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Regular Meeting of December 19, 2018
6:30 p.m.

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in Regular session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS. on December 19, 2018 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS

There were no Public Comments

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, Lafontaine and Piazza along with Deputy City Clerk Ron Duckworth and City Attorney Rachel Yarborough.

MAYOR'S REPORT/PERSONNEL/FIRE DEPARTMENT

Re: Approve Fireman Josh Bell to move from part-time to fulltime status

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Fireman Josh Bell from part-time status to fulltime status effective December 19, 2018.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS/BONDS/SERIES
2015 BONDS**

**Re: Payment of Interest on the City of Waveland General Obligation Public
Improvements Bonds Series 2015**

Alderman Lafontaine moved, seconded by Alderman Piazza to authorize payment of Interest on the City of Waveland General Obligation Public Improvement Bonds Series 2015 in the amount of \$11,812.51 that is due on or before January 01, 2019 to Hancock Whitney Bank. (Police Building Improvements Bond) **(EXHIBIT A)**

Mrs. Yarborough said this check would be issued before the next Docket, and the motion is to grant authority to issue the check prior to the next Docket.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MAYOR'S REPORT

Re: The Mayor wished everyone a Happy and Safe New Year and welcomed the entire Board back. The Mayor said that (the recent election) says a lot of what has been done in the last 4 years. The Mayor said calls had already been made to Jackson and Washington D.C.

ATTORNEY'S COMMENTS/PARKS AND RECREATIONS

Re: Discussion related to invoices from Joey Boudin's Waste Management

Alderman Lafontaine moved, seconded by Alderman Richardson to discuss invoices from Joey Boudin's Waste Management, invoices in the amount of \$155.92, labeled

account #4065, Dated November 8, 2018 and December 4, 2018 regarding services at location of Central/Bourgeois Park. **(EXHIBIT B)**

Mrs. Yarborough said this issue had been brought to her by Purchasing Agent Mrs. (Katherine) Corr. Mrs. Yarborough said it appears that the City is being doubled billed for the trash removal of the dumpster at the City Park. Mrs. Yarborough advised that the City hold payment to allow time to review the contract, investigate and dispute the account.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Authorized City Attorney to dispute submitted Invoices

Alderman Burke moved, seconded by Alderman Richard authorize City Attorney to dispute the Boudin's Waste Management Invoices.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

BIDS/MARTIN LUTHER KING PARK COMMUNITY CENTER/COMMUNITY CENTER-MARTIN LUTHER KING PARK/PARKS AND RECREATIONS
Re: Noted MLK Park community Center bids were received prior to meeting at 6 p.m.

Mrs. Yarborough said for the record, the Board would take the under advisement the bids that were received publically at 6p.m. related to the construction of the Community Center at Martin Luther King Park.

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Discussed feasibility of using outside Janitorial Service to clean Ground Zero Museum Lighthouse Restrooms and other facilities as deemed necessary. The Mayor said the he and the Parks and Recreations Director Willie Moody had been discussing this issue, and had a cleaning person in mind to do this job for the City.

Re: Alderman Richardson

- Received a phone call regarding the sewer project issues, that have since been taken care of.
- Requested limestone at the lay-down yard at Old Spanish Trail and Nicholson.

Re: Alderman Lafontaine

- Discussed the placement and purchase of palm trees related to Keep Waveland Beautiful.

Re: Alderman Piazza

- Requested a Street renaming for Willow/Peachtree Street to make the entire Street consistent with one name.

DOCKET OF CLAIMS

Re: Claims

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Alderman Lafontaine moved, seconded by Alderman Piazza to approve the Docket of Claims in the amount of \$589,815.31 dated June 20, 2018 as submitted. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Minutes of the Regular Meeting of November 21, 2018

Alderman Lafontaine moved, seconded by Richardson to approve the Minutes of the Regular Meeting of November 21, 2018, as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Special Meeting of December 5, 2018

Alderman Piazza moved, seconded by Alderman Lafontaine to the minutes of the Special Meeting of December 5, 2018 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

BUILDING DEPARTMENT/PURCHASING

Re: Authorize David Draz to sign Purchase requests

Alderman Piazza moved, seconded by Alderman Lafontaine to authorize Building Department Office Manager David Draz to sign Purchase Requests.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PERSONNEL/POLICE DEPARTMENT

Re: Promotion of Officer Ian Larsen to Patrol Sergeant

Alderman Burke moved, seconded by Alderman Piazza to approve the promotion of Officer Ian Larsen to Patrol Sergeant effective December 3, 2018. After a successful six-month probationary period in the position, he will receive a pay raise to \$15.94.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/EDDIE FAVRE GOVERNMENTAL CONSULTANT

Re: Invoice from Eddie Favre Governmental Consultant-Gulf Shores Properties

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Invoice from Eddie Favre Governmental Consultant in the amount of \$12,562.50 in the matter of Gulf Shore Properties vs. City of Waveland. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/COURT DEPARTMENT

Re: Payment of Invoice from Gulf Guaranty Employ Benefit Services, Inc.

Alderman Burke moved, seconded by Alderman Richardson to approve payment of Invoice No.181024130130 from Gulf Guaranty Employee Benefit Services, Inc. in the amount of \$153.96 for a Dental Extraction of an inmate. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/CULVERT INSTALLATIONS

Re: Change Order No. 2 from DNA Underground for installation of culverts

Alderman Burke moved, seconded by Alderman Lafontaine to approve change Order No. 2 from DNA Underground for an increase in the contract price for additional work within the established Scope of Work in the amount of \$5,000.00 for installation of culverts +/- 140 LF and three Inlet Tees for parcels numbers 162F-1-04-077.001 and 162F-1-04-077.000/ The installation of culverts I necessary to correct increased depths of ditches due to the project. Culverts are not included in the change order amount and the additional contract amount of \$5,000.00 will not be funded by SRF. **(EXHIBIT F)**

Mrs. Yarborough requested Mr. Mickey Lagasse with Compton Engineering come forward. Mrs. Yarborough said in regards in Change Order #2, are the Scope of Work change and addition necessary? Mr. Lagasse said yes. She asked if it would better serve the purpose of the City of Waveland? Mr. Lagasse said yes. Mrs. Yarborough asked why is it necessary. Mr. Lagasse said when the original project was "done", the ditches in the area had never drained. Mr. Lagasse said as they started replacing culverts in the project area, it was noticed that there were drainage issues. Mrs. Yarborough asked if the prices submitted commercially reasonable? Mr. Lagasse said it's \$4,000.00 cheaper than the original bid price, noting the equipment had already in place. Mrs. Yarborough asked if the scope of work necessary to the original scope of the contract? Mr. Lagasse said that he felt it is. Mrs. Yarborough said if the Board so finds and accepts the proposed Change Order and amount, it is necessarily finding that the scope of work is necessary and would

better serve the purpose of the City of Waveland, that under the circumstances, the necessity of the work would not require further public bid, and the scope of work change and change order amount are prospered in a commercially reasonable manner and not made to circumvent the Public Purchasing Statues, and as such the Change Order is necessary and incidental to the original scope of the contract and commercially reasonable in nature.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/EDNA STREET/CITYWIDE SEWER PROJECT
Re: Change Order No. 3 from DNA Underground for addition of sewer line to Edna Street

Alderman Burke moved, seconded by Alderman Richardson to conditionally and contingently approve Change Order No. 3 from DNA contract for an increase in contract price regarding an expanded Scope of Work for the Herlihy Street Area Sanitary Sewer Improvements Project in the amount of \$234,410.00 in order to add 900 feet +/- of new sewer line to Edna Street. No additional contract days are requested. Original contract for the project is dated August 2, 2018. Additional contract amount of \$234,410.00 will not be funded by SRF funds. Approval and execution by the City of the Change Order and any Contract amendment or amendment to the original Scope of Work is contingent and conditioned upon any required review, approvals, permits, and /or guarantees required fo the City by the funding source or required by law and the City of Waveland's ability to timely acquire appropriate rights of entry from affected property owner's.

(EXHIBIT G)

Mrs. Yarborough asked if this was a natural extension of the project? Mr. Lagasse said yes, this allows for the removal of grinder pumps from some homes. Mrs. Yarborough asked if this was the purpose of the SRF Funds to address those issues of connectivity? Mr. Lagasse said yes, to allow for the connection (to sewerage) for as many people as possible. Mrs. Yarborough asked if the line items were commercially reasonable? Mr. Lagasse said the line items that were bid were a little bit lower price, and the Board would find that Edna Street was bid lower. Mr. Lagasse said the additional costs would include un-hooking the grinder pumps, placement of sand fill and hooking into the house. Mrs. Yarborough asked if it was a natural evolution as it related to the original contract? Mr. Lagasse said yes, and that he thought this was the original intent of the City to gradually remove all of the grinder pumps. He said this is an extra cost to the homeowner to maintain and operate the pumps. Mrs. Yarborough said if the Board determines that this is a Change Order to accept being conditional and contingent, the Board is making the necessary finding under §31-7-13 subsection g, that the modification to the original contract is necessary and would better serve the purpose of the City of Waveland, and the Board's discretion the changes pertaining to the construction are necessary under the circumstances without the necessity of any further Public bids, and that the changes are made under a reasonable matter and price and they're not made to circumvent Public Purchasing Statues. Mrs. Yarborough said the Board is also finding the Scope of Work is necessary and incidental to the original scope of the contract and the increase of cost is reasonable. Alderman Burke asked if the plans had to be approved by MDEQ. Mr. Lagasse said yes. Upon request from Alderman Burke Mr. Lagasse discussed the Engineering fees.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/EDNA STREET SEWER EXTENSION

Re: Change Order from Compton Engineering for RPR & contract Administration

Alderman Lafontaine moved, seconded by Alderman Richardson to conditionally approve Amendment No. 1 to the Standard Form of Agreement between City of Waveland and Compton Engineering for Additional Engineering Services regarding the Herlihy Street Area Sanitary Sewer Improvements to provide design, RPR and contract Administration for the Edna Street Sewer Extension, as contemplated in request and condition Change Order No, 3 from DNA Underground, in the amount of \$36,333.55. approval fo Amendment No. 1 is conditioned and contingent upon the ultimate approval and acceptance of the conditions and contingencies of DNA Underground Change Order No. 3. **(EXHIBIT H)**

Mrs. Yarborough said that this motion would be contingent upon approval of Change Order No. 3 from DNA Underground, and approval of DEQ Amendment No. 1 Standard Form.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CHARGE ORDERS/LIGHTHOUSE AND PUBLIC PAVILION PROJECT

Re: Change Order 2 from Barnard & Sons requesting additional days.

Alderman Piazza moved, seconded by Alderman Richardson to approve Change Order No. 2 from Barnard & Sons Construction, LLC, as recommended by Compton Engineering, at a net zero change in the contract price but requesting 56 additional contract days, with a changed substantial completion date of December 10, 2018 due to additional work and extraordinary weather days. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

WAVELAND AVENUE SIDEWALKS PROJECT/CONTRACTS/NOTICE OF AWARD

Re: Authorize Mayor's signature on Notice of Award Letter and MDOT Construction Contract

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the following related to the construction of the Waveland Avenue Sidewalks being listed (Items a-b):

- a) Authorization for Mayor to sign Notice of Award letter. **(EXHIBIT J)**
- b) Authorization for Mayor to sign MDOT construction contract.

(EXHIBIT K)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**LEASE AGREEMENTS/BUSINESS CENTER/INCUBATOR BUILDING/STUDIO
WAVELAND, LLC/LEGAL DEPARTMENT**

**Re: Lease Extension Agreement with Studio Waveland, LLC and request for
improvements**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve a Lease Extension Agreement between the City of Waveland and Studio Waveland, LLC., and a request to make the following improvements being listed Items (a-e): **(EXHIBIT L)**

- a) Install an electrical emon meter on the restaurant service panel.
- b) Removal of two storefront partitions, (A8 and A5 in Pod A) and replace with rollup doors.
- c) Add an access in the wall from Space A5 to A8 and install rollup door.
- d) Add an access from space A5 to A4.
- e) Add water and sewer future to Pod A.
- f) ~~Replace existing building signage to “Studio Waveland”.~~

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**Re: Motion denied to replace existing signage at Waveland Business
Center/Incubator**

Alderman Lafontaine moved, seconded by Alderman Piazza (taken from above motion) to replace existing building signage to “Studio Waveland”.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, Lafontaine & Piazza

Absent: None

INSURANCE/ROSETTI AND BETZ/CYBER INSURANCE

Re: Authorize Mayor’s signature on Cyber Insurance Documents

Alderman Lafontaine moved, seconded by Alderman Piazza to approve and authorize the Mayor’s signature on the following documents related to the purchase of Cyber Insurance being listed (Items a-d):

- a) Insurance Proposal submitted by Betz Rosetti & Associates for the purchase of Cyber Insurance. **(EXHIBIT M)**
- b) Insurance Application submitted by Betz Rosetti & Associates for the purchase of Cyber Insurance including a required endorsement of Acknowledgement of Arbitration Agreement. **(EXHIBIT N)**
- c) Quote for Cyber Insurance and Policy Declarations. **(EXHIBIT O)**
- d) Approve the Mayor’s signature and Agreement for the Purchase of Cyber Insurance. **(EXHIBIT P)**

Mrs. Yarborough said for clarification, this is a counter proposal from the City regarding the arbitration clauses. She said the City would still need a response from the carrier (Rosetti and Betz).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**INVOICES/PHASE II STORMWATER PROGRAM/MEADOW LANE
SANITARY SEWER IMPROVEMENTS PROJECT/HMGP CITYWIDE
DRAINAGE PROJECT/CITYWIDE DRAINAGE PROJECT/DRAINAGE
PROJECT**

Re: Payment of Invoices submitted by various contractors

Alderman Lafontaine moved, seconded by Alderman Piazza 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-k):

- a) Invoice 216-021-27 from Compton Engineering amount of \$2,400.00 – Phase II Storm water Program. **(EXHIBIT Q)**
- b) Payment Application #3 from DNA Underground in the amount of \$93,400.00- Meadow Lane Sanitary Sewer Improvements Project. **(EXHIBIT R)**
- c) Payment Application #3 from DNA Underground in the amount of \$53,774.07 – Herlihy Street Area Sanitary Sewer Improvements Project. **(EXHIBIT S)**
- d) Invoice N20125622 from Wood Environment & Infrastructure Solutions, Inc. in the amount of \$945.66-for professional services related to HMGP Citywide Drainage Project. **(EXHIBIT T)**
- e) Invoice M20105193 from Wood Environment & Infrastructure Solutions, Inc. in the amount of \$429.67-for professional services related to HMGP Citywide Drainage Project. **(EXHIBIT U)**
- f) Invoice N20125023 from Wood Environment & Infrastructure Solutions, Inc. in the amount of \$784.24-for professional services related to HMGP Citywide Drainage Project. **(EXHIBIT V)**
- g) Invoice N20124896 from Wood Environment & Infrastructure Solutions, Inc. in the amount of \$4,942.26-for professional services related to HMGP Citywide Drainage Project. **(EXHIBIT W)**
- h) Overpayment on Invoice N20123741 of \$3,460.45 from Wood environmental & Infrastructure to be deducted against the aforementioned invoices owed to Wood. **(EXHIBIT X)**
- i) Payment Application #4 for Final Payment and release of retainage from Lamey election, Inc., regarding the Water Works Utility portion of Project in the amount of \$4,60.08 – Highway 90 Utility Relocation Work as Recommended by Compton engineering. **(EXHIBIT Y)**
- j) Pay Application #4 from Lamey electric for Final Payment and release of retainage, in the amount of \$27,47.18 – Highway 90 Utility Relocation work as Recommended by Compton Engineering. **(EXHIBIT Z)**
- k) Pay Application #4 from Lame electric for Final Payment and release of retainage in the amount of \$2,247.55-Natural Gas Utility portion of the

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Highway 90 Utility Relocation Work as recommended by Compton Engineering. (EXHIBIT AA)

Mrs. Yarborough discussed the letters attached to the 3 invoices submitted for Final Payment and the correspondence for Mr. Corando A. Lozano.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**WATER WORKS UTILITY PROJECT/ROADWAY LIGHTING UTILITY
HIGHWAY 90 RELOCATION WORK/NATURAL GAS UTILITY HIGHWAY 90
UTILITY PROJECT**

Re: Correspondence to Mr. Corando A. Lozano related to Water Works Utility Project, Road Lighting Utility Highway 90 Utility Relocation Work, and Natural Gas Utility Highway 90 Utility Project

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the following documents related to the Highway 90 MDOT Project, Highway 90 Utility Relocation Work and Highway 90 Utility Relocation Work being listed (Items a-c):

a) Water Works Utility Project:

1. Correspondence to Mr. Corando A. Lozano requesting reimbursement for construction costs incurred with MDOT Project in the amount of **\$4,660.08. (EXHIBIT Y)**

b) Roadway Lighting Utility Highway 90 Utility Relocation Work:

1. Correspondence to Mr. Corando A. Lozano requesting reimbursement for construction costs incurred with MDOT project in the amount of **\$27,446.18. (EXHIBIT Z)**

c) Natural Gas Utility Highway 90 Utility Project:

1. Correspondence to Mr. Cornando A. Lozano request reimbursement for construction costs incurred with MDOT Project in the amount of **\$2,247.55. (EXHIBIT AA)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Lafontaine

Abstain: Piazza

Voting Nay: None

Absent: None

FIRE DEPARTMENT/PERSONNEL

Re: Termination of Michael Jackson and Leslie Doug Crosby, and Resignation of Brand Lafontaine

Alderman Piazza moved, seconded by Alderman Richardson to spread the following on the minutes:

- a) Termination of part-time Firefighters Michael (MJ) Jackson effective December 5, 2018 and Leslie Doug Crosby, effective December 5, 2018.
- b) Resignation of Brandon LaFontaine (Fire Fighter).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

EXECUTIVE SESSION

Re: Potential Litigation related to a construction contract

Alderman Burke moved, seconded by Alderman Richard to consider Executive Session to prompt a closed discussion regarding potential litigation related to a construction contract. (Vehicles damage due to construction by Gulf Coast Underground)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

- Mayor Smith announced motion failed, does not qualify for Executive Session.

ADJOURN

Re: Adjourn the meeting at 7:36 p.m.

Alderman Burke moved, seconded by Alderman Lafontaine to adjourn the meeting at 7:36 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on January 19, 2019.

Tammy Fayard
Deputy City Clerk

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The Minutes of the Regular Meeting of December 19, 2018 have been read and approved by me on this, the 19th of January 2019.

Mike Smith
Mayor

