

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 January 18, 2017 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

- Brenda McComb

**ROLL CALL:**

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson and Lafontaine along with City Attorney Rachel P. Yarborough, City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard (temporarily).

Absent from the meeting was Aldermen Piazza

**MAYOR'S COMMENTS**

**Re:** Mayor discussed his attendance at the recent Mississippi Municipal League (MML) Legislative Conference in Jackson, Mississippi. The Mayor said this conference was the best one that he had attended so far since in office; it allowed for many connections and re-connections with some important people. He said they set up a meeting with Mississippi Development Authority (MDA) to help with assisting Pearl River Community College to move into the Business Center across the Street from the City Hall and discuss funding regarding the Coleman Avenue proposed boardwalk idea.

**CITY HALL/PURCHASING**

**Re: Approve Purchase of 2017 Chevrolet Tahoe SSV 4WD Vehicle for Mayor**

Alderman Burke moved, seconded by Alderman Richardson to approve purchase of one 2017 Chevrolet Tahoe SSV (Special Service Vehicle) 4WD vehicle from Roger Dabbs Chevrolet, Brandon MS in the amount of \$35,529.35, State Contract #8200028461/Item #071-80-46250-4...Mayor's vehicle (current vehicle irreparable). Note: Not currently budgeted/use reserves. **(EXHIBIT A)**

The Mayor said this was a very difficult decision for him to make. Mrs. Yarborough said for the record under 31-7-13 Subsection (n)(1); this would be an exception from the bidding requirement due to a purchasing agreement approved by MS. Department of Finance and Administration, i.e. State Contract. She said if the Board approves, it is necessarily making that finding that it is exempt from the Public Bidding Requirement.

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM/GENERAL PERMIT/PERMITS  
/UTILITY DEPARTMENT**

**Re: 2016 Annual Report Form Small Municipal Separate Storm Sewer System General Permit**

Alderman Burke moved, seconded by Alderman Richardson to approve the 2016 Annual Report Form, Small Municipal Separate Storm Sewer System General Permit, including required signatures.  
**(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**PUBLIC WORKS DEPARTMENT/UTILITIES DEPARTMENT/WATER TOWER**

**Re: Water Tower brought down operationally for 5 year annual inspection and painting**

Public Works Director Brent Anderson notified the Board of the Hwy. 90 Water Tower being down operationally for its 5 year internal annual inspection and painting. Mr. Mickey Lagasse with Compton Engineering was also present to expand on this discussion.

**ATTORNEY'S COMMENTS**

Re: There were no comments

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke**

- Cleared all comments and questions prior to the meeting, no comments at this time.

**Re: Alderman Richardson**

- Asked Brent Anderson about rotation of line flushing and the appearance of brown water in some households.

**Re: Alderman Lafontaine**

- Discussed wishes for a long term plan to have every City street surveyed, ditches dug, culverts set; place grade pins at every intersection, every street/road that references our overall drainage plan to assist the Public Works Department with correct size culvert placements now rather than later to improve drainage.

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims in the amount of \$298,518.80 dated January 18, 2017 as submitted. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**MINUTES**

**Re: Minutes of the Regular Meetings of December 21, 2016 and January 3, 2017**

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Regular Meetings of December 21, 2016 and January 3, 2017 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Abstain: Lafontaine

Voting Nay: None

Absent: Piazza

**PROCLAMATION/STEPS COALITION**

**Re: W.K. Kellogg Foundation Proclamation presented by Steps Coalition as National day of Racial Healing**

Alderman Burke moved, seconded by Alderman Richardson to ratify a Proclamation from the W.K. Kellogg Foundation, as presented by Steps Coalition, recognizing January 17, 2017 as the National Day of Racial Healing. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**TRAVEL/PUBLIC WORKS/UTILITIES DEPARTMENT/FIRE DEPARTMENT**  
**Re: Public Works Director Brent Anderson and Fire Chief Tony Mallini to New Orleans for National Hurricane Conference and Firefighter Brandon Lafontaine to Fire Academy for Hazardous Materials Technician Training**

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

- a) Public Works Administrator Brent Anderson and Fire Chief Tony Mallini to attend the National Hurricane Conference in New Orleans, Louisiana April 17-20, 2017. Cost to the City will be a Registration for each in the amount of \$350.00 (early registration price) per diem each of 4 days, and use of a City vehicle.
- b) Firefighter Brandon Lafontaine to attend the Hazardous Materials Technician-I Course at the Mississippi State Fire Academy, February 6-16, 2017. Cost to the City will be \$80.00 per diem for evening meals only and use of a City vehicle. Firefighter's lodging, training, breakfast and lunch will be paid for by a Grant received by the Fire Academy.

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**POLICE DEPARTMENT/SOFTWARE AGREEMENT/AGREEMENTS/CONTRACTS/NTF FUND**  
**Re: Upgrade Cellebrite Software & 1<sup>st</sup> Year Licensing from UFED Cellphone Forensic Extraction Device to the 4PC**

Alderman Burke moved, seconded by Alderman Richardson to upgrade Cellebrite Software from UFED to 4PC software, along with 1<sup>st</sup> year licensing for that sole source supplier software upgrade. Costs for this is \$3,000.00 (budgeted for) for the licensing, and the upgrade to 4PC software is an additional \$3,785.00 to be paid out of the NTF Fund. Police Chief David Allen was present to discuss.

**(EXHIBIT E)**

During discussion City Attorney Yarborough said, speaking to Chief Allen, "You've submitted a letter to the Board explaining the conditions and circumstances as to why this software is a sole source for the Police Department."

Chief Allen, "Yes I did".

Ms. Yarborough, "And the Police Department acquired these devices around 5 years ago that is used for the data dump from the cellphones, in that correct."

Chief Allen, "Yes."

Ms. Yarborough, "And that device is particular and unique in that it only works with the Cellebrite software, is that correct?"

Chief Allen, "Yes."

Ms. Yarborough, "So there would be no competitor that would be able to bid and replace that software that's required to run the pre-owned devices, is that correct?"

Chief Allen, "There would not."

Ms. Yarborough added, "For the record, if the Board determines to execute the license renewal and option for the upgrade, it's necessarily finding that based on the facts and circumstances presented by the Chief and by the letter, and by the nature of the product that the software and license is exempt from the requirements of MS. Code section 31-7-13 as a sole source product and is not competitive in nature under 31-7-13(m)(8)".

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**MEMORANDUM OF UNDERSTANDING/MISSISSIPPI DEPARTMENT OF TRANSPORTATION (MDOT)/SIDEWALK STUDY –WAVELAND/CITYWIDE SIDEWALK STUDY/NICHOLSON AVENUE PEDESTRIAN IMPROVEMENTS PROJECT/STREETS  
Re: Memorandum of Understanding (MOU) with MDOT for Citywide Sidewalk Study**

Alderman Burke moved, seconded by Alderman Lafontaine to approve a Memorandum of Understanding (MOU) between the City of Waveland and Mississippi Department of Transportation (MDOT) outlining the relationship of the City and MDOT as it relates to the City of Waveland Citywide Sidewalk Study, STP-0274-00(010 ) LPA/ 107488-711000. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**Re: Memorandum of Understanding with MDOT for Nicholson Avenue Pedestrian Improvements Project**

Alderman Burke moved, seconded by Alderman Richardson to approve a Memorandum of Understanding (MOU) between the City of Waveland and Mississippi Department of Transportation (MDOT) outlining the relationship of the City and MDOT as it relates to the City of Waveland Nicholson Avenue Pedestrian Improvements Project, STP-9136-00(004)LPA/ 107516-701000. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**AMEND AGENDA/WAVELAND AVENUE SIDEWALK PROJECT**

**Re: Amend Agenda to Include Discussion re: the Waveland Avenue Sidewalk Project at this time**

Alderman Lafontaine moved, seconded by Alderman Burke to amend the agenda to add discussion regarding the Waveland Avenue Sidewalk Project.

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**Re: Discuss the Waveland Avenue Sidewalk Project at this time**

Alderman Lafontaine moved, seconded by Alderman Burke to discuss the Waveland Avenue Sidewalk Project.

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

Mr. Jason Chiniche came forward to discuss the Waveland Avenue Sidewalk Project; noting that they have requested a field review with MDOT in November 2016 (part of the PS&E package) that must be submitted. Currently they are about 40% complete with the design; they've identified all the utility conflicts, they have the sidewalks laid out, they don't see any right-of-way issues. MDOT has 10 divisions that will review the plans and he will probably have to actually meet with about 7 of these MDOT divisions. At that time they will identify if there are any right-of-way issues, mailboxes that need to be relocated... they will get a list from MDOT that Jason will turn over to the City. Jason Chiniche will walk the City through this process of actually requesting those mailboxes to be relocated. Once he receives that schedule, and he hopes to get that schedule in the next couple of weeks, he can move forward and finalize the design and get everything ready for bidding. Alderman Lafontaine asked how long before there will be groundbreaking on that project. Mr. Chiniche said even after the field review he will have to go to Hattiesburg and do an office review; they take all the field review comments and incorporate those into the plans, and then re-submit them back to MDOT. That then goes through an office review with all the divisions and then Mr. Chiniche will sit down with them in Hattiesburg and go through everything. He said that could take another two or three months to get to that point; probably with any luck, maybe sometime this summer we would be under construction. Mr. Chiniche said he thought the grant was approved for \$1,052,000. They will get an updated cost estimate once they do the office review with MDOT. He said at the kickoff meeting with MDOT, they recommended to go through the whole process, design it as if it's (sidewalks) going to be on both sides, and then bid it out and MDOT will evaluate the \$ numbers at that point. Mr. Chiniche said both MDOT and Gulf Regional are very committed to this project, they have both made the statement that they want to see this project happen; they're going to fund it as best they can so bid it out and get the numbers in, and then go back to them if we need some additional funds. Alderman Lafontaine said he does not want to see the City do a project that's going to be only one side of Waveland Avenue; if it's for the safety of the kids getting off the school bus, both sides need to be done.

#### **BUDGET MODIFICATIONS/POLICE BUILDING-STATION**

##### **Re: Budget Modification #12 – Preparation of Close-out for Police Building**

Alderman Burke moved, seconded by Alderman Lafontaine to approve Budget Modification #12 (Final) #R-118-379-02-HCCR which de-obligates \$850,773.17 from KCDBG funds and increases match funding from HMGP by \$67,604.46 and other sources by \$1,795,589.00 in preparation for close-out of this project – Police Building. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

#### **CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/CONTRACTS /AGREEMENTS**

##### **Re: Approve Extension of Contract with AMEC Foster Wheeler Environment & Infrastructure-Citywide Drainage Improvements Project**

Alderman Richardson moved, seconded by Alderman Lafontaine to approve a contract extension between the City of Waveland and AMEC Foster Wheeler Environment & Infrastructure Inc. regarding the Citywide Drainage Improvements Project until March 31, 2017, at a rate honoring the MSA Rate Schedule included in the Extension request through 2017, and authorize the Mayor's signature thereon. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT**

**Re: Invoice #N20122592 from AMEC Foster Wheeler**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve #Invoice N20122592 from AMEC Foster Wheeler in the amount of \$557.11 related to the Citywide Drainage Improvements Project. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**APPOINTMENTS/BAY-WAVELAND HOUSING AUTHORITY BOARD/COURT DEPARTMENT/REVENUES AND EXPENDITURES REPORT**

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

- a) The appointment of Tequila Hall to the Bay-Waveland Housing Authority Board. Ms. Hall will be replacing Ms. Elizabeth Register who resigned.
- b) Court Statistics Report for December 2016 as submitted by Court Clerk Rhonda Cummings. **(EXHIBIT K)**
- c) Revenues and Expenditures for the month of December 2016, at this the second meeting of January 2017. **(EXHIBIT L)**

**REQUEST FOR QUALIFICATIONS/CITYWIDE SEWER IMPROVEMENTS PROJECT**

**Re: Score (RFQ's) Request for Qualifications for Engineering, Construction Materials Testing, SRF- Citywide Sewer Improvements Project**

Alderman Burke moved, seconded by Alderman Richardson to score the RFQ's (Request for Qualifications) submitted for Engineering Services, Construction Materials Testing, SRF, related to the Citywide Sewer Improvements Project. **(EXHIBIT M)**

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**Re: Declare Three Firms Most Qualified to Perform Construction Materials Testing Services for the Citywide Sewer Improvements Project**

Alderman Burke moved, seconded by Alderman Richardson to declare the following three firms, in order of preference, the most highly qualified to perform the services for the Citywide Sewer Improvements Project, Engineering - Construction Materials Testing, SRF, based on demonstrated competence and qualifications in accordance with the advertised criteria:

- a) Firm 1 – Eustis Engineering
- b) Firm 2 – Burns, Cooley, Dennis, Inc.
- c) Firm 3 – Quality Engineering, Inc.

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**Re: Authorize Mayor Smith to Negotiate with Most Highly Qualified Firm – Eustis Engineering**

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize Mayor Mike Smith to initiate negotiations with the most highly qualified firm, Eustis Engineering, to arrive at a fair and reasonable compensation for Engineering Construction Materials Testing Services on the SRF Citywide Sewer Improvements Project. If the Mayor and most highly qualified firm are unable to negotiate a fair and reasonable contract, the Mayor may request authority from the Board of Mayor and Aldermen to formally terminate negotiations and request authority to undertake negotiations with the next most qualified firm. Any final contract compensation agreement will be approved by vote of the Board of Mayor and Aldermen.

A vote was called for with the following results:

Voting Yea: Burke Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**ADJOURN**

**Adjourn Meeting at 8:13 pm**

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 8:13 pm.

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 February 10, 2017.

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

The Minutes of January 18, 2017 have been read and approved by me on this day the 10<sup>th</sup> of February 2017.

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

