

BE IT REMEMBERED that a Regular Meeting of the City Council of Jackson, Mississippi, was convened at City Hall at 10:00 a.m. on February 5, 2019, being the first Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Melvin Priester, Jr., President, Ward 2; Virgi Lindsay, Vice President, Ward 7; Ashby Foote, Ward 1; Kenneth Stokes, Ward 3; De'Keither Stamps, Ward 4; Charles Tillman, Ward 5 and Aaron Banks, Ward 6. Directors: Chokwe Antar Lumumba, Mayor; Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Allice Lattimore, Deputy City Clerk and Timothy Howard, City Attorney.

Absent: None.

The meeting was called to order by **President Melvin Priester, Jr.**

The invocation was offered by **Pastor Dr. Jessie Kelly** of St. Paul Church of God in Christ.

President Priester requested that Agenda Items No. 31, 32, 33 and 34 be moved forward on the Agenda. Hearing no objections, the following were presented:

President Priester recognized **Mayor Chokwe Antar Lumumba** who introduced **Elle Denman**, Director of Business Development with the Muscular Dystrophy Association, who presented the **SILVER AXE AWARD TO THE JACKSON FIRE DEPARTMENT AND THE FILL THE BOOT CITIZEN AWARD TO THE CITY OF JACKSON**. Accepting the Awards with appropriate remarks was **Mayor Chokwe Antar Lumumba**.

President Priester recognized **Council Member Foote** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING DR. HAROLD CAVER, AN OUTSTANDING CITIZEN AND PROMINENT LEADER WITHIN THE COMMUNITY**. Accepting the Resolution with appropriate remarks was **Dr. Harold Caver**.

President Priester recognized **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING THE FARISH STREET COMMUNITY OF SHALOM FOR UNRELENTING STRIDES TO RESTORE AND HEAL COMMUNITY**. Accepting the Resolution with appropriate remarks was **Dorothy Davis**.

President Priester recognized **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND MR. PRIMUS WHEELER, A CHAMPION COMMUNITY PIONEER AND ADVOCATE**. Accepting the Resolution with appropriate remarks was **Mr. Primus Wheeler**.

The following individuals provided public comments during the meeting:

- **Leroy Walker**, Managing Partner of Retro Metro LLC, requested that the Council vote in favor to approve Agenda Item No. 25 regarding a contribution to the Hinds Community College Workforce Development programming.

- **Nicole Litton** expressed concerns regarding the death of her dog and the leadership within the City's Animal Control department.
- **Meghan Broue** expressed concerns regarding the death of her dog and the City's Animal Control department.

ORDER ACCEPTING THE TERM BID OF CONSOLIDATED PIPE & SUPPLY FOR A SUPPLY OF FIRE HYDRANTS (BID NO. 34060-091013).

WHEREAS, the City received sealed term bids for fire hydrants on November 13, 2018; and

WHEREAS, the Maintenance Supply Division will use the fire hydrants to maintain and improve City facilities to provide fire protection to citizens and other water customers; and

WHEREAS, Consolidated Pipe & Supply submitted a bid meeting the specifications for the following items in the following amounts:

1.	3 Ft. Hydrants	Mueller A423	\$1,344.00
2.	4 Ft. Hydrants	Mueller A423	\$1,433.00
3.	5 Ft. Hydrants	Mueller A423	\$1,499.00
4.	6 Ft. Hydrants	Mueller A423	\$1,566.00; and

WHEREAS, the staff at Maintenance Supply, a Division of the Department of Public Works, has reviewed the term bids received and recommends that the governing authorities deem the bid submitted by Consolidated Pipe & Supply, 5285 Greenway Drive, Jackson, MS 39204 to be the lowest and best bid received.

IT IS, THEREFORE, ORDERED that the term bid of Consolidated Pipe & Supply, for a supply of fire hydrants for a term beginning upon City Council approval through October 31, 2020, be accepted as the lowest and best bid received for each of the following specified fire hydrants.

IT IS FURTHER ORDERED that payment for said fire hydrants be made from the Water/Sewer Fund.

Council Member Banks moved adoption; **Council Member Stokes** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stokes and Tillman.

Nays- None.

Absent- Stamps.

ORDER AUTHORIZING THE ACCEPTANCE OF MONETARY DONATIONS TO THE CITY OF JACKSON FIRE DEPARTMENT.

WHEREAS, on January 20, 2010, the Mississippi Attorney General issued an opinion to Marc Boutwell, the City Attorney for the Town of Goodman; and

WHEREAS, in the opinion, the Mississippi Attorney General stated that municipal governing authorities may accept donations of funds for specifically designated purposes; and

WHEREAS, the Mississippi Attorney General stated that funds donated must be placed in the municipal treasury and may only be used for proper municipal purposes; and

WHEREAS, the City of Jackson Fire Department has received \$500.00 in monetary donations from various sources; and

WHEREAS, the \$500.00 was contributed to support Fire Safety Education and the Kids Academy; and

WHEREAS, Section 21-25-3 of the Mississippi Code empowers the governing authorities of municipalities to provide for the prevention of fires; and

WHEREAS, the Fire Safety Education and Kids Academy is a fire prevention tool and is within the City of Jackson’s authority to use and constitutes a proper municipal purpose.

IT IS, HEREBY, ORDERED that the monetary donation amount of \$500.00 be accepted.

IT IS FURTHERED ORDERED that the funds accepted shall be deposited into the municipal treasury and shall be expended for the proper municipal purpose identified in this order.

Council Member Banks moved adoption; **Council Member Stokes** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stokes and Tillman.

Nays- None.

Absent- Stamps.

There came on for Introduction Agenda Item No. 5:

ORDINANCE CLOSING AND VACATING A PORTION OF WOODROW WILSON AVENUE IN FAVOR OF THE ABUTTING LANDOWNER. Said item would be placed on the February 19, 2019 agenda as an Adoption of Ordinance.

ORDER APPROVING CLAIMS NUMBER 3434 TO 3864 APPEARING AT PAGES 522 TO 586 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$18,623,136.75 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 3434 to 3864 appearing at pages 522 to 586, inclusive thereon, in the Municipal “Docket of Claims”, in the aggregate amount of \$18,623,136.75 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

IT IS FURTHER ORDERED that there is appropriated from the various funds the sums necessary to be transferred to other funds for the purpose of paying the claims as follows:

FROM:	TO ACCOUNTS PAYABLE FUND
1% INFRASTRUCTURE TAX	2,126,624.76
2007 TAX INR LO BONDS	255,951.50
2010 GO REFUNDING/RESTRUCTURIN	3,761,043.50
2012 WATER/SEWER REFUNDING B&I	1,431,250.00
2016 WATER/SEWER REFUNDING B&I	267,100.00
2018 TIF BOND \$1.7M – WESTIN	192,520.83
CONVEN REFUNDING, SERIES 2013A	2,947,468.75
EARLY CHILDHOOD (DAYCARE)	1,710.83
EMERGENCY SHELTER GRANT (ESG)	11,000.00
EMPLOYEES GROUP INSURANCE FUND	222,338.73
FIRE PROTECTION	337,745.90
G O PUBLI IMP 2003 B & I (\$20M)	149,362.50
GENERAL FUND	1,824,420.33
H O P W A GRANT – DEPT. OF HUD	49,702.18
HOME PROGRAM FUND	7,653.44
HOUSING COMM DEV ACT (CDBG) FD	10,436.21
LANDFILL/SANITATION FUND	407,963.22
LIBRARY FUND	9,453.50

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, FEBRUARY 5, 2019 10:00 A.M.**

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MADISON SEWAGE DISP OP & MAINT	2,665.25
MEMA-DOMESTIC PREPARDNSS EQUIP	27,950.00
P E G ACCESS- PROGRAMMING FUND	1,597.39
PARKS & RECR FUND	148,623.28
POLICE PROP EVIDENCE CASH FUND	301.00
RESURFACING-REPAIR & REPL. FD	228,817.08
STATE TORT CLAIMS FUND	7,890.75
TECHNOLOGY FUND	223,604.37
TIGER GRANT	429,689.04
TITLE III AGING PROGRAMS	1,715.00
TRANSPORTATION FUND	9,350.25
WATER/SEWER OP & MAINT FUND	2,462,012.59
WATER/SEWER REVENUE FUND	200,605.58
WATR SEWR REFD B&I 2011 \$50,663	864,568.99
TOTAL	<u>\$18,623,136.75</u>

President Priester moved adoption; **Vice President Lindsay** seconded.

Yeas- Foote, Lindsay and Priester.
Nays- Banks and Stokes.
Abstention- Tillman.
Absent- Stamps.

Note: Said item failed for a lack of a majority vote.

Council Member Stokes left the meeting.

President Priester recognized **Council Member Tillman** who moved, seconded by **Vice President Lindsay** to reconsider Agenda Item No. 6 (Claims). The motion prevailed by the following vote:

Yeas- Foote, Lindsay, Priester and Tillman.
Nays- Banks.
Absent- Stamps and Stokes.

Thereafter, **President Priester** requested that the Clerk read the Order:

ORDER APPROVING CLAIMS NUMBER 3434 TO 3864 APPEARING AT PAGES 522 TO 586 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$18,623,136.75 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 3434 to 3864 appearing at pages 522 to 586, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$18,623,136.75 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

IT IS FURTHER ORDERED that there is appropriated from the various funds the sums necessary to be transferred to other funds for the purpose of paying the claims as follows:

FROM:	TO ACCOUNTS PAYABLE FUND
1% INFRASTRUCTURE TAX	2,126,624.76
2007 TAX INR LO BONDS	255,951.50

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2010 GO REFUNDING/RESTRUCTURIN	3,761,043.50
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2016 WATER/SEWER REFUNDING B&I	267,100.00
2018 TIF BOND \$1.7M – WESTIN	192,520.83
CONVEN REFUNDING, SERIES 2013A	2,947,468.75
EARLY CHILDHOOD (DAYCARE)	1,710.83
EMERGENCY SHELTER GRANT (ESG)	11,000.00
EMPLOYEES GROUP INSURANCE FUND	222,338.73
FIRE PROTECTION	337,745.90
G O PUBLI IMP 2003 B & I (\$20M)	149,362.50
GENERAL FUND	1,824,420.33
H O P W A GRANT – DEPT. OF HUD	49,702.18
HOME PROGRAM FUND	7,653.44
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LANDFILL/SANITATION FUND	407,963.22
LIBRARY FUND	9,453.50
MADISON SEWAGE DISP OP & MAINT	2,665.25
MEMA-DOMESTIC PREPARDNSS EQUIP	27,950.00
P E G ACCESS- PROGRAMMING FUND	1,597.39
PARKS & RECR FUND	148,623.28
POLICE PROP EVIDENCE CASH FUND	301.00
RESURFACING-REPAIR & REPL. FD	228,817.08
STATE TORT CLAIMS FUND	7,890.75
TECHNOLOGY FUND	223,604.37
TIGER GRANT	429,689.04
TITLE III AGING PROGRAMS	1,715.00
TRANSPORTATION FUND	9,350.25
WATER/SEWER OP & MAINT FUND	2,462,012.59
WATER/SEWER REVENUE FUND	200,605.58
WATR SEWR REFD B&I 2011 \$50,663	864,568.99
TOTAL	<u>\$18,623,136.75</u>

Council Member Tillman moved adoption; **President Priester** seconded.

Yeas- Foote, Lindsay, Priester and Tillman.

Nays- Banks.

Absent- Stamps and Stokes.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 3434 TO 3864 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 3434 to 3864 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$267,427.23 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

IT IS FINALLY ORDERED that the following expenditures from the accounts payable fund be made in order to pay amounts transferred thereto from the payroll fund for payment of the payroll deduction claims authorized herein for payment:

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		1,908,295.34

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TUESDAY, FEBRUARY 5, 2019 10:00 A.M.**

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PARKS & RECR FUND		68,985.99
LANDFILL FUND		13,233.48
SENIOR AIDES		2,500.49
WATER/SEWER OPER & MAINT		212,784.66
PAYROLL FUND		591.00
PAYROLL	267,427.23	
EARLY CHILDHOOD		29,877.33
HOUSING COMM DEV		8,843.12
TITLE III AGING PROGRAMS		4,248.21
TRANSPORTATION FUND		12,398.97
T-WARNER PA/GA FUND		4,786.83
TOTAL		<u>\$2,266,545.42</u>

Council Member Tillman moved adoption; **President Priester** seconded.

Yeas- Banks, Foote, Lindsay, Priester and Tillman.
Nays- None.
Absent- Stamps and Stokes.

There came on for consideration Agenda Item No. 8:

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH STYLING YOUR LIFE SOLUTIONS, LLC TO PROVIDE AN ASSESSMENT OF THE COJ'S WORKPLACE ENVIRONMENTS, AND CONDUCT TRAINING TO ENHANCE LEADERSHIP AND MANAGEMENT SKILLS OF MID- AND UPPER-LEVEL MANAGERS. Said item was pulled by **Mayor Chokwe Antar Lumumba**.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENTS TO AGREEMENTS WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR THE INSTALLATION OF LTE TECHNOLOGY TO CERTAIN ANTENNA SITES.

WHEREAS, the City of Jackson has twenty-two (22) antenna site license agreements with New Cingular Wireless; and

WHEREAS, New Cingular Wireless has indicated that it would like to add LTE technology to the following antenna sites:

1. Fire Station 3
2. Cooper Road
3. Fire Station 22
4. Fire Station 23
5. Martin & Hines
6. JSU Water Tank

WHEREAS, installing the equipment at the above-referenced sites will result in an increase of New Cingular Wireless' rental payments as follows:

- | | | |
|----|-----------------|----------|
| 1. | Fire Station 3 | \$825.00 |
| 2. | Cooper Road | \$291.00 |
| 3. | Fire Station 22 | \$706.00 |
| 4. | Fire Station 23 | \$518.00 |
| 5. | Martin & Hines | \$565.00 |
| 6. | JSU Water Tank | \$180.00 |

WHEREAS, the LTE Technology is designed to improve bandwidth available for receiving and transmitting data services.

IT IS HEREBY ORDERED that the Mayor be authorized to execute amendments with New Cingular Wireless, PCS, LLC, a Delaware Limited Liability Company, for the installation of LTE Technology to the above-referenced sites.

Council Member Banks moved adoption; **Council Member Tillman** seconded.

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

Council Member Stokes returned to the meeting.

ORDER ACCEPTING BID OF CDW FOR NETWORK EQUIPMENT FOR THE 100GB INTERNET (BID NO.92037-112018).

WHEREAS, bids were solicited for network equipment for the 100GB internet equipment; and

WHEREAS, on November 20, 2018, two bids for network equipment were received; and

WHEREAS, Venture Technologies submitted a NO BID; and

WHEREAS, CDW Corporation submitted a bid of \$460,731.79 which is the only bid that complies with the specifications; and

WHEREAS, the Information Systems Division of the Administration Department recommends that the City accept the bid of CDW Corporation in the amount of \$460,731.79 as the lowest and best bid.

IT IS, THEREFORE, ORDERED that the bid of CDW Corporation in the amount \$460,731.79 be accepted as the lowest and best bid and that the Mayor is authorized to execute all documents necessary to complete this transaction, including, but not limited to the execution of any maintenance agreements.

Council Member Banks moved adoption; **Vice President Lindsay** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stokes and Tillman.

Nays- None.

Absent- Stamps.

Council Member Stamps arrived to the meeting.

ORDER AUTHORIZING THE SUBMISSION OF A PROPOSAL AND APPLICATION TO THE W.K. KELLOGG FOUNDATION AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE APPLICATION.

WHEREAS, Mayor Chokwe Lumumba has established the following goals: (1) connect underemployed and under-skilled workforce to meaningful employment; (2) create a bridge for low to mid-skilled workers to transition into high-skilled employment; (3) build a pathway for the retention of high- skilled college educated workers; and (4) increase the number of occupational opportunities through intentional employer engagement and economic growth in the sectors of technology, education, creativity, and health care; and

WHEREAS, it is a goal to create 5% growth in occupational opportunities and connect Jacksonians with 8,500 jobs by the year 2022; and

WHEREAS, it is believed that the W. K. Kellogg Foundation will award funds to the City of Jackson which will enable it to develop a proposal, which is entitled "*Economic Pathways to Human Dignity: Building Occupational Opportunities and Economic Growth Through a Framework of Equity and Inclusion*"; and

WHEREAS, a proposal will be submitted to the W.K. Kellogg Foundation which describes the City's plan for increasing employment, economic development, municipal and regional competitiveness, job creation and employer engagement, which will permit citizens of the City of Jackson to access tools necessary for becoming self-sufficient.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to submit an application for funding to the W.K. Kellogg Foundation, which will be utilized to develop and support the Economic Pathways to Human Dignity Proposal.

IT IS HEREBY ORDERED that the Mayor may also execute documents required for the receipt of any monies awarded provided no matching funds are required.

Council Member Banks moved adoption; **Council Member Tillman** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF JACKSON, MISSISSIPPI, AND THE TRI-COUNTY MOUNTAIN BIKE ASSOCIATION (TCMBA) TO PROVIDE SUSTAINABLE TRAIL PLANNING, DESIGN, REHABILITATION, AND CONSTRUCTION OF MOUNTIAN BIKE TRAILS AND RELATED FACILITIES AT BUDDY BUTTS PARK LOCATED AT 6180 NORTH MCRAVEN ROAD.

WHEREAS, the City of Jackson has a public park and facility known as Buddy Butts Park;
and

WHEREAS, Buddy Butts Park has trails which may be improved for cycling activities; and

WHEREAS, the Tri-County Mountain Bike Association (TCMBA) is a non-profit entity organized and existing under the laws of the State of Mississippi; and

WHEREAS, TCMBA has an interest in improving the trails at Buddy Butts Park and is willing to provide volunteers and assist the City of Jackson with improving the trails for cycling activities; and

WHEREAS, ownership, control, and management of Buddy Butts Parks and its trail will not be transferred to TCMBA; and

WHEREAS, no monies will be paid to TCMBA for its assistance and services; and

WHEREAS, it is in the best interest of the City of Jackson to enter into an MOU with TCMBA concerning the volunteer assistance relationship; and

WHEREAS, the MOU will not obligate the City of Jackson to budget or allocate funding for improvements; and

WHEREAS, improvements constructed will be open for public use without restrictions;
and

WHEREAS, no third party beneficiary relationship shall be created by the City and TCMBA's relationship.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a Memorandum of Understanding between the City of Jackson, Mississippi and the Tri-County Mountain Bike Association (TCMBA) to benefit Buddy Butts Park in the City of Jackson, Mississippi.

Council Member Stokes moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

ORDER RESCINDING THE JANUARY 22, 2019 ORDER ACCEPTING THE BASE BID AND ADD ALTERNATE #1 OF DICKERSON & BOWEN, INC. FOR CONSTRUCTION OF THE NORTHSIDE DRIVE RESURFACING PROJECT, FEDERAL AID PROJECT NUMBER STP-6929-00(008) LPA/107547, CITY PROJECT NUMBER 17B4002, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY SUBJECT TO THE CONCURRENCE OF THE MISSISSIPPI TRANSPORTATION COMMISSION.

WHEREAS, at its January 22, 2016 meeting, the City Council of the City of Jackson accepted the bid of Dickerson & Bowen, Inc. in the amount of \$2,452,445.99 as the lowest and best bid for construction of the Northside Drive Resurfacing Project, Federal Aid Project Number STP-6929-00(008) LPA/107547, City Project Number 17B4002; and

WHEREAS, after the City Council's acceptance of the bid, the Office of the City Attorney was made aware that after the bid opening, the City obtained approval from the Special Sales Tax Commission to use additional Special Sales Tax Funds for the project, which was necessary because the lowest bid exceeded the funds allocated for the project, \$1,887,575.00, by \$564,870.99, which is more than 10% over the funds allocated; and

WHEREAS, the recently decided case of *Hemphill Constr. Co. v. City of Clarksdale*, 250 So. 2d 1258 (2018) holds that governing authorities are without the authority to award a contract to a bidder whose bid exceeds by more than 10% the funds allocated for the project at the time the project is bid; and

WHEREAS, based on the holding of *Hemphill Const. Co. v. City of Clarksdale*, it appears that City was without the necessary authority to award the construction contract to any of the bidders as all of the bids exceeded by more than 10% the funds allocated for the project at the time the project was bid; and

WHEREAS, since the City Council lacked the authority to award the contract to any of the bidders, the January 22, 2019 Order accepting the bid of Dickerson & Bowen, Inc. should be rescinded, all bids rejected, and the project rebid.

IT IS, THEREFORE, ORDERED that the **ORDER ACCEPTING THE BASE BID AND ADD ALTERNATE #1 OF DICKERSON & BOWEN, INC. FOR CONSTRUCTION OF THE NORTHSIDE DRIVE RESURFACING PROJECT, FEDERAL AID PROJECT NUMBER STP-6929-00(008)LPA/107547, CITY PROJECT NUMBER 17B4002, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY SUBJECT TO THE CONCURRENCE OF THE MISSISSIPPI TRANSPORTATION COMMISSION** is hereby rescinded and that the bids received for the Northside Drive Resurfacing Project, Federal Aid Project Number STP-6929-00(008)LPA/107547, City Project Number 17B4002 are rejected.

IT IS FURTHER ORDERED that the Mayor is authorized to execute all documents necessary to carry out the object of this order to rescind the January 22, 2019 of the City Council and reject the bids received for the Project.

Council Member Banks moved adoption; **President Priester** seconded.

President Priester requested that the motion be withdrawn to allow time for further clarification on said item and item would be moved to the end of the Agenda. Hearing no objections, **Council Member Banks** withdrew his motion and **President Priester** withdrew his second.

Council Members Stokes and Tillman left the meeting.

ORDER TERMINATING THE CONTRACT OF HEMPHILL CONSTRUCTION COMPANY, INC., FOR THE PARHAM BRIDGES PARK ENTRANCE IMPROVEMENTS PROJECT, PROJECT NUMBER 3B8001.

WHEREAS, the contract for the Parham Bridges Park Entrance Improvements Project, Project Number 3B8001 was awarded to Hemphill Construction Company, Inc. on September 26, 2017; and

WHEREAS, the abandoned Police Precinct 4 substation building located at 4940 Old Canton Road was to be removed under separate contract; and

WHEREAS, delays caused in the building and slab removal greatly prohibited the City from issuing a Notice to Proceed to the contractor; and

WHEREAS, the contractor has indicated that the material price have increased significantly; and

WHEREAS, a proposed Change Order to the contract to account for the increased material price would represent an approximate 15% increase over the original contract amount; and

WHEREAS, the Department of Public Works requests that this contract be terminated to allow for re-advertising of the work.

IT IS, THEREFORE, ORDERED that the contract with Hemphill Construction Company, Inc., in the total amount of \$98,483.00 for Parham Bridges Park Entrance Improvements Project, Project Number 3B8001 be terminated.

Council Member Banks moved adoption; **Vice President Lindsay** seconded.

Yeas- Banks, Foote, Lindsay, Priester and Stamps.

Nays- None.

Absent- Stokes and Tillman.

Council Members Stokes and Tillman returned to the meeting.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH VECTOR DISEASE CONTROL INTERNATIONAL FOR MOSQUITO ABATEMENT SERVICES.

WHEREAS, the City of Jackson provides mosquito abatement services for the health, safety and welfare of the citizens of the City of Jackson and its visitors; and

WHEREAS, the Department of Public Works recommends that mosquito abatement services begin April 1, 2019 through October 31, 2019; and

WHEREAS, the Department of Public Works recommends Vector Disease Control International to conduct mosquito abatement services for the entire City at a total cost not to exceed \$235,753.00.

IT IS FURTHER ORDERED that the Mayor is authorized to execute any other necessary documents with Vector Disease Control International, 842 Foley Street, Jackson, MS 39201 for mosquito abatement services beginning April 1, 2019 through October 31, 2019, for the entire City at a total cost not to exceed \$235,753.00.

Vice President Lindsay moved adoption; **Council Member Banks** seconded.

President Priester recognized **Robert Miller**, Director of Public Works, who addressed questions posed to him by Council.

After a lengthy discussion, **Vice President Lindsay** and **Council Member Banks** withdrew their motion and second. Said item would be held for the next Regular Council meeting to be held on February 19, 2019 at 6:00 p.m.

ORDER RATIFYING A CONTRACT WITH DELTA CONSTRUCTORS, INC., FOR THE RIDGEWOOD ROAD & LENOX DRIVE EMERGENCY SEWER REPAIR, CITY PROJECT NO. 18B0509.101.

WHEREAS, the Department of Public Works discovered a collapsed sewer main on Ridgewood Road near Lenox Drive causing raw sewer to discharge into local drainage inlets; and

WHEREAS, the Mayor declared an emergency, under Section 31-7-13(k) of the Mississippi Code of 1972, as amended, to repair the collapsed sewer main to maintain compliance with the Clean Water Act; and

WHEREAS, the City of Jackson solicited quotes from three contractors: Hemphill Construction Company, Inc., Delta Constructors, Inc., and Utility Constructors, Inc., to repair the sewer main; and

WHEREAS, the City of Jackson accepted the lowest and best quote from Delta Constructors, Inc., in amount of \$399,300.00; and

WHEREAS, the Department of Public Works held a final field inspection and recommends acceptance of the project; and

WHEREAS, the original quote amount was for \$399,300.00, and the decreased amount due to decreases in materials for the sewer main repair is \$5,912.00 with a total contract amount of \$393,388.00; and

WHEREAS, the Department of Public Works recommends final payment in the amount of \$393,388.00 to Delta Constructors, Inc.; and

WHEREAS, the bonding company The Ohio Casualty Insurance Company, Attorney-in-fact, surety on performance of the said contract, has authorized release and payment of all money due under said contract.

IT IS, THEREFORE, ORDERED that the contract with Delta Constructors, Inc., for emergency repair work in the amount of \$393,388.00 is ratified.

IT IS FURTHER ORDERED that the City make final payment in the amount of \$393,388.00 to Delta Constructors, Inc., and release all securities held to Delta Constructors, Inc., for all the work completed and materials furnished under this contract and that the City Clerk publish the Notice of Completion of the Ridgewood Road & Lenox Drive Emergency Sewer Repair, City Project No. 18B0509.101.

Council Member Banks moved adoption; **Council Member Tillman** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

ORDER AMENDING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH CORNERSTONE ENGINEERING, LLC, FOR THE OB CURTIS WATER TREATMENT PLANT SODA ASH SILO AND FEED SYSTEM REHABILITATION PROJECT, CITY PROJECT NUMBER 17B0102.

WHEREAS, the Department of Public Works executed a Professional Engineering service agreement with Cornerstone Engineering, LLC, for the construction of the OB Curtis Water Treatment Plant Soda Ash Silo and Feed System Rehabilitation Project; and

WHEREAS, the Department of Health is requesting an amendment to the executed professional service agreement dated on June 20, 2018; and

WHEREAS, the Mississippi State Department of Health requires certain clauses in the contracts that allow the City of Jackson to get reimbursed for all professional engineering services through the SRF loan program administered by their Department; and

WHEREAS, the Department of Public Works recommends the Amendment No. 1A be approved to allow the City of Jackson to get reimbursed for expenditures relating to the original executed contract.

IT IS, THEREFORE, ORDERED that the Mayor execute Amendment No. 1A to the professional engineering service agreement with Cornerstone Engineering, LLC.

Council Member Banks moved adoption; **Council Member Stokes** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH INNOVATIVE PERFORMANCE CONSTRUCTION TO PROVIDE CONSTRUCTION SERVICES FOR ROOF REMOVAL AND REPLACEMENT FOR JACKSON POLICE DEPARTMENT PRECINCT NO. 3 BUILDING.

WHEREAS, competitive bids for roof removal and replacement for the Jackson Police Department Precinct No. 3 Building were received on December 4, 2018; and

WHEREAS, a total of three bids were properly received, tabulated and reviewed; and

WHEREAS, Innovative Performance Construction submitted the lowest bid; and

WHEREAS, the Public Works Department recommends that the governing authorities deem the bid of Innovative Performance Construction, in the amount of \$186,666.00, to be the lowest and best bid.

IT IS, THEREFORE, ORDERED that the bid of Innovative Performance Construction to provide construction services for roof removal and replacement for Jackson Police Department Precinct No. 3 Building, City of Jackson Project No. 18B7000.0203, in an amount not to exceed \$186,666.00, is accepted as the lowest and best bid.

IT IS FURTHER ORDERED that the Mayor is authorized to execute a contract with Innovative Performance Construction for construction services for roof removal and replacement for Jackson Police Department Precinct No. 3 Building, City of Jackson Project No. 18B7000.0203, in an amount not to exceed \$186,666.00.

Council Member Banks moved adoption; **Vice President Lindsay** seconded.

Yeas- Banks, Foote, Lindsay, Priester and Tillman.
Nays- Stamps and Stokes.
Absent- None.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MANDAL'S, INC., TO PROVIDE CONSTRUCTION SERVICES FOR ROOF REMOVAL AND REPLACEMENT FOR JACKSON FIRE DEPARTMENT STATION NO. 5.

WHEREAS, competitive bids for roof removal and replacement for the Jackson Fire Department Station No. 5 were received on December 4, 2018; and

WHEREAS, a total of five bids were properly received, tabulated and reviewed; and

WHEREAS, Mandal's, Inc., submitted the lowest bid; and

WHEREAS, the Public Works Department recommends that the governing authorities deem the bid of Mandal's, Inc., in the amount of \$129,238.00, to be the lowest and best bid.

IT IS, THEREFORE, ORDERED that the bid of Mandal's, Inc., to provide construction services for roof removal and replacement for Jackson Fire Department Station No. 5, City of Jackson Project No. 18B7000.0705, in an amount not to exceed \$129,238.00, is accepted as the lowest and best bid.

IT IS FURTHER ORDERED that the Mayor is authorized to execute a contract with Mandal's Inc., for construction services for roof removal and replacement for Jackson Fire Department Station No. 5, City of Jackson Project No. 18B7000.0705, in an amount not to exceed \$129,238.00.

Council Member Stokes moved adoption; **Council Member Stamps** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.
Nays- None.
Absent- None.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE HINDS COUNTY BOARD OF SUPERVISORS FOR PUBLIC INFRASTRUCTURE PROJECT 2019-06.

WHEREAS, the Hinds County Board of Supervisors intends to resurface the following streets and any associated bridges within the corporate limits of the City of Jackson, Mississippi:

1. Woodlake Drive, at an amount not to exceed \$60,000.00
2. Myrtlewood Drive, at an amount not to exceed \$30,964.00
3. Combs Street, from Belvedere to Myrtlewood, at an amount not to exceed \$4,307.60
4. Leavell Wood Drive – from Leavell Woods Street to Terry Road, at an amount not to exceed \$50,667.00
5. East Woodcrest Drive – off of Woody Drive, at an amount not to exceed \$15,402.00
6. Primos Avenue – from Robinson to Oakmont, at an amount not to exceed \$15,139.00
7. Gunda Street – Repair in Parts, at an amount not to exceed \$19,627.00
8. Brookview Drive, at an amount not to exceed \$18,700.00
9. Windward Court, at an amount not to exceed \$10,500.00
10. Jamestown Court, at an amount not to exceed \$10,500.00
11. Idlebrook Drive, at an amount not to exceed \$21,550.00
12. Officer Catchings Drive (South Drive) from O'Ferrell Avenue to Dixon Road, at an amount not to exceed \$131,350.00
13. Ellis Avenue, from Robinson Road North to Capitol Street, at an amount not to exceed \$400,000.00; and

WHEREAS, in accordance with the Interlocal Cooperation Act of 1974, Section 17-13-1, et seq. of the Mississippi Code of 1972, as amended, it is necessary to enter into an Interlocal Agreement with the Hinds County Board of Supervisors to authorize the Hinds County Board of Supervisors to complete the proposed work of resurfacing project.

IT IS, THEREFORE, ORDERED that an Interlocal Agreement with the Hinds County Board of Supervisors for Public Infrastructure Project 2019-06 is authorized.

Council Member Stokes moved adoption; **Council Member Tillman** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE HINDS COUNTY BOARD OF SUPERVISORS FOR PUBLIC INFRASTRUCTURE PROJECT 2019-07.

WHEREAS, the Hinds County Board of Supervisors intends to repair and resurface the following streets and any associated bridges within the corporate limits of the City of Jackson, Mississippi:

1. Northwest Hills Town Creek Stabilization Project, at an amount not to exceed \$250,000.00
2. Western Hills Subdivision, at an amount not to exceed \$200,000.00
3. Chadwick Drive, from Robinson Road West to Highway 18, at an amount not to exceed \$175,000.00; and

WHEREAS, the installation of culverts to prevent further erosion and flooding the public right-of-ways will promote the public health, safety and welfare of the citizens of Jackson, Hinds County, Mississippi; and

WHEREAS, in accordance with the Interlocal Cooperation Act of 1974, Section 17-13-1, et seq. of the Mississippi Code of 1972, as amended, it is necessary to enter into an Interlocal Agreement with the Hinds County Board of Supervisors to authorize the Hinds County Board of Supervisors to complete the proposed work of resurfacing project.

IT IS, THEREFORE, ORDERED that an Interlocal Agreement with the Hinds County Board of Supervisors for Public Infrastructure Project 2019-07 is authorized.

Council Member Stamps moved adoption; **Council Member Stokes** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

RESOLUTION SUPPORTING THE SUBMISSION OF AN APPLICATION TO THE MISSISSIPPI DEPARTMENT OF REVENUE DESIGNATING 380 SOUTH LAMAR STREET JACKSON, MISSISSIPPI, AS A QUALIFIED RESORT AREA.

WHEREAS, the City of Jackson owns real property located at 380 South Lamar Street and has been leasing same to an organization commonly referred to as the Mississippi Museum of Art; and

WHEREAS, the mission of the Mississippi Museum of Art is to engage Mississippians with visual art; and

WHEREAS, the Mississippi Museum of Art has exhibits and attractions which attracts tourists, transients, and others in addition to Mississippians; and

WHEREAS, 380 South Lamar Street is not located within two miles of a monastery or convent which would prohibit its designation as a qualified resort area absent waiver; and

WHEREAS, the Mississippi Museum of Art previously possessed an on premise retail permit, which enabled it to sell alcoholic beverages in conjunction with its sell of food at an onsite café; and

WHEREAS, the Mississippi Museum of Art ceased selling food and entered into a contractual relationship with La Brioche Café and other vendors in the food service industry to serve lunch and cater events; and

WHEREAS, the Mississippi Museum of Art's on premise retail permit expired on July 10, 2018, and

WHEREAS, the Mississippi Museum of Art no longer qualifies for an on premise retail permit and is unable to sell alcoholic beverages to its visitors and patrons because it does not derive twenty-five percent (25%) of its revenue from food sales; and

WHEREAS, revenue derived from alcoholic beverage sales enabled the Mississippi Museum of Art to host events and sponsor exhibits to the public without assessment of cost; and

WHEREAS, Section 67-1-5(o) of the Mississippi Code defines "qualified resort area" as any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists, and other transients because of its historical, scenic, recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists, and other transients in substantial numbers; and

WHEREAS, 380 South Lamar Street meets the definition of qualified resort area but has not been approved by the Department of Revenue as a resort area; and

WHEREAS, the Mississippi Museum of Art indicated that the Mississippi Symphony Orchestra, Greater Jackson Arts Council, and also the Mississippi Symphony Orchestra support the designation of 380 South Lamar as a qualified resort area; and

WHEREAS, supporting the submission of an application to the Mississippi Department of Revenue designating 380 South Lamar Street as a resort area serves the best interest of the City of Jackson and promotes tourism.

NOW BE IT RESOLVED by the Jackson City Council, that an application be submitted to the Mississippi Department of Revenue, which designates 380 South Lamar Street in Jackson, Mississippi as a resort designation.

Vice President Lindsay moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
IMPLEMENTING A TEMPORARY MORATORIUM ON THE
ESTABLISHMENT, EXPANSION, OR LOCATION OF CONVENIENCE STORES
WITHIN THE CITY OF JACKSON PENDING THE REVIEW AND
ESTABLISHMENT OF AN ORDINANCE AND REGULATIONS APPLICABLE
TO SUCH BUSINESSES.**

WHEREAS, the public health, safety and welfare of the citizens of the City of Jackson shall be considered by this Order; and

WHEREAS, the City of Jackson has experienced many problems regulating and prescribing proper business practices for convenience stores; and

WHEREAS, members of the public have reported occurrences such as threatening, menacing, or disturbing interactions toward patrons, shootings, killings, and other undesirable behavior at some convenience stores, as well as illegal sales of banned substances; and

WHEREAS, it is in the best interest of the citizens of the City of Jackson that an Ordinance be established and regulations be promulgated that provide for the public safety and lawful operations at convenience stores to remedy said occurrences at such businesses operating in the City of Jackson; and

WHEREAS, that the temporary moratorium shall be in effect for six (6) months or until said moratorium shall be extended by Order of the Jackson City Council.

THEREFORE, BE IT HEREBY ORDAINED that the City Council of Jackson, Mississippi hereby implements a temporary moratorium on the establishment, expansion, or location of convenience stores within the City of Jackson pending the review and establishment of an Ordinance and regulations applicable to such businesses.

Council Member Stokes moved adoption; **Council Member Tillman** seconded.

Yeas- Banks, Lindsay, Stamps, Stokes and Tillman.

Nays- Foote and Priester.

Absent- None.

ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI OFFERING A REWARD IN THE AMOUNT OF \$5,000.00 FOR INFORMATION LEADING TO ARREST AND CONVICTION OF PERSON(S) RESPONSIBLE IN THE DEATH OF MR. GEORGE ROBINSON.

WHEREAS, the public health, safety and welfare of the citizens of the City of Jackson shall be considered by this Order; and

WHEREAS, it is in the best interest of the citizens of the City of Jackson that the City Council offer a reward to help provide information leading to the arrest and conviction of the person(s) responsible in the death of Mr. George Robinson; and

WHEREAS, the award amount of up to Five Thousand Dollars (\$5,000.00) is appropriate in this instance.

THEREFORE, BE IT HEREBY ORDERED that the City Council of Jackson, Mississippi hereby offers a reward in the amount of \$5,000.00 for information leading to the arrest and conviction of the person(s) responsible for the death of Mr. George Robinson.

Council Member Stokes moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI TO PROVIDE A CONTRIBUTION IN THE AMOUNT OF \$218,000.00 FROM THE GRAND GULF EMERGENCY PLANNING IMPROVEMENT FUND (FUND 365) TO RETRO METRO LLC AND HINDS COMMUNITY COLLEGE TO FURTHER THE EXPANSION OF ITS WORKFORCE DEVELOPMENT PROGRAMMING.

WHEREAS, the City of Jackson is concerned about the educational and economic development that comes as a result of workforce development efforts; and

WHEREAS, the City of Jackson desires to see the completion and implementation of the workforce development program between Hinds Community College and Retro Metro LLC; and

WHEREAS, the Jackson City Council realizes that Public Law 100-707 allows the provision of economic development, educational development through the appropriation of Title I Disaster Relief and Emergency Assistance Amendments; and

WHEREAS, the Jackson City Council supports by resolution and action the partnership of Retro Metro LLC and Hinds Community College for the implementation of workforce development programming located at the Metro Center Mall.

IT IS, THEREFORE, ORDERED by the City Council of Jackson, Mississippi to provide a contribution of \$218,000.00 from The Grand Gulf Emergency Planning Improvement Fund (Fund 365) to Retro Metro LLC and Hinds Community College to ensure the further expansion of its workforce development programming.

Council Member Banks moved adoption; **Council Member Stokes** seconded.

President Priester recognized **Council Member Banks** who moved, seconded by **Council Member Stokes** to amend said order to insert “in support of” in the heading; “educational, unemployment assistance and district planning” within the fourth paragraph and remove Retro Metro LLC in the last paragraph. The motion prevailed by the following vote:

Yeas- Banks, Foote, Lindsay, Priester, Stamps and Stokes.

Nays- None.

Abstention- Tillman.

Absent- None.

ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI TO PROVIDE A CONTRIBUTION IN THE AMOUNT OF \$218,000.00 FROM THE GRAND GULF EMERGENCY PLANNING IMPROVEMENT FUND (FUND 365) IN SUPPORT OF RETRO METRO LLC AND HINDS COMMUNITY COLLEGE TO FURTHER THE EXPANSION OF ITS WORKFORCE DEVELOPMENT PROGRAMMING.

WHEREAS, the City of Jackson is concerned about the educational and economic development that comes as a result of workforce development efforts; and

WHEREAS, the City of Jackson desires to see the completion and implementation of the workforce development program between Hinds Community College and Retro Metro LLC; and

WHEREAS, the Jackson City Council realizes that Public Law 100-707 allows the provision of economic development, educational development through the appropriation of Title I Disaster Relief and Emergency Assistance Amendments; and

WHEREAS, the Jackson City Council supports by resolution and action the partnership of Retro Metro LLC and Hinds Community College for the implementation of workforce development, educational, unemployment assistance and district planning, programming located at the Metro Center Mall.

IT IS, THEREFORE, ORDERED by the City Council of Jackson, Mississippi to provide a contribution of \$218,000.00 from The Grand Gulf Emergency Planning Improvement Fund (Fund 365) to Retro Metro LLC and Hinds Community College to ensure the further expansion of its workforce development programming.

President Priester recognized **Timothy Howard**, City Attorney, who expressed concerns regarding the express authority granting the proposed donation and requested that said item be held to allow for further research.

After a thorough discussion, **Council Members Banks** and **Stokes** withdrew their motion and second.

President Priester stated that said item would be held pending a Special Council meeting.

Council Member Stamps left the meeting.

President Priester recognized **Mayor Chokwe Antar Lumumba** who requested that Council consider adding an item to the agenda regarding Visit Jackson on an emergency basis.

Council Member Stokes moved, seconded by **Vice President Lindsay** to add a resolution regarding the Jackson Convention and Visitors Bureau to the agenda. The motion prevailed by the following vote:

Yeas- Banks, Foote, Lindsay, Priester, Stokes and Tillman.
Nays- None.
Absent- Stamps.

Thereafter, **President Priester** requested that the Clerk read said item:

RESOLUTION DECLARING THE INTENT OF THE CITY OF JACKSON, MISSISSIPPI TO EXTEND TO JULY 1, 2023, THE JACKSON CONVENTION & VISITORS BUREAU AND THE ONE PERCENT (1%) LEVY OF A TOURIST AND CONVENTION TAX ON RESTAURANTS, HOTELS, AND MOTELS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE JACKSON CONVENTION AND VISITORS BUREAU; AND THE INTENT TO INCREASE BY AN ADDITIONAL ONE PERCENT (1%) THE LEVY OF A TOURIST AND CONVENTION TAX ON HOTELS AND MOTELS FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR THE JACKSON CONVENTION AND VISITORS BUREAU.

WHEREAS, an act to amend Chapter 909, Local and Private Laws of 1999, as amended by Chapter 941, Local and Private Laws of 2004, as amended by Chapter 958, Local and Private Laws of 2008, as amended by Chapter 954, Local and Private Laws of 2011, as amended by Chapter 937, Local and Private Laws of 2015, was last amended by Chapter 954, Local and Private Laws of 2018, to extend until July 1, 2019, the repeal date on the provisions of law that create the Jackson Convention and Visitors Bureau and provide the authority to impose a one percent (1%) tax on the gross proceeds of sales of restaurants, hotels and motels for the purpose of providing funds for the bureau; and

WHEREAS, the provisions of law that create the Jackson Convention and Visitors Bureau and impose a tax on the gross proceeds of sales of restaurants, hotels and motels for the purpose of providing funds for the bureau is set to repeal on July 1, 2019; and

WHEREAS, the Council of the City of Jackson, Mississippi, wishes to extend the provisions of law that create the Jackson Convention and Visitors Bureau and provide the authority to impose a one percent (1%) tax on the gross proceeds of sales of restaurants, hotels and motels for the purpose of providing funds for the bureau; and

WHEREAS, the Council of the City of Jackson, Mississippi, wishes to have the authority to increase the tax on the gross proceeds of sales of hotels and motels by one percent (1%) for the purpose of providing additional funds for the bureau.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:

That we hereby adopt this Resolution to declare the wish of the Council of the City of Jackson, Mississippi, to amend Chapter 909, Local and Private Laws of 1999, last amended by Chapter 954 Local and Private Laws of 2018, to extend to July 1, 2023, the repeal date on the provisions of law that create the Jackson Convention and Visitors Bureau and provide the authority to impose a tax

on the gross proceeds of sales of restaurants, hotels and motels for the purpose of providing funds for the bureau.

BE IT FURTHER RESOLVED:

That we hereby adopt this Resolution to declare the wish of the Council of the City of Jackson, Mississippi to amend Chapter 954 Local and Private Laws of 2018 to allow that an additional Tourist and Convention Tax in the amount of one percent (1%) be levied and collected on the gross proceeds of sales of hotels and motels in the City of Jackson, Mississippi.

This Resolution shall be in force and in effect from and after its passage.

Council Member Stokes moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stokes and Tillman.

Nays- None.

Absent- Stamps.

Council Member Stokes left the meeting.

There came on for Discussion Agenda Item No. 26:

DISCUSSION: ANIMAL CONTROL: President Priester moved said item to the end of the Agenda.

DISCUSSION: RAINEY ROAD, POTHOLE AND SHOULDER MAINTENANCE: President Priester recognized **Council Member Banks** who expressed concerns regarding the deplorable conditions of Rainey Road from McClure to Lakeshore Rd. **Council Member Banks** also requested that Forest Hill Road receive necessary shoulder road maintenance.

There came on for Discussion Agenda Item No. 28:

DISCUSSION: ADEQUATE PAY FOR ESSENTIAL AND NON-ESSENTIAL PERSONNEL WITHIN THE POLICE AND FIRE DEPARTMENTS: President Priester recognized **Council Member Banks** who stated that said item would be held until the February 19, 2019 Regular Council meeting.

President Priester requested that Clerk read Agenda Item No. 13:

ORDER RESCINDING THE JANUARY 22, 2019 ORDER ACCEPTING THE BASE BID AND ADD ALTERNATE #1 OF DICKERSON & BOWEN, INC. FOR CONSTRUCTION OF THE NORTHSIDE DRIVE RESURFACING PROJECT, FEDERAL AID PROJECT NUMBER STP-6929-00(008) LPA/107547, CITY PROJECT NUMBER 17B4002, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY SUBJECT TO THE CONCURRENCE OF THE MISSISSIPPI TRANSPORTATION COMMISSION.

WHEREAS, at its January 22, 2016 meeting, the City Council of the City of Jackson accepted the bid of Dickerson & Bowen, Inc. in the amount of \$2,452,445.99 as the lowest and best bid for construction of the Northside Drive Resurfacing Project, Federal Aid Project Number STP-6929-00(008) LPA/107547, City Project Number 17B4002; and

WHEREAS, after the City Council's acceptance of the bid, the Office of the City Attorney was made aware that after the bid opening, the City obtained approval from the Special Sales Tax Commission to use additional Special Sales Tax Funds for the project, which was necessary because the lowest bid exceeded the funds allocated for the project, \$1,887,575.00, by \$564,870.99, which is more than 10% over the funds allocated; and

WHEREAS, the recently decided case of *Hemphill Constr. Co. v. City of Clarksdale*, 250 So. 2d 1258 (2018) holds that governing authorities are without the authority to award a contract to a bidder whose bid exceeds by more than 10% the funds allocated for the project at the time the project is bid; and

WHEREAS, based on the holding of *Hemphill Const. Co. v. City of Clarksdale*, it appears that City was without the necessary authority to award the construction contract to any of the bidders as all of the bids exceeded by more than 10% the funds allocated for the project at the time the project was bid; and

WHEREAS, since the City Council lacked the authority to award the contract to any of the bidders, the January 22, 2019 Order accepting the bid of Dickerson & Bowen, Inc. should be rescinded, all bids rejected, and the project rebid.

IT IS, THEREFORE, ORDERED that the **ORDER ACCEPTING THE BASE BID AND ADD ALTERNATE #1 OF DICKERSON & BOWEN, INC. FOR CONSTRUCTION OF THE NORTHSIDE DRIVE RESURFACING PROJECT, FEDERAL AID PROJECT NUMBER STP-6929-00(008)LPA/107547, CITY PROJECT NUMBER 17B4002, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY SUBJECT TO THE CONCURRENCE OF THE MISSISSIPPI TRANSPORTATION COMMISSION** is hereby rescinded and that the bids received for the Northside Drive Resurfacing Project, Federal Aid Project Number STP-6929-00(008)LPA/107547, City Project Number 17B4002 are rejected.

IT IS FURTHER ORDERED that the Mayor is authorized to execute all documents necessary to carry out the object of this order, to rescind the January 22, 2019 of the City Council and reject the bids received for the Project.

President Priester moved adoption; **Vice President Lindsay** seconded.

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

Council Member Banks left the meeting.

DISCUSSION: ANIMAL CONTROL: **President Priester** stated that said item would have to be discussed during Executive Session due to personnel matters. **Vice President Lindsay** moved, seconded by **Council Member Foote** to go into Executive Session to discuss personnel matters with the Animal Control Department. The motion prevailed by the following vote:

Yeas- Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Banks, Stamps and Stokes.

President Priester announced to the public that the Council voted to go into Executive Session to discuss personnel matters.

Council Member Tillman moved, seconded by **Council Member Foote** to come out of Executive Session. The motion prevailed by the following vote:

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

Note: Council Member Banks returned to the meeting during Executive Session.

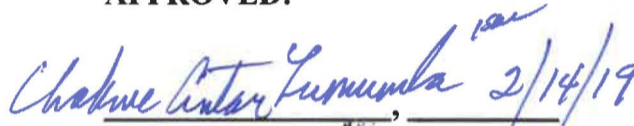
President Priester announced that the Council voted to come out of Executive Session and no action was taken.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council meeting at 6:00 p.m. on February 19, 2019; at 1:55 p.m. the Council stood adjourned.

ATTEST:

APPROVED:


CITY CLERK


MAYOR DATE 2/14/19
