

**Minutes of November 1, 2022  
Mayor and Board of Aldermen**

**MUNICIPAL DOCKET  
REGULAR MEETING OF NOVEMBER 1, 2022  
THE MAYOR AND BOARD OF ALDERMEN  
THE CITY OF LONG BEACH, MISSISSIPPI  
5:00 O'CLOCK P.M. LONG BEACH CITY HALL, 201 JEFF DAVIS AVE.**

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- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL AND ESTABLISH QUORUM**
- IV. ANNOUNCEMENTS; PRESENTATIONS; PROCLAMATIONS**
  - 1. Police Department Commendation**
- V. AMENDMENTS TO THE MUNICIPAL DOCKET**
- VI. APPROVE MINUTES:**
  - 1. MAYOR AND BOARD OF ALDERMEN**
    - a. October 18, 2022 Regular**
  - 2. PLANNING AND DEVELOPMENT COMMISSION**
    - a. October 27, 2022 Regular**
- VII. APPROVE DOCKET OF CLAIMS NUMBER(S):**
  - 1. 110122**
- VIII. UNFINISHED BUSINESS**
- IX. NEW BUSINESS**
  - 1. Contract – Safe Haven Baby Boxes, Inc.**
  - 2. Signage Request – Safe Haven Baby Boxes, Inc.**
  - 3. Award – Streetscape Signage; Orocon Construction**
  - 4. Project Activation – Beatline Road @ 28<sup>th</sup> Street**
  - 5. Project Activation – Klondyke Road, Railroad Street & Jeff Davis Avenue**
  - 6. Discussion – Sidewalk Requirement; Craig Sartin**
  - 7. Appeal – 406 Klondyke Road Variance; Carl LaRosa**
  - 8. Discussion – Food Truck/Vendor; Alderman Bennett**
- X. DEPARTMENTAL BUSINESS**
  - 1. MAYOR'S OFFICE**
  - 2. PERSONNEL**
    - a. Police Dept – Education Pay (1)**
    - b. Fire Dept – Resignation (1); New Hire (1); Education Pay (2)**
    - c. Recreation – New Hire (1)**
    - d. Municipal Court – Step Increase (2)**
  - 3. CITY CLERK**
    - a. Small Purchase Credit Cards**
  - 4. FIRE DEPARTMENT**
  - 5. POLICE DEPARTMENT**
  - 6. ENGINEERING**
    - a. Contract – SE Shoreline Bulkhead; J E Borries, Inc.**
    - b. Jeff Davis Gateway Survey & Geotechnical Investigation**
    - c. Amendment – 2021 Sewer Inspection & Rehab; Overstreet & Associates**
    - d. Form LPA-100 – Pineville Road Sidewalk Phase II**
    - e. Award – 2<sup>nd</sup> Street Sidewalk Extension; Bottom 2 Top Construction**
  - 7. PUBLIC WORKS**
  - 8. RECREATION**
  - 9. BUILDING OFFICE**
  - 10. HARBOR**
  - 11. DERELICT PROPERTIES**
- XI. REPORT FROM CITY ATTORNEY**
- XII. ADJOURN (OR) RECESS**

Be it remembered that a regular meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m., Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, it being the first Tuesday in November, 2022, and the same being the time, date and place fixed by Laws of the State of Mississippi and ordinance of the City of Long Beach for holding said meeting.

There were present and in attendance on said board and at the meeting the following named persons: Mayor George L. Bass, Aldermen Donald Frazer, Bernie

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Parker, Angie Johnson, Mike Brown, Pete L. McGoey and Deputy City Clerk Kini Gonsoulin.

Absent the meeting were Aldermen Patrick Bennett, Timothy McCaffrey, Jr. and City Attorney Stephen B. Simpson, Esq.

There being a quorum present sufficient to transact the business of the City, the following proceedings were had and done.

\*\*\*\*\*

Mayor Bass recognized Police Office Jordan Cutrer and read the following Letter of Commendation:



27 October 2022

Officer Jordan Cutrer  
Long Beach Police Department  
PO Box 929  
Long Beach, MS 39560

RE: LETTER OF COMMENDATION

Officer Cutrer,

I received the attached Letter of Commendation from Sgt. Grady and wanted to take this opportunity to applaud you for your exceptional response to this medical emergency call for service on October 23, 2022.

Your quick actions and calm demeanor while performing life saving measures during a stressful situation are to be commended. Your heroic efforts lead to a successful outcome to a life-threatening incident. The skills, training and conduct used, exemplifies the characteristics of a successful officer. You exhibited all of the strengths needed to effectively accomplish the job, as well as a genuine concern for the victim.

I am proud of your actions. Thank you for the outstanding performance of duties and for going above and beyond to assist a person in need of serious medical attention. A copy of this letter, along with the letter of commendation will be placed in your personnel file as a permanent record.

Sincerely,

William A. Seal  
Chief of Police

cc: Mayor Bass  
Board of Aldermen  
Civil Service Commission  
Personnel File

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Alderman Johnson made motion seconded by Alderman Frazer and unanimously carried to approve the Regular minutes of the Mayor and Board of Aldermen dated October 18, 2022, as submitted.

\*\*\*\*\*

Alderman Johnson made motion seconded by Alderman Frazer to approve the Regular minutes of the Planning & Development Commission dated October 27, 2022, but after discussion, Alderman Frazer offered a substitute motion seconded by Alderman Brown and unanimously carried to approve the Regular minutes of the Planning & Development Commission dated October 27, 2022, as submitted, to include correction to item #4 under New Business, Certificate of resubdivision – Lot 2 and Lot 3 Willow Creek Drive on page 39 to read “Unanimously carried recommending approval of the application as submitted”.

\*\*\*\*\*

Alderman McGoey made motion seconded by Alderman Frazer and unanimously carried to approve payment of invoices listed in Docket of Claims number 110122.

\*\*\*\*\*

Alderman Brown made motion seconded by Alderman Parker and unanimously carried to table both the Contract – Safe Haven Baby Boxes, Inc. and Signage Request – Safe Haven Baby Boxes, Inc. items until the next meeting on Tuesday, November 15, 22.

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**Minutes of November 1, 2022  
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Based on the following recommendation from Landscape Architect Christian Preus, Alderman Parker made motion seconded by Alderman Brown and unanimously carried to award the Long Beach Streetscape Signage project to Orocon Construction, LLC:

**CHRISTIANPREUS**  
Landscape Architecture

Mailing:  
307 De La Mare Avenue  
Fairhope, AL 36532

1011 Desoto Street  
Ocean Springs, MS 39564

T : 855.539.5086

cpladesignplanning.com

October 25, 2022

City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**REFERENCE: LONG BEACH STREETScape SIGNAGE**

Ladies and Gentlemen:

We received two bids for the above referenced project at 10:00 A. M. on October 25, 2022. Please find attached a certified bid tab which details all bids received.

We have reviewed the bid proposals, and the low bidder is Orocon Construction, LLC, with a base bid of \$1,075,000. Including a contingency allowance and two alternates, Orocon's total bid comes to \$1,192,400. All documentation appears adequate for award, should the City of Long Beach choose to move forward with this project.

Please note that there are two property easements that need to be finalized to install two of the pylons and surrounding landscape that are a part of this project. One easement is required at the east side of the Jeff Davis Avenue, and one easement is required at the intersection of Nicholson Avenue and Hwy 90. The City Attorney is aware of these required easement locations.

If you have any questions or need additional information concerning this bid, please do not hesitate to contact my office.

Sincerely,



Christian Preus, PLA  
CPLA Principal

Attachment: Certified Bid Tab


**Minutes of November 1, 2022  
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**BID TABULATION**  
**City of Long Beach**  
**Long Beach Streetscape Signage**  
**BID NUMBER:** **October 25, 2022**  
**BID OPENING DATE:** **10:00 AM**  
**TIME:** **PROFESSIONAL:**  
**LOCATION:** **Office of the City Clerk at City Hall**  
**201 Jeff Davis Avenue, Long Beach, MS**  
**CHRISTIAN PREUS LANDSCAPE ARCHITECTURE**  
**NUMBER OF BIDS RECEIVED:** **2**  
**NUMBER OF ADDENDA:**

<b>PROPOSED BIDDERS</b>	General Contractor License Number	5% Bid Security	Ack. Addenda	BASE BID	LUMP SUM CONTINGENCY*	ALTERNATE 01 TOTAL	ALTERNATE 02 TOTAL	TOTAL BASE BID
Orocon Construction, LLC	15577-MC	yes	yes	\$1,075,000.00	\$35,000.00	\$92,400.00	\$25,000.00	\$1,192,400.00
Gulf Breeze Construction, Inc.	11070-MC	yes	yes	\$1,200,000.00	\$35,000.00	\$105,000.00	\$18,000.00	\$1,323,000.00

\* Lump Sum Contingency included in Base Bid amount

I certify that this is a correct tabulation of all bids received for this Project on the date stated above. (After having checked the Contractor's Name and General Contractor License # at the Contractor's Board and the Contractor's Name at the Secretary of State's Office.

  
 Christian Preus, PLA  
**Christian Preus Landscape Architecture, PLLC**  
 Date 10/25/2022

Minutes of November 1, 2022  
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BID TABULATION  
PROJECT NAME:  
BID OPENING DATE:  
TIME:  
LOCATION:

City of Long Beach  
Long Beach Streetscape Signage  
October 25, 2022  
10:00 AM  
Office of the City Clerk of City Hall  
201 Jeff Davis Avenue, Long Beach, MS 39560

Contractor	Mississippi Board of Contractors				Mississippi Secretary of State			Status
	Name as shown on ABOC	License Number	Expires	Specialty	Name as shown on SOS	Entity ID	Type	
Grocon Construction, LLC 325 Reynoir Street (39530) P. O. Box 1992 (39533) Biloxi, MS 228-432-5922	Same	15577-MC	7/8/2022 current	Building Construction, Construction Management, Heavy Construction, Roofing, Sheetmetal, Siding, Waterproofing	Same	891620	LLC	Good Standing
Gulf Breeze Construction, Inc. 21525 Blackwell Farm Road Saucier, MS 39574	Same	11070-MC		Hazardous Mat. Abatement & Remediation, Highway, Street & Bridge Construction, Hwy. Drainage, Municipal & Public Works Construction	Same	656785	Business Corporation	Good Standing

\* \* \* \* \*

**Minutes of November 1, 2022  
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Alderman Brown made motion seconded by Alderman Parker and unanimously carried to approve activation of the following project at Beatline Road and 28<sup>th</sup> Street, and authorize the Mayor to execute same:

**City of Long Beach**



November 1, 2022

David Seyfarth, P.E.  
District 6, LPA Coordinator  
Mississippi Department of Transportation  
16499 Highway 49  
Saucier, MS 39574-9740

Reference – Beatline Road @ 28<sup>th</sup> Street Activation Request

Dear Mr. Seyfarth,

The City of Long Beach respectfully requests the Mississippi Department of Transportation (MDOT) activate the above referenced project. This project will include intersection improvements at Beatline Road and 28<sup>th</sup> Street.

Enclosed, please find a vicinity map, a copy of the most current audit on file with the State of Mississippi Office of the State Auditor, and a copy of the LPA certificate for the LPA Project Director, Kini Gonsoulin.

The point of contact for The City of Long Beach regarding this project will be our Finance Officer/Deputy City Clerk, Kini Gonsoulin. Ms. Gonsoulin may be reached at (228) 863-1556 or [kini@cityoflongbeachms.com](mailto:kini@cityoflongbeachms.com). I will serve as the LPA Official and can be reached at (228) 863-1556 or [mayer@cityoflongbeachms.com](mailto:mayer@cityoflongbeachms.com).

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "George L. Bass". The signature is written in a cursive style.

George L. Bass  
Mayor

Enclosures

Minutes of November 1, 2022  
Mayor and Board of Aldermen

Mississippi Gulf Coast Metropolitan Planning Organization  
FY2023-2026 Transportation Improvement Program (TIP)

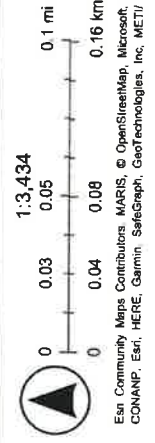
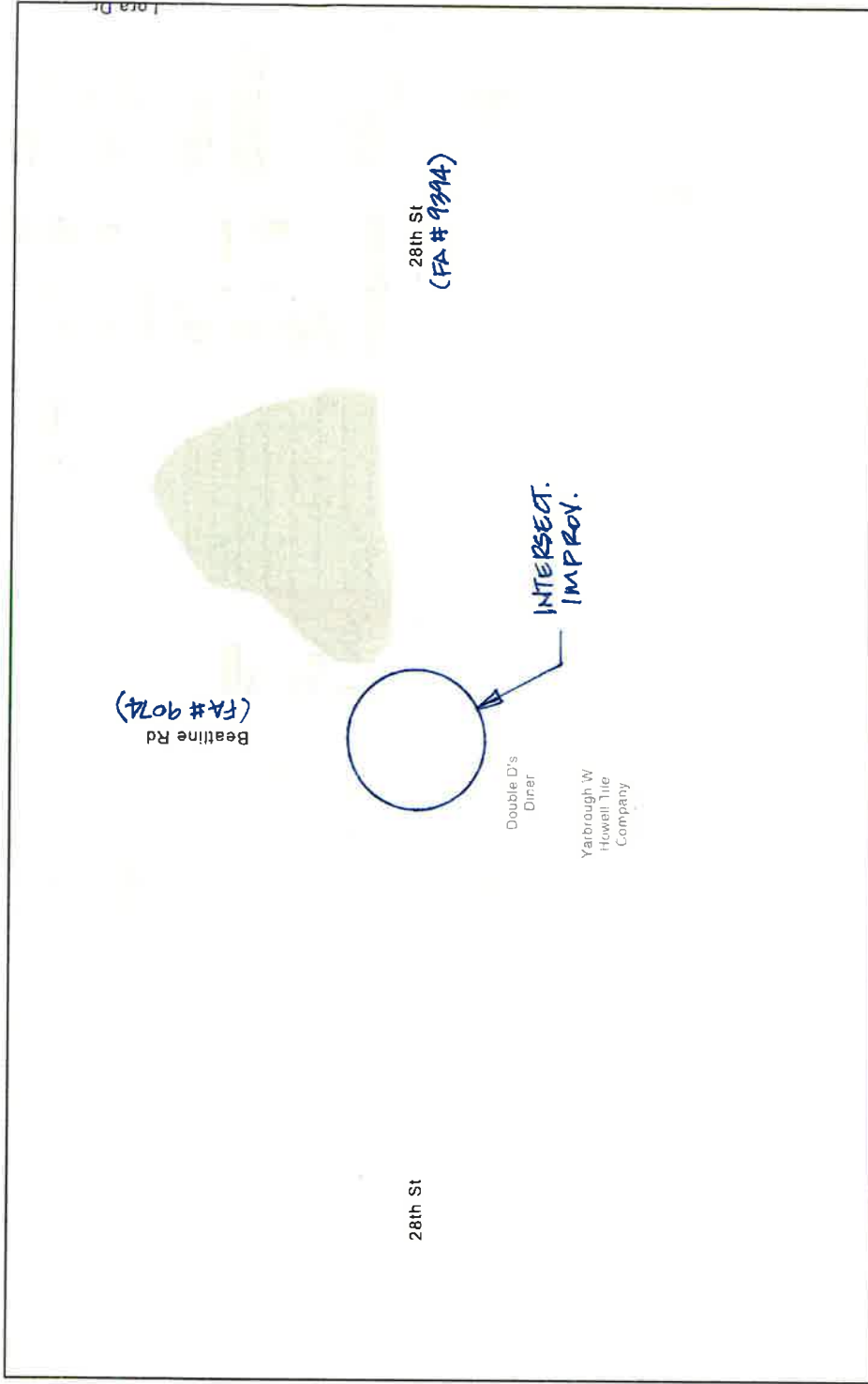


County	Harrison County	Agency	Long Beach																																				
Improvement Type	Intersection	Route	Beatline Road																																				
Project Termini	28th Street																																						
Project Description	The addition of turning lanes, striping and a flashing beacon are proposed for this intersection																																						
<b>Project Notes</b>																																							
Action	Add to TIP	Date	8/4/2022																																				
Remarks	\$287,750	Type	Amend																																				
Action		Date																																					
Remarks		Type																																					
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<b>Project Totals</b>			<b>\$287,750</b>	<b>\$75,750</b>	<b>\$363,650</b>																																		



# Minutes of November 1, 2022 Mayor and Board of Aldermen

Beatline Rd. @ 28th St.



10/28/2022

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Mayor and Board of Aldermen

THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION

*hereby recognizes*

**Kini Gonsoulin**  
**City of Long Beach**

*for completing 7 Professional Development Hours during*

*The Local Public Agency Process  
Training & Certification.*

APRIL 21, 2021  
DATE CERTIFICATE VALID  
FOR TWO YEARS FROM DATE  
OF ISSUE



*Shirley Johnson*  
SHIRLEY JOHNSON  
MS LTAP DIRECTOR

\*\*\*\*\*

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Alderman McGoey made motion seconded by Alderman Parker and unanimously carried to approve activation of the following project at Klondyke Road, Railroad Street and Jeff Davis Avenue, and authorize the Mayor to execute same:

**City of Long Beach**



November 1, 2022

David Seyfarth, P.E.  
District 6, LPA Coordinator  
Mississippi Department of Transportation  
16499 Highway 49  
Saucier, MS 39574-9740

Reference – Klondyke Road, Railroad Street, Jeff Davis Avenue Activation Request

Dear Mr. Seyfarth,

The City of Long Beach respectfully requests the Mississippi Department of Transportation (MDOT) activate the above referenced project. This project will include: signalization at Klondyke Road and Pineville Road; roundabout at Klondyke Road and W Railroad Street; and intersection improvements at W Railroad St and Jeff Davis Avenue.

Enclosed, please find a vicinity map, a copy of the most current audit on file with the State of Mississippi Office of the State Auditor, and a copy of the LPA certificate for the LPA Project Director, Kini Gonsoulin.

The point of contact for The City of Long Beach regarding this project will be our Finance Officer/Deputy City Clerk, Kini Gonsoulin. Ms. Gonsoulin may be reached at (228) 863-1556 or [kini@cityoflongbeachms.com](mailto:kini@cityoflongbeachms.com). I will serve as the LPA Official and can be reached at (228) 863-1556 or [mayor@cityoflongbeachms.com](mailto:mayor@cityoflongbeachms.com).

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in blue ink that reads "George L. Bass". The signature is written in a cursive, flowing style.

George L. Bass  
Mayor

Enclosures

Minutes of November 1, 2022  
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Mississippi Gulf Coast Metropolitan Planning Organization  
FY2023-2026 Transportation Improvement Program (TIP)



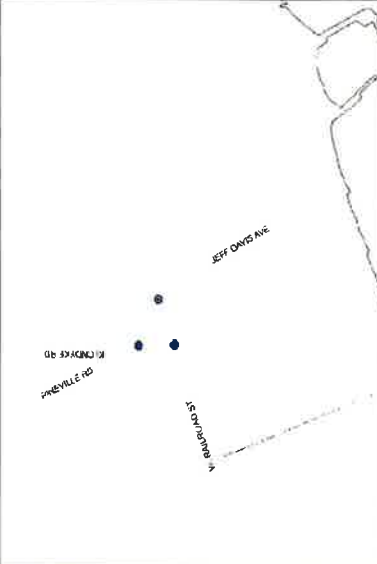
County		Harrison County		Agency		Long Beach	
Improvement Type		Intersection		Route		Downtown Intersections	
Project Termini		Klondyke Road @ Pineville Road, West Railroad Street @ Jeff Davis, West Railroad Street @ Klondyke Road					
Project Description		The addition of signalization at Klondyke Road and Pineville Roads, addition of roundabouts at Klondyke Road and West Railroad Street and West Railroad Street and Jeff Davis Avenue.					

FY	Source	Phase	Federal	Local	Total
		PE			
		ENV			
		ROW			
ILL	TMA	CON	\$542,800	\$135,700	\$678,500
<b>Project Totals</b>			<b>\$542,800</b>	<b>\$135,700</b>	<b>\$678,500</b>

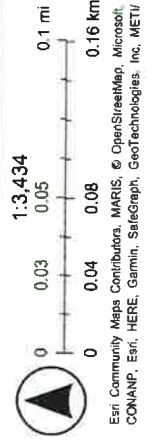
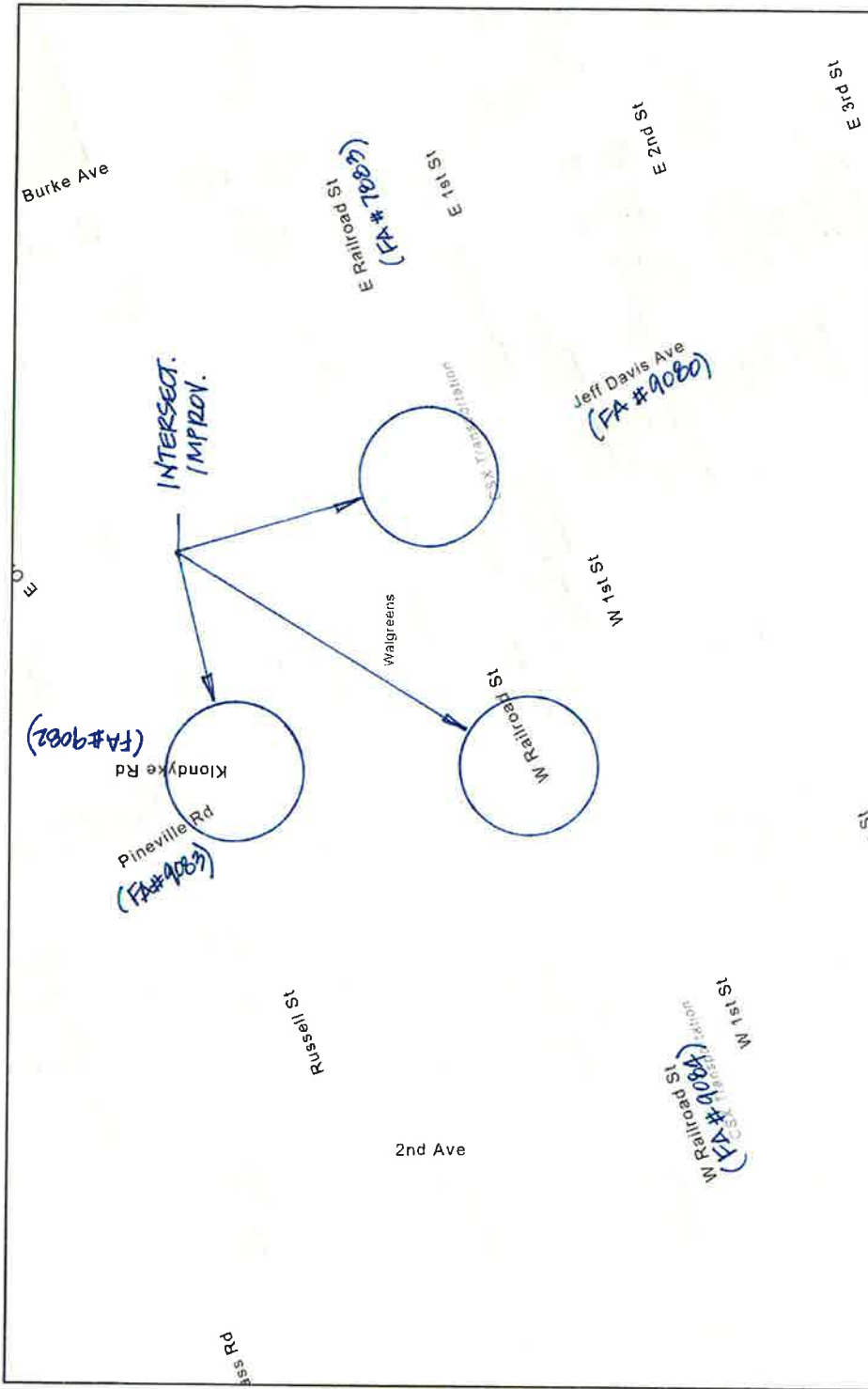
  

Project Notes			
Action	Date	Type	Amend
Remarks	8/4/2022		
Action		Type	
Remarks		Type	
Action		Type	
Remarks		Type	
Action		Type	
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Remarks		Type	



# Minutes of November 1, 2022 Mayor and Board of Aldermen

## Downtown Intersection Improvements



10/28/2022

Minutes of November 1, 2022  
Mayor and Board of Aldermen



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Mayor Bass recognized Crag Sartin of 136 Belle Terre Ct. who spoke about the sidewalk variance and in lieu of fee. No action was taken.

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Alderman Frazer made motion seconded by Alderman Brown and unanimously carried to table Appeal – 406 Klondyke Road Variance – Carl LaRosa until the next meeting on Tuesday, November 15, 2022 due to Mr. LaRosa’s absence.

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**Minutes of November 1, 2022  
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Alderman Brown made motion seconded by Alderman McGoey and unanimously carried to table Discussion Food Truck/Vendor until the next meeting on Tuesday, November 15, 2022.

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Mayor Bass made the following announcements:

- He is currently scheduling a trip to Washington DC to meet with FEMA about the rebuilding of the harbor.
- The Flagpole Dedication in the Long Beach Cemetery is scheduled for Saturday, November 5, 2022 at 10:00 am.
- The Finally Finished Dog Park Celebration is scheduled for Saturday, November 5, 2022 at 4:00 pm.
- There will be a meet and greet at the Long Beach Recreation Center for Congressional Candidate Mike Ezell on Wednesday, November 2, 2022 at 5:00 pm.
- The Long Beach Middle School Veterans Day Program will be on Tuesday, November 8, 2022 at 9:00 am in the gymnasium.

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Based on the recommendations of Department Heads and certification by the Civil Service Commission, Alderman McGoey made motion seconded by Alderman Parker and unanimously carried to approve personnel matters, as follows:

Police Department:

- Education Pay, Captain Patrick Craig, Bachelor’s Degree, effective November 1, 2022

Fire Department:

- Resignation, Firefighter Jase Neale, effective October 24, 2022
- New Hire, Firefighter Daniel Uebler, FS-9-B, effective November 1, 2022
- Education Pay, Firefighter 1<sup>st</sup> Class Devin Berden, EMT, effective November 1, 2022
- Education Pay, Driver/Operator Lionel Viera, EMT, effective November 1, 2022

Recreation:

- New Hire, Laborer Cherie Griffith, CSH-1, effective November 16, 2022

Municipal Court:

- Step Increase, Deputy Court Clerk Kyra Williams, CSA-4-I, effective September 1, 2022

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- Probation Extension 6 months, Deputy Court Clerk Mary Coludrovich, effective October 1, 2022

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There came on for discussion the following letter from Comptroller Kini Gonsoulin:

# Memo

**To:** Mayor Bass & Aldermen  
**From:** Kini Gonsoulin, Comptroller/Deputy City Clerk  
**Date:** 10/27/2022  
**Re:** Small Procurement Credit Cards

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I have been approached by Department Heads about the possibility of the City obtaining small procurement credit cards as a purchasing option. The State does allow the use of procurement cards for purchases for \$5,000 and below.

I believe this method of payment would be beneficial for cost savings, but I would still encourage each department to "Shop Local" when applicable and feasible. A credit card purchasing program and procedures would need to be adopted, but I wanted to get approval before moving forward with further research. Thank you for your consideration in this matter and don't hesitate to reach out for further discussion.

1

After further discussion, Alderman Brown made motion seconded by Alderman Frazer and unanimously carried to direct the Comptroller to continue with obtaining small purchase credit cards for the City.

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**Minutes of November 1, 2022  
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Alderman Parker made motion seconded by Alderman Brown and unanimously carried to approve the following contract with J.E. Borries, Inc. for the SE Shoreline Bulkhead project, and authorize the Mayor to execute same:

**EJCDC  
STANDARD FORM OF AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
ON THE BASIS OF A STIPULATED PRICE**

**THIS AGREEMENT** is dated as of the 1 day of November in the year 2022 by and between City of Long Beach, P.O. Box 929, Long Beach, Mississippi 39560 (hereinafter called OWNER) and J. E. Borries, Inc. (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**Article 1. WORK.**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

**LONG BEACH SMALL CRAFT HARBOR  
SE SHORELINE BULKHEAD**

The Project for which the Work under the contract Documents may be the whole or only part is generally described as follows:

Long Beach Small Craft Harbor SE Shoreline Bulkhead

**Article 2. ENGINEER.**

The Project has been designed by: Overstreet & Associates, PLLC,  
161 Lameuse Street, Suite 203  
Biloxi, MS 39532

who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

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**Article 3. CONTRACT TIMES.**

~~3.1 The Work will be substantially completed on or before \_\_\_\_\_, and completed and ready for final payment in accordance with paragraph 14.13 of the General Conditions on or before \_\_\_\_\_.~~

3.1 The Work will be fully completed within 240 days after the date when the Contract Times commence to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions within 240 days after the date when the Contract Times commence to run.

3.2 *Liquidated Damages.* OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER Five Hundred dollars (\$500.00) for each day that expires after the time specified in paragraph 3.1 for Contract Completion and readiness for final payment.

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**Article 4. CONTRACT PRICE.**

OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 4.1 and 4.2 below:

4.1 for all Work other than Unit Price Work, a Lump Sum of:

N/A

All specific cash allowances are included in the above price and have been computed in accordance with paragraphs 11.02 of the General Conditions.

plus

4.2 for all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2:

UNIT PRICE WORK

**AS PER ATTACHED BID (BASE BID ONLY)**

TOTAL OF ALL UNIT PRICES

**Two Million Five Hundred Twenty-Three Thousand Ninety-Eight Dollars and 00/100 --- \$2,523,098.00**

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classification are to be made by ENGINEER as provided in paragraph 9.07 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.C. of the General Conditions.

## Minutes of November 1, 2022 Mayor and Board of Aldermen

### Article 5. PAYMENT PROCEDURES.

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1. *Progress Payments; Retainage.* OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER, within 30 days of approval for payment by the City, as provided in paragraphs 5.1.1. and 5.1.2. below. All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Contract Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.02.B.5 of the General Conditions.

95 % of Work completed, and materials and equipment delivered and stored per paragraph 14.02 of the General Conditions (with the balance being retainage). If Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine to return 50% of the retainage held to date, and the remaining progress payments prior to Contract Completion will be in an amount equal to 97.5% of the Work completed (with balance being retainage).

5.1.2. Upon Completion of a portion of the project, in an amount sufficient to increase total payments to CONTRACTOR to 98 % of the Contract Price (with the balance being retainage), less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.02.B.5 of the General Conditions.

5.1.3 Contractors shall submit monthly certification to ENGINEER indicating payments to subcontractors on prior payment requests.

5.2. *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.07.

## Minutes of November 1, 2022 Mayor and Board of Aldermen

### Article 6. INTEREST.

All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

### Article 7. CONTRACTOR'S REPRESENTATIONS.

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

7.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in paragraph 8) and the other related data identified in the Bidding Documents including "technical data."

7.2. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the Work.

7.3. CONTRACTOR is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.

7.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph N of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions. CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work of which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.

7.5. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.

7.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

7.7. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR, and the Contract Documents are generally

## Minutes of November 1, 2022 Mayor and Board of Aldermen

sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

### Article 8. CONTRACT DOCUMENTS.

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

- 8.1. This Agreement (pages 1 to 8, inclusive).
- 8.2. Information to Bidders (pages 1 to 9, inclusive)
- 8.3. Exhibits to this Agreement. None
- 8.4. Performance, Payment, and other Bonds.
- 8.5. Notice of Award
- 8.6. Notice to Proceed.
- 8.7. General Conditions (pages 1 to 43, inclusive), with Exhibit GC-A.
- 8.8. Supplemental Conditions (pages 1 to 9, inclusive).
- 8.9. Special Conditions (pages 1 to 6, inclusive).
- 8.10. Specifications bearing the title *Technical Specifications* and consisting of the divisions as listed in the table of contents thereof.
- 8.11. Drawings consisting of a cover sheet and sheets numbered 2 through 18 inclusive with each sheet bearing the following general title:

***Long Beach Harbor  
SE Shoreline Bulkhead***

- 8.12. Addenda: Number 1 - 2
- 8.13. CONTRACTOR's Bid (pages 1 to 37, inclusive).
- 8.14. Documentation submitted by CONTRACTOR prior to Notice of Award:
- 8.15. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 8.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

**Minutes of November 1, 2022  
Mayor and Board of Aldermen**

**Article 9. MISCELLANEOUS.**

9.1. Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

9.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.3. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

9.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

# Minutes of November 1, 2022 Mayor and Board of Aldermen

### 9.5 OTHER PROVISIONS.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.


This Agreement will be effective on 11/1 2022 (which is the Effective Date of the Agreement).

OWNER

CONTRACTOR:

City of Long Beach

J. E. Borries, Inc.

By:   
George L. Bass, Mayor

By:   
Jason Borries, President



[CORPORATE SEAL]

Attest 

Attest 

Address for giving notices

Address for giving notices

201 Jeff Davis Ave.

16701 Highway 57

Long Beach, MS 39560

Vancleave, MS 39565

(If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement.)

License No. 09360-MC

Agency for service of process:

(If CONTRACTOR is a corporation, attach evidence of authority to sign.)



Minutes of November 1, 2022  
Mayor and Board of Aldermen

CORPORATE RESOLUTION OF SIGNING AUTHORITY

RESOLUTION OF: J.E. Barries, Inc.

RESOLVED that the execution of Deeds, powers of attorney, transfers, assignments, contracts, obligations, certificates, and other instruments of whatever nature entered into by the Company directly or through a transfer agent or registrar for any stock company, acting in its capacity as a corporate director or exercising any and all other powers conferred upon it by the letters Patent incorporating it or by the law pertaining to such matters, shall be signed by any one of the persons listed below:

Name	Title	Specimen Signature
Jason Barries	President	<i>Jason Barries</i>
Roxanna Barries	Secretary	<i>Roxanna Barries</i>



I, Roxanna Barries, the undersigned Secretary of J.E. Barries, Inc.  
HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution of the Board of Directors of said Company passed by a resolution of the said board dated on 12/31/22 and that said Resolution is still in full force and effect.

*Roxanna Barries*  
Secretary

\*\*\*\*\*

**Minutes of November 1, 2022  
Mayor and Board of Aldermen**

There came on for discussion the following letter from City Engineer David Ball:

161 Lameuse St., Suite 203  
Biloxi, MS 39530  
228-967-7137



630 Delmas Ave., Suite B  
Pascagoula, MS 39567  
228-967-7137


October 26, 2022

City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**RE: Jeff Davis Gateway Survey & Geotechnical Investigation  
City Engineering Services**

Ladies and Gentlemen:

We have been working on the referenced project for over two years. At the commencement of the work, we created multiple categories for the work, and limited the amounts billable for each category. Through several scope changes and bid efforts, the project has been modified and extended far from the original intention. Due to those changes, the need for some professional services has been increased, such as modifications to the specifications for bid efforts, while some professional services has been minimized, such as construction administration. At this point, our allowable budgets are nearly exceeded in some categories while funds are nearly untouched in others. We hereby request that the City waive the "per category" billing limit, and allow billing up to the total contract amount of \$39,780. Currently, we have billed and incurred expenses of approximately \$24,000 total, and we believe the remaining fees are more than sufficient to complete the work assuming limited construction administration services.

Sincerely,  
  
David Ball, P.E.

DB:539  
Attachment

After further discussion, Alderman McGoey made motion seconded by Alderman Parker and unanimously carried to waive the "per category" billing limit for the Jeff Davis Gateway Survey and Geotechnical Investigation.

\*\*\*\*\*

Minutes of November 1, 2022  
Mayor and Board of Aldermen

There came on for discussion the following letter from City Engineer David Ball:

161 Lameuse St., Suite 203  
Biloxi, MS 39530  
228-967-7137



630 Delmas Ave., Suite B  
Pascagoula, MS 39567  
228-967-7137

October 28, 2022

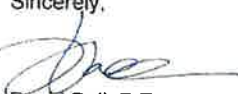
City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**RE: 2021 Sewer Inspection & Rehabilitation**

Ladies and Gentlemen:

As you may recall, there were extensive problems encountered on this job which required significant additional construction administration and inspection effort on our part due to failed & collapsed lines and due to several emergency repairs that became necessary because of the failures that occurred. The actual expenses for this additional work are currently unbillable due to our existing contract limits. We therefore request an amendment to our contract of an additional \$1215 total to allow recovery of these already-incurred expenses for this work.

We're happy to provide any further information needed to facilitate your decision in this matter.

Sincerely,  
  
David Ball, P.E.

DB:1144  
Attachments

After further discussion, Alderman Parker made motion seconded by Alderman Brown and unanimously carried to approve the amendment requested for \$1,215.00.

\*\*\*\*\*

**Minutes of November 1, 2022  
Mayor and Board of Aldermen**

Alderman Parker made motion seconded by Alderman Brown and unanimously carried to approve the following MDOT Form LPA-100 for the Pineville Road Sidewalk Phase II project, and authorize the Mayor to execute same :

161 Lameuse St., Suite 203  
Biloxi, MS 39530  
228-967-7137



630 Delmas Ave., Suite B  
Pascagoula, MS 39567  
228-967-7137

October 24, 2022

City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560


**RE: Pineville Road Road Sidewalk Phase II  
STP-9083-00(002)LPA/107918-701000**

Ladies and Gentlemen:

Enclosed herein is an updated MDOT Form LPA-100, the estimated project cost and funding worksheet required as part of MDOT's LPA Project Development Process. The LPA's estimated project costs indicated on this form are for informational purposes only. Actual funding and Special Match Credit will be determined by the MDOT LPA Division before the construction advertisement.

At a previous meeting reviewing a previous version of this document, the City requested that we work with the Gulf Regional Planning Commission (GRPC) to gain additional funding for the project, which has been completed. An additional \$80,000 has been allocated to the project by the Gulf Regional Planning Commission (GRPC). Since then, the City has entered into an agreement with Right-of-Way Technologies, Inc. for the professional services to actually purchase the land needed for this project. Our best estimates of these fees for professional services and actual land values has been updated on this latest form, which indicates a local share of approximately \$286,000 for this project.

If you find the attached form acceptable, please authorize the Mayor to sign where indicated and we will forward to MDOT for their concurrence.

Sincerely,  
  
David Ball, P.E.

DB:1045  
Enclosure

# Minutes of November 1, 2022 Mayor and Board of Aldermen

Date: 08/09/2022

## Local Public Agency Projects MDOT Form LPA-100

Project Number: 107918-701000 County: Harrison  
 External Number: STP-9083-00(002)LPA Unique Entity ID #: 02-5607524  
 Applicant: City of Long Beach Phone: (228) 863-1556  
 Project Director: Kini Gonsoulin  
 Address: P.O. Box 929  
 City: Long Beach State: MS Zip: 39560  
 Project Location: City of Long Beach - Pineville Road Sidewalk Improvements Phase II Zip: 39560-3115  
 Project Coordinates: B.O.P. Latitude: 31°35'23.9512"N B.O.P. Longitude: 87°83'15.1437"W  
 E.O.P. Latitude: 31°17'86.3879"N E.O.P. Longitude: 88°20'98.1502"W  
 Project Description: City of Long Beach - Pineville Road Side  
 Rails Diagnostic Survey: Not Required  
 MPO: Yes

### Funding Method:

Federal Reimbursement  
 Construction: 80/20%  
 P.E.: None  
 R.O.W.: None  
 Special Match Credit: Yes  
 P.E.: 100%  
 R.O.W.: 100%  
 Other: None

### Estimated Project Cost and Project Funding:

<u>Estimated Project Cost:</u>	<u>Total</u>	<u>Construction Project Funding</u>
PE and Design Costs	\$54,325.45	<u>Available LPA Federal Aid Funds</u>
Right-of-Way (ROW) Costs	\$120,000.00	State/Federal Funds Awarded
Other Costs	\$0.00	State/Federal Share
Sub-Total PE and Row Costs	\$174,325.45	Local Share
Construction Cost	\$502,000.00	Total
Construction Eng. Const. Cost 0%	\$39,000.00	
Testing Const. Cost 5%	\$25,100.00	
Contingency Const. Cost 5%	\$25,100.00	
Sub-Total Construction Cost	\$591,200.00	
<b>TOTAL PROJECT COST</b>	<b>\$765,525.45</b>	

Actual funding and special match credit will be determined by the MDOT LPA Division before the construction advertisement based upon the eligibility of project work for federal aid participation and the available LPA allocation of federal aid funds.

APPROVED BY: George Bass, Mayor

PREPARED BY: Ethan Wise, Project Engineer



(Signature of Mayor, President, Board Supervisor, Agency Head)

Funds Checked by:  
MDOT District LPA Rep:

(Signature)

Date:

\*\*\*\*\*

**Minutes of November 1, 2022  
Mayor and Board of Aldermen**

Based on the following recommendation of City Engineer David Ball, Alderman Parker made motion seconded by Alderman Brown and unanimously carried to award the 2<sup>nd</sup> Street Sidewalk Extension project to Bottom 2 Top Construction, LLC:

161 Lameuse St., Suite 203  
Biloxi, MS 39530  
228-967-7137



630 Delmas Ave., Suite B  
Pascagoula, MS 39567  
228-967-7137

October 27, 2022

City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**RE: 2<sup>nd</sup> Street Sidewalk Extension**

Ladies and Gentlemen:

We opened the referenced bids on October 25, 2022 and have attached a Certified Tabulation of the bids. As depicted thereon, we received six responsive bids for the work, with the low bid offered by Bottom 2 Top Construction, LLC at a total bid price of \$233,346.64. There was an additional bid offered, but the bidder failed to acknowledge the addendum and the bid was therefore deemed non-responsive and was not included in the bid tabulation. The low bid is less than 10% higher than our preliminary estimate of the construction cost.

The City has worked with Bottom 2 Top before with no major issues or concerns. We believe this project is well within their capabilities for satisfactory performance, and therefore, on the basis of the Bid Tabulation and the above information, we recommend award to Bottom 2 Top Construction in the amount of their bid.

Sincerely,



David Ball, P.E.

DB:1200  
Attachment

Minutes of November 1, 2022  
Mayor and Board of Aldermen

CITY OF LONG BEACH  
2ND STREET SIDEWALK EXTENSION - CERTIFIED BID TABULATION  
Bid Date: Tuesday, October 25, 2022 at 10:00 A.M.

PAY ITEM	DESCRIPTION	QUANTITY	UNIT PRICE		EXTENSION		YES	YES	YES	YES	YES	YES	
			UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION							
BIDDER													
MERRICK LEONARDO													
2110ALMC													
MORAN HOLDING, INC.													
50933-AMC													
COLONY CONSTRUCTION, LLC													
22663-AMC													
JLB CONCRETE, LLC													
2184-AMC													
DNA UNDERGROUND, LLC													
20907-AMC													
WAINWANE CONSTRUCTION SERVICES, LLC													
22934-AMC													
TOTAL BID													
										\$ 233,346.64	\$ 234,489.50	\$ 341,489.00	\$ 448,928.00



\*\*\*\*\*

Alderman Frazer made motion seconded by Alderman McGoey and unanimously carried to declare an Executive Session for the transaction of public business, to wit: To discuss lease agreement.

The question having received the affirmative voice vote of all of the Aldermen present and voting, the Mayor declared the motion carried, whereupon the Board entered into Executive Session.

\*

\*

**Minutes of November 1, 2022  
Mayor and Board of Aldermen**

The meeting resumed in Open Session, whereupon no action was required or taken.

\*\*\*\*\*

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Frazer made motion seconded by Alderman Parker and unanimously carried to adjourn until the next regular meeting in due course.

\*\*\*\*\*

APPROVED:

\_\_\_\_\_  
Alderman Donald Frazer, At-Large

\_\_\_\_\_  
Alderman Patrick Bennett, Ward 1

\_\_\_\_\_  
Alderman Bernie Parker, Ward 2

\_\_\_\_\_  
Alderman Angie Johnson, Ward 3

\_\_\_\_\_  
Alderman Timothy McCaffrey, Jr., Ward 4

\_\_\_\_\_  
Alderman Mike Brown, Ward 5

\_\_\_\_\_  
Alderman Pete L. McGoey, Ward 6

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Kini Gonsoulin, Deputy City Clerk