



Mayor Depreo	
Councilmember Maher	At-Large
Councilmember Finley	Ward 1
Councilmember Liese	Ward 2
Councilmember Cumberland	Ward 3
Councilmember Clark	Ward 4

## **MINUTES**

### **REGULAR MEETING OF THE CITY COUNCIL**

**Tuesday, August 02, 2022**

**6:00 PM CST**

**Council Chambers, City Hall**

#### **Call to Order.**

Mayor Depreo called the meeting to order at 6:00 p.m.

Invocation - Mayor Depreo

Pledge of Allegiance

#### **Roll Call**

#### **PRESENT**

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Charles Clark

#### **Confirm or Adjust Agenda Order**

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to confirm the agenda order.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

#### **MOTION CARRIED UNANIMOUSLY**

#### **Presentation Agenda.**

#### **Council Comments.**

1. The next Regular Meeting of the City Council will be held August 16, 2022 at 6:00 p.m. in Council Chambers at City Hall.
2. The FY23 Budget Public Hearing will be held August 16, 2022 at 6:00 p.m. in City Hall Council Chambers located at 5000 Diamondhead Circle.
3. A Proclamation was presented recognizing members of the Dog Park Steering Committee for their hard work and dedication to the Diamondhead Dog Park.

**City Manager's Report.**

1. Drainage Pond Dredging – The bid documents are still be reviewed by the engineering company at this time. The City has engaged in dialogue with the homeowners in the area as well as DH Water & Sewer to assure all parties are aware of the working being done.
2. Makiki Drainage – The project has begun, but due to unforeseen issues, a field order is being developed, this change will not result in a cost change to the contract.
3. East Aloha Drive Project – Weather permitting, all curbing should be poured this week. The paving subcontractor will be back on site this week or early next week to finalize all the paving. The road behind the Daiquiri shop will be reopened once the curbing is finished until the paving is started.
4. Paddle Paradise – The paddle paradise event is scheduled for September 24, 2022. The city is currently working on getting sponsors for the event. The committee is meeting next week to continue to make the necessary preparations.
5. Hanalei Place – The city engineer has provided the recommendations for this project. I will coordinate with our public works department to complete the necessary improvements to these drainage easements.

Public Comments on Agenda Items - None.

**Policy Agenda.****Minutes:**

1. Motion to approve the July 19, 2022 Regular Meeting Minutes.

Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to approve the July 19, 2022 Regular Meeting Minutes.

Voting Yea: Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

Voting Abstaining: Mayor Depreo

**MOTION CARRIED**

**Tabled Matters:**

2. **2022-231:** Motion to accept and award the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to remove from the table acceptance and awarding the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland for discussion of the acceptance and awarding the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 2 Liese to accept and award the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

Voting Yea: Mayor Depreo, Ward 2 Liese, Ward 3 Cumberland

Voting Nay: Councilmember-At-Large Maher, Ward 1 Finley, Ward 4 Clark

**MOTION FAILED**

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley to rescind prior action whereby the motion failed to accept and award the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to table acceptance and awarding of the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

3. **2022-246:** Motion to approve Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion at with no change in project cost.

Motion made by Councilmember-At-Large Maher, Seconded by Mayor Depreo to remove from the table Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion at with no change in project cost.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese for discussion of Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion at with no change in project cost.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to table Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion at with no change in project cost.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

4. **2020-261:** Motion to adopt the Final Plat-Diamondhead Lakes, Phase 1 subject to (1) the identification of drainage and utility easements on the rear lots adjacent to the golf course; (2) the identification of 5' drainage and utility easements along all side lot lines; (3) submission of letter from Cara Wagner of Pickering Firm, engineer of record, regarding construction of subdivision in accordance with approved plans; (4) submission of letter from Ben Benvenuti, City Engineer, regarding construction of subdivision in accordance with approved plans; (5) approval of final inspection of the improvements of the subdivision; (6) submission of appropriate maintenance bond or surety; (7) the construction of ditches along the street frontage for selected lots; (8) the installation of a cross culvert to carry water surface runoff to the detention pond; (9) the ditches and cross culvert shall be installed in accordance with plans to be inspected and approved by the City Engineer, all conditions must be completed to the satisfaction of the City before any building permit(s) shall be issued.

Mayor Depreo called for a motion regarding the Final Plat-Diamondhead Lakes, Phase 1.

**NO MOTION - ITEM REMAINS ON THE TABLE**

**Resolutions:**

5. **2022-267:** Motion to adopt Resolution 2022-066 thereby appointing Dr. Arlen "Ken" Griffey to serve as Diamondhead Water & Sewer District Commissioner for a term of five (5) years beginning September 28, 2022.

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to adopt Resolution 2022-066 thereby appointing Dr. Arlen "Ken" Griffey to serve as Diamondhead Water & Sewer District Commissioner for a term of five (5) years beginning September 28, 2022.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**Consent Agenda:**

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to approve Consent Agenda Items 6-11 as follows:

6. **2022-264:** Motion to approve payments to Pickering Firm for professional services in the amount of \$1,140.00 for Lily Pond Dredging Project, in the amount of \$1,177.50 for Diamondhead Dr. East Pond Dredging, in the amount of \$2,513.75 for Makiki Dr./Kui Place Culvert, in the amount of \$772.50 for Kolo Court Drainage, in the amount of \$2,675.00 for Ahuli Drainage, in the amount of \$505.00 for Kolo Ct. Ditch Improvements and in the amount of \$340. for Strategic Initiatives Project.
7. **2022-266:** Motion to approve and enter into revised Contingent Fee Contract/Attorney Fee Agreement with Healy & Jordan, PLLC relating to the opioid settlement litigation effective July 27, 2022.
8. **2022-268:** Motion to declare surplus the Hi-Way TGC-19 Tailgate Spreader (SN 124292), establish the value of \$1.00 and proceed with sale of same to Hancock County.
9. **2022-269:** Motion to approve payment in the amount of \$29,788.05 to Moran Hauling, Inc. for Diamondhead Drive East culvert replacement and asphalt patch (water line relocate).
10. **2022-270:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$1,027.00 for the Bayou Drive Kayak Launch Improvements, in the amount of \$2,295.00 for East Aloha Improvements Phase 1, and in the amount of \$1,396.50 for Noma Drive Dredging Project.
11. **2022-273:** Motion to approve payment to Covington Civil & Environmental, LLC in the amount of \$2,943.60 for Watershed A Phase II project.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**Routine Agenda.****Claims Payable**

12. Motion to approve the Docket of Claims (DKT159878 - DKT159908) in the amount of \$291,542.80.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the Docket of Claims (DKT159878 - DKT159908) in the amount of \$291,542.80.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

13. Motion to approve Payroll Payables PRCLAIM000123 in the amount of \$1,882.64, PRCLAIM000124 in the amount of \$30,224.23, PRCLAIM000125 in the amount of \$34,535.30, PRCLAIM000126 in the amount of \$2,160.07, PRCLAIM000127 in the amount of \$28,768.79, PRCLAIM000128 in the amount of \$29,307.50, PRCLAIM000129 in the amount of \$31,441.34, PRCLAIM000130 in the amount of \$2,531.97, PRCLAIM000131 in the amount

of \$27,275.61, APPKT01744 in the amount of \$67,092.25, APPKT07152 in the amount of \$52,848.17 and APPKT01734 in the amount of \$53,887.71.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to approve Payroll Payables PRCLAIM000123 in the amount of \$1,882.64, PRCLAIM000124 in the amount of \$30,224.23, PRCLAIM000125 in the amount of \$34,535.30, PRCLAIM000126 in the amount of \$2,160.07, PRCLAIM000127 in the amount of \$28,768.79, PRCLAIM000128 in the amount of \$29,307.50, PRCLAIM000129 in the amount of \$31,441.34, PRCLAIM000130 in the amount of \$2,531.97, PRCLAIM000131 in the amount of \$27,275.61, APPKT01744 in the amount of \$67,092.25, APPKT07152 in the amount of \$52,848.17 and APPKT01734 in the amount of \$53,887.71.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

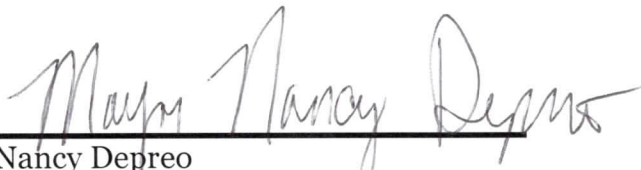
**Public Comments on Non-Agenda Items - None.**

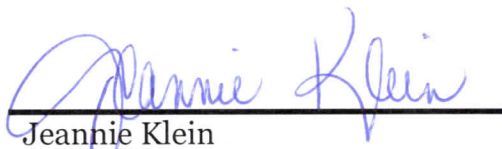
**Adjourn/Recess.**

At 6:52 p.m. and with no further business to come before the Council, motion made by Ward 1 Finley, Seconded by Ward 2 Liese to adjourn.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

  
Nancy Depreo  
Mayor

  
Jeannie Klein  
City Clerk

