Dianne Moore with Fox Everett Insurance Co. discussed health insurance Renewal Plan options available to the City.

E-911 COMMISSION/POLICE DEPARTMENT/APPOINTMENTS

Re: Acting Police Chief David Allen appointed to E-911 Board

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the Mayor's appointment of Acting Police Chief David Allen to the E-911 Commission.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

HAZARD MITIGATION/HMGP/GRANTS/APPLICATION

Re: Application Certification for Financial Assistance, HMGP Grant

Alderman Stahler moved, seconded by Alderman Geoffrey to approve a Hazard Mitigation Certification Application and Authorization for financial assistance to obtain an HMGP Grant for “Waveland Local Hazard Mitigation Plan Update” to be submitted by Patrick Moore, AMEC, including the Mayor’s signature therewith. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

WATER SYSTEM EXTENSION PROJECT – ANNEXED AREA

Re: Recommendation of substantial completion by Digital Engineering

Alderman Kidd moved, seconded by Alderman Geoffrey to approve the motion to set the substantial completion date of the water mains only regarding the Water System Extension as September 30, 2011, as recommended by Digital Engineering.

After brief discussion, Alderman Kidd moved, seconded by Alderman Geoffrey to withdraw their motion and second to approve the preceding.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Note: Motion withdrawn

Re: Recommendation of substantial completion by Digital Engineering

Alderman Lafontaine moved, seconded by Alderman Kidd to **TABLE** the motion to set the substantial completion date of the water mains only regarding the Water System Extension as September 30, 2011, as recommended by Digital Engineering until a representative from Digital Engineering could be present to answer questions.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

BUDGET MODIFICATION/HARBOR, LIGHTHOUSE AND BOAT LAUNCH

Re: Budget Modification No. 2 de-obligating funds for Marina Project

Alderman Stahler moved, seconded by Alderman Lafontaine to approve Budget Modification No. 2, Grant No. R-118-379-04-HCCR de-obligating funds for the Harbor/Lighthouse/Boat launch Project. Re: **Item 9, Mayor Garcia requested that the following be added to the budget modification, "This project has been de-obligated by MDA; it was not something that the City decided not to build or pursue."** (EXHIBIT G)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CHANGE ORDERS/DOWNTOWN SIDEWALK IMPROVEMENTS PROJECT
Re: Change Order No. 1 from Sumrall's in the amount of \$25,183.65

Alderman Geoffrey moved, seconded by Alderman Kidd to approve Change Order No. 1 from Sumrall's Construction noting a decrease in contract amount by \$25,183.65 for the Downtown Sidewalk Improvements Project. (EXHIBIT H)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CHANGE ORDERS/POLICE DEPARTMENT
Re: Change Order No. 4 in the amount of \$105,600.16

City Attorney Gary Yarborough asked the Board to remove the following motion. Mr. Yarborough said that he did not feel comfortable recommending this to the Board for action while legal issues are pending. Motion so removed from the agenda.

Motion to approve Change Order No. 4 (REVISED), originally as presented by Nofie Alfonso, Architect on behalf of C. Perry Builders, in the amount of \$105,600.16 on the Waveland Police Station; also to increase the contract time by 150 days. (Tabled from 2 past meetings)

REQUESTS FOR CASH REIMBURSEMENTS/DOWNTOWN SIDEWALK IMPROVEMENTS PROJECT/CITY HALL AND CITY HALL ANNEX/CIVIC CENTER/LIBRARY/FIRE STATION/COLEMAN AVENUE/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/POLICE STATION/PEDESTRIAN PATHWAY

Re: Requests for Cash Reimbursements

Spread on the minutes the following as listed (Items a-g) (EXHIBIT I)

- a. RFC-109-379-03-KCR in the amount of \$4,231.50 – Downtown Sidewalk Improvements
- b. RFC-109-379-02-KCR in the amount of \$89,601.30 – City Hall and City Hall Annex.
- c. RFC-103-379-01-KCR in the amount of \$2,913.71 – Civic Center, Library, Fire Station, Coleman Avenue.
- d. RFC-118-379-07-HCCR in the amount of \$80,960.56 – Citywide Drainage Improvements Project.

- e. RFC-118-379-02-HCCR in the amount of \$46,743.85 – Police Station.
- f. Payment Request for Reimbursement #10 from Compton Engineering for the MS. Tidelands Trust Fund in the amount of \$21,000.00 regarding the Waveland Pedestrian Pathway/Compton Engineering 209-088-005-5.
- g. Payment Request for Reimbursement #11 from Compton Engineering for the MS Tidelands Trust Fund in the amount of \$19,900.00 regarding the Waveland Pedestrian Pathway/Compton Engineering 209-088.005-6.

CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/WATER SYSTEM EXTENSION – ANNEXED AREA/DOWNTOWN SIDEWALKS IMPROVEMENTS PROJECT/PROGRAM MANAGEMENT

Re: Payment of invoices as submitted by Digital Engineering for various projects

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the following invoices submitted for payment by Digital Engineering and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources, as submitted by Recovery Manager, Brent Anderson: as listed (items a-d): **(EXHIBIT J)**

- a. Invoice No. 702-35-20 in the amount of \$7,992.06 – Citywide Drainage Improvements Project.
- b. Invoice No. 702-34-26 in the amount of \$25,202.60 – Water System Extension - Annexed Area.
- c. Invoice No. 702-33-26 in the amount of \$4,231.50 – Downtown Sidewalk Improvements Project.
- d. Invoice No. 702-23-45 in the amount of \$1,594.00 – Program Management Services for Buildings and Facilities

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

INVOICES/POLICE STATION/ WATER SYSTEM EXTENSION – ANNEXED AREA/DOWNTOWN SIDEWALK IMPROVEMENTS PROJECT/ CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/BUSINESS INCUBATOR

Re: Payment of Invoices as submitted by various contractors

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the following invoices submitted by various contractors and vendors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources, as submitted by Recovery Manager, Brent Anderson, as listed (items a-g):

- a. Pay Request No. 3 from Nofie Alfonso in the amount of \$51,795.62 – Police Station.
- b. Pay Request No. 14 from C. Perry Builders in the amount of \$159,454.65 –Police Station. City Attorney Gary Yarborough informed Board members that approval of this invoice will only approve the \$159,454.65 amount; it will not approve any change in contract extension days. That would require a change order and approval by the Board related thereto.
- c. Pay Request No. 15 from C. Perry Builders in the amount of \$156,540.05 – Police Station.
- d. Pay Request No. 17 from Reynolds, Inc. in the amount of \$153,490.25 – Water System Extension Annexed Area.
- e. Payment Request No. 5 (Final) from Sumrall’s Construction Co., Inc. in the amount of \$15,995.33 – Downtown Sidewalk Improvements Project.
- f. Payment Request No. 8 from Jay Bearden Construction, Inc. in the amount of \$70,829.62 – Citywide Drainage Improvements Project.
- g. Pay App. No. 14 from Benchmark Construction in the amount of \$118,320.15 – Business Incubator.

During discussion, Comptroller Janet Dudding provided the Board with explanation related to the C. Perry invoices for the Police Department.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

HANCOCK COUNTY DEVELOPMENT COMMISSION/APPOINTMENTS
Re: Resignation of Ms. Chari McIntyre Rapp

Spread on the Minutes the resignation of Ms. Chari McIntyre Rapp as Vice-President and board member representing the City of Waveland with the Hancock County Development Commission.

Let the Minutes reflect that Alderman Lafontaine left the room immediately after this issue due to the fact that he works for the Hancock County Port & Harbor Commission (upcoming motion is related to this)

Re: Appointment of Mr. Charles Gallagher

Alderman Kidd moved, seconded by Alderman Geoffrey to approve Mayor Garcia's appointment, Mr. Charles Gallagher, to the Hancock County Development Commission pending approval of Governor's Office.

During discussion the Board requested that they receive a quarterly report by the appointee and that in the future they perhaps tour the facility.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Kidd

Voting Nay: None

Absent from the room: Lafontaine

Let the Minutes reflect that Alderman Lafontaine re-entered the Board room to continue with city business subsequent to the vote.

ADJOURN

Re: Adjourn meeting at 8:44p.m.

Alderman Stahler moved, seconded Alderman Kidd to adjourn the meeting at 8:44 p.m.

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 November 4, 2011.

City Clerk

The Minutes of October 19th, 2011 have been read and approved by me on this the 4th of day of November, 2011.

David A. Garcia
Mayor

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