City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Minutes Report

Sunday, January 29, 2017

2:00 PM

Council Chambers

City Council

BE IT REMEMBERED that the Special Called meeting of the Hattiesburg City Council was held at 2:00 p.m. Sunday, January 29, 2017, in Council Chambers at City Hall.

Those present included Mayor Johnny L. DuPree and members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2 (Teleconference); Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; Chief Financial Officer, Sharon Waits; City Engineer, Lamar Rutland; Director of Public Works, Larry Barnes; Director of Federal and State Programs, La'Keylah White; Director of the Water Department, Chadwick Frierson; Director of Urban Development, Pattie Brantley; City Attorney, Annie Amos; Clerk of Council, Debbie Bernardo; media; and the public.

The MEETING was called to order by Council President Carroll. He stated that the Council would discuss all items, in the manner of an agenda review meeting, before voting.

Regarding Agenda Item Number 1, Council President Carroll called for a presentation from Broaddus Associates representatives Colton Wood, Mississippi director of operations; Leo Wood, senior project manager and FEMA program specialist; Michael Dorris, FEMA program specialist; and Mayor Greg Kennedy of Smithville, also a project manager with Broaddus. Leo Wood discussed his background and experience in helping the towns of Smithville and Louisville recover from tornadoes in recent years.

Subsequent discussion related to program management and to the role Broaddus proposes as well as the role of Schaus. Leo Wood responded to questions from Council member Bradley about FEMA funds from the 2013 tornado that were promised to the City of Hattiesburg but not delivered; he said funds that have been committed should not disappear if project work sheets are filled out properly. He also responded to a question about reports that the town of Louisville will have to repay some $25 million in FEMA funds; he said that the report is not true and that the OIG findings report was critical of FEMA's process, not of Louisville.

Michael Dorris discussed his background working with FEMA; Colton Wood also addressed the Council.

Council President Carroll asked if having both Broaddus and Schaus would represent a duplication of services; Colton Wood responded in the affirmative.

Regarding Agenda Item Number 4, Mayor DuPree said 300 LED lights, brighter than the previous lighting, have been put up.

Danny Shows of Schaus, LLC, appeared before the Council regarding Agenda Item number 5; he stated that had sent an OIG report to the debris management task team and advised they share it with. He said it was a stipulation of the super circular that did not use minority-, women- owned and small business enterprises; also, he said received MDA money and did not show it.

Mayor DuPree stated that was paid twice. Mr. Shows said there were about 12 contracts that did not meet all of the super circular guidelines. Mayor DuPree said on 11 of the 12 contracts, did not reach out to DBE/women only; he said they said they did not know and were not trained. Mr. Shows discussed the complexities of the subject and said he is very comfortable with the City's bid; he said he has seen the grants are done and said it scares him and of Louisville.

Mr. Shows said his company used to seek debris monitoring and direct administration but transitioned after 2015, transforming to a consulting group to protect and to help make sure that bids and hazard mitigation grant are done properly. He said that following this disaster, seven percent of total FEMA money available to state will be to which the City can apply for safe rooms. Subsequent discussion related to existing safe rooms, which the Mayor said are located at all but one of eight fire stations and paid for by grants. Mr. Shows said that, per the he cannot write the grant and help to manage it. He stated that he competes frequently for project management and splits about 50-50 in north Mississippi.

Mr. Shows stated that it was time to update his contract, so he a new contract, instead of another addendum, too. He said he understands that all new contracts will go only through June 31 (sic); he said he had anticipated a contract of at least two years but understands the current restrictions. Mr. Shows said that there is a great deal of work and that will help finalize and hopefully score the debris removal bids. Mayor DuPree stated that he thinks needs to be for two years and that the new Council can end it if it wishes; Council member Bradley agreed. Mr. Shows thanked the Mayor.

Council member Delgado asked Mr. Shows whether Schaus has a policy with regard to hiring of DBEs and minorities for its project management company; he said the company consists of six people and sent six W-9s and 15 1099s, and said that has requested that a lot of retired people do special projects. Mr. Shows said that watching this project and knowing is the item, made it clear in the RFP that wanted respondents and that about half did so. He said "it may be one of the persuading issues, or persuading award mechanisms that we may have used." Mr. Shows offered to change the contract back to two years, as it was originally written, and return it to Mr. Rutland.

Regarding Agenda Item Number 7, Mr. Rutland stated that after discussions with MEMA, FEMA, and others that the decision was made to select the debris monitoring company and have the debris monitor assist with the debris removal contracts. He said no recommendation will be made at this time, but that a special called meeting probably will be requested early next week to award the debris removal contract. Mayor DuPree asked how many bids were received for debris removal; Mr. Rutland said, after consulting with the attorney, that there were 17.

Council President Carroll asked who selected the committee. Mr. Rutland said the committee was and at the last minute. He said it included Mr. Shows, Ms. Amos, Mr. Eaton and his personnel, some directors, the CFO, and Mr. Shows' staff as he felt appropriate. He said throughout the process, and in discussions with the mayor, people were added and removed from the committee.

Council President Carroll said that the removal of some of the committee concerns him; he said that he knew Janet Beech and Attorney Anna Rush had been on the committee and that neither was invited. Mr. Shows said that he did not feel that there would be any legal issues. Mayor DuPree asked if Ms. Rush was Mr. Shows' employee and, when Mr. Shows replied in the affirmative, stated that this was Mr. Shows' decision. Mr. Carroll said he feels that was not represented enough by attorneys with experience; in response to his question about her disaster experience, Ms. Amos replied that she had not had previous experience and said she had asked Mr. Shows to invite Ms. Rush so that there would be as much knowledge as possible. Mr. Carroll stated that worries him.

Council President Carroll asked Mr. Eaton and Mr. Rutland about their previous disaster experience; neither had any. He asked Ms. Beech for hers; she said she has experience with three disasters, Frederick, Ivan and Katrina. Council President Carroll verified that she is certified by the state as a purchasing agent and is pursuing national certification, and said this is an important person to have on the committee. He said he wants and demands good advice, and how two important people were taken off the committee.

Ms. Waits said that the city is not following city or state guidelines, but federal, and that Mr. Shows and his staff are the experts. In response to a question from the Mayor, she said this is the third disaster she has experienced; Mr. Shows said he has experienced 15; Mr. Rutland said he went through three or four and that this was an engineering RFP. Mr. Shows said that the fact that he was responsible for writing the RFP gave him the internal knowledge that if there were a problem, he would have called Ms. Rush; however, he said, went by the guidelines. Mayor DuPree asked if the RFP was sent to MEMA and FEMA to be vetted; Mr. Shows responded in the affirmative.

Council President Carroll stated that he was told the previous Sunday at the EOC meeting that had a contract with Schaus, but that as it turns out, the City did not have a contract with Schaus. He said the RFP Monday did not have a cap, but that a cap of $3 - 3.5 million was added later; Mr. Rutland and Mr. Shows said that the RFP contained a cap, but that it was not a dollar amount. Council President Carroll asked who made the decision on the amount of the cap; Mr. Rutland said the committee, in discussion with Mr. Shows and him, made the decision. Council President Carroll asked if that should not have been a Council decision.

The Mayor asked if the cap is based on the number of cubic yards. Mr. Shows responded in the affirmative and said that information, 125,000 cubic yards, was obtained yesterday from the EOC and that they compared it to the tornado of 2013. Council President Carroll said he has received comments that the cap is too low. Mr. Rutland said that the decision to put the $3 million cap in an addendum was made to create more fairness for bids; he said if the cap is exceeded, the contractor(s) must come to the Council and explain why the bid was exceeded. Council President Carroll repeated his belief that the cap is too low and that the decision should have been made by the Council, not the City Engineer or who does not have a contract with the City.

Council member Bradley said that the perception is not good. He said there were people who should have been part of, who were named to it and were taken off, and indicated that this is of concern to the Council.

Council President Carroll requested that Janet Beech and Anna Rush be added back to the committee and to any other committee involved in purchasing and procurement. Mr. Shows said that the next step will be to review removal bids; he said they will be part of it.

1. **2017-192** Consider presentation on disaster response from representatives of Broaddus.

1. Broaddus & Associates Emergency Planning and Disaster Recovery Presentation, 1-29-17

2. **2017-190** Extend state of emergency for an additional 30 days to allow for the ongoing cleanup resulting from the tornado that occurred on January 21, 2017.

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to extend the state of emergency for an additional 30 days to allow for the ongoing cleanup resulting from the tornado that occurred on January 21, 2017.

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

3. **2017-195** Authorize the Mayor to execute License Use Agreement with the Federal Emergency Management Agency (FEMA) for use of the C.E. Roy Community Center as a Disaster Recovery Center.

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Authorize the Mayor to execute License Use Agreement with the Federal Emergency Management Agency (FEMA) for use of the C.E. Roy Community Center as a Disaster Recovery Center.

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

4. **2017-194** Authorize and Approve Mayor to execute Lighting Agreement with Mississippi Power Company to install L.E.D. fixtures in the area affected by the January 21, 2017 Tornado for an additional $981.00 per month on the monthly street lighting account. (nunc pro tunc)

1. Lighting Agreement

A MOTION was made by Council Vice President Dryden and seconded by Council Member Bradley to Authorize and Approve Mayor to execute Lighting Agreement with Mississippi Power Company to install L.E.D. fixtures in the area affected by the January 21, 2017 Tornado for an additional $981.00 per month on the monthly street lighting account. (nunc pro tunc).

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

5. **2017-196** Approve and Authorize Mayor to execute agreement with Schaus, LLC for consulting services related to the January 21, 2017, Tornado.

1. Schauss, LLC Agreement

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to TABLE to Approve and Authorize Mayor to execute agreement with Schaus, LLC for consulting services related to the January 21, 2017, Tornado.

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

6. **2017-189** Acknowledge Federal and State Declarations of State of Emergency for the storms and tornadoes that occurred January 21, 2017, in Hattiesburg and elsewhere in Mississippi.

1. Governor's Proclamation, State of Emergency, 1-21-17
2. President's Approval of MS Disaster Declaration

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Acknowledge Federal and State Declarations of State of Emergency for the storms and tornadoes that occurred January 21, 2017, in Hattiesburg and elsewhere in Mississippi.

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

7. **2017-191** Acknowledge receipt of proposals received on January 28, 2017 for Debris Removal Assistance for the City of Hattiesburg and accept the proposal of__________________as per recommendation.

1. Graham County Proposal
2. L&A Contracting Proposal
3. Michael's Tree & Loading Proposal
4. Young's General Contracting Proposal
5. Ceres Environmental Proposal

6. Crowder Gulf Proposal
7. D&J Enterprises Proposal
8. DRC Emergency Proposal
9. E&M Salvage Proposal
10. Endeavor Construction Proposal
11. J. Caldarera & Co. Proposal
12. Looks Great Services Proposal
13. New Generation Homes Proposal
14. Omni Pinnacle Proposal
15. TAG Grinding Services Proposal
16. TFR Enterprises Proposal
17. Titus Mills Construction Proposal

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to TABLE to Acknowledge receipt of proposals received on January 28, 2017 for Debris Removal Assistance for the City of Hattiesburg and accept the proposal of__________________as per recommendation.

There being no discussion, the Motion to Table received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

8. **2017-193** Acknowledge receipt of proposals received January 28, 2017 for Debris Monitoring Assistance for the City of Hattiesburg and accept the proposal of ______________________ as per recommendation.

1. Neel-Schaffer RFP
2. Thompson RFP
3. J5 Waggoner RFP
4. Debris Tech RFP
5. Covington RFP
6. Caldarera RFP
7. Barnett RFP
8. USES
9. TNT RFP

There being no discussion, the Motion to Table received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Following the vote, Council President Carroll asked Larry Barnes for an update on debris removal. Mr. Barnes said has removed about 19,000 cubic yards of debris in partnership with the City of Laurel, Forrest County and Jones County. He said the joint effort cannot continue at this pace, but will continue to do what it can

Mayor DuPree said the City will make application to go on private property to help those who need help removing debris.

Mr. Shows said Mississippi allows the city to go on private property if there is a health or safety issue.

Ms. Beech provided more details on her background with regard to disasters, and on her qualifications with regard to purchasing and procurement.

Council President Carroll asked for additional business.

There was no further additional business.

A MOTION was made by Council member Bradley and seconded by Council member Dryden to adjourn the meeting at 3:07 pm., this the 29th day of January, A.D., 2017.