

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

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 March 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; 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: Kenneth Stokes, Ward 3.

The meeting was called to order by **Vice President Virgi Lindsay**.

The invocation was offered by **Pastor Ronald K. Moore** of Stronger Hope M.B. Church.

Vice President Lindsay recognized the following individuals who provided public comments during the meeting:

- **Wilma Butler** spoke in opposition to the granting of a zoning ordinance for property located on Highway 80 W.
- **Vinson Gibbs** spoke in support of granting the zoning ordinance for property located on Highway 80 W.
- **Claude McCants** spoke in support of granting the zoning ordinance for property located on Highway 80 W.
- **Dorothy Benford** expressed concerns regarding the proposed ordinance governing municipal officers' salaries.

Note: **President Priester** arrived to the meeting during public comments and presided.

President Priester requested that Agenda Items No. 48 and 49 be moved forward on the Agenda. Hearing no objections, the following was presented:

President Priester recognized **Council Member Stamps** who presented on behalf of **Council Member Stokes** a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING REVEREND BETTY MCGOWAN ROBINSON, AN OUTSTANDING CITIZEN WHOSE CHRISTIAN LEADERSHIP INVIGORATES QUALITY OF LIFE**. Accepting the Resolution with appropriate remarks was **Reverend Betty McGowan Robison**.

President Priester recognized **Council Member Banks** who presented on behalf of **Council Member Stokes** a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING BISHOP FRANKIE L. BLOUNT, A CHRISTIAN LEADER WHO FOSTERS A "HEART FOR THE CITY OF JACKSON."** Accepting the Resolution with appropriate remarks were **Bishop Frankie L. Blount**.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND THOMAS MANAGEMENT GROUP LLC, FOR THE DEMOLITION AND REMOVAL OF STRUCTURE(S) FOUNDATION, STEPS, DRIVEWAY, CUTTING OF GRASS AND WEEDS, REMOVAL OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATION SECTION 21-19-11 FOR CASE #2017-2174 - 141 GRANDVIEW CIRCLE - \$4,955.00.

WHEREAS, on March 27, 2018 the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety and welfare pursuant to Section 21-19-11 of the Mississippi Code following an Administrative Hearing held on January 23, 2018 for Case #2017-2174 located in Ward 7 of the City of Jackson; and

WHEREAS, the Community Improvement Division of the Planning and Development Department has a system in which vendors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety and welfare are rotated; and

WHEREAS, Thomas Management Group LLC appeared next on the rotation list and through its Manager, Tianna Thomas, has agreed to demolish the structure, cut grass, weeds and remedy conditions constituting a menace to public health and welfare for the parcel located at 141 Grandview Circle for the sum of \$4,955.00; and

WHEREAS, Thomas Management Group LLC has a principal office address of 1060 E. County Line Road Ste 3A-342, Ridgeland, Mississippi 39157 according to information appearing on the Mississippi Secretary of State's website.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a contract with Thomas Management Group LLC for the demolition of the structure, cutting of vegetation, and remedying of other conditions on the property located at 141 Grandview Circle deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$4,955.00 shall be paid to Thomas Management Group LLC for the services provided from funds budgeted for the Division.

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

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

Nays- None.

Absent- Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND THOMAS MANAGEMENT GROUP LLC, FOR THE DEMOLITION AND REMOVAL OF STRUCTURE(S) FOUNDATION, STEPS, DRIVEWAY, CUTTING OF GRASS AND WEEDS, REMOVAL OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATION SECTION 21-19-11 FOR CASE #2017-2175 - 402 GRANDVIEW CIRCLE - \$4,981.00.

WHEREAS, on March 27, 2018 the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety and welfare pursuant to Section 21-19-11 of the Mississippi Code following an Administrative Hearing held on January 23, 2018 for #Case 2017-2175 located in Ward 7 of the City of Jackson; and

WHEREAS, the Community Improvement Division of the Planning and Development Department has a system in which vendors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety and welfare are rotated; and

WHEREAS, Thomas Management Group LLC appeared next on the rotation list and through its Manager, Tianna Thomas, has agreed to demolish the structure, cut grass, weeds and remedy conditions constituting a menace to public health and welfare for the parcel located at 402 Grandview Circle for the sum of \$4,981.00; and

WHEREAS, Thomas Management Group LLC has a principal office address of 1060 E. County Line Road Ste. 3A-342, Ridgeland, Mississippi 39157 according to information appearing on the Mississippi Secretary of State's website.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a contract with Thomas Management Group LLC for the demolition of the structure, cutting of vegetation, and remedying of other conditions on the property located at 402 Grandview Circle deemed to be a menace to public health, safety and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$4,981.00 shall be paid to Thomas Management Group LLC for the services provided from funds budgeted for the Division.

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

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

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND THOMAS MANAGEMENT GROUP LLC, FOR THE DEMOLITION AND REMOVAL OF STRUCTURE(S), FOUNDATION, STEPS, DRIVEWAY, CUTTING OF GRASS AND WEEDS, REMOVAL OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATION SECTION 21-19-11 FOR CASE #2017-2176 - 226 GRANDVIEW CIRCLE - \$4,898.00.

WHEREAS, on March 27, 2018 the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety and welfare pursuant to Section 21-19-11 of the Mississippi Code following an Administrative Hearing held on January 23, 2018 for Case #2017-2176 located in Ward 7 of the City of Jackson; and

WHEREAS, the Community Improvement Division of the Planning and Development Department has a system in which vendors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety and welfare are rotated; and

WHEREAS, Thomas Management Group LLC appeared next on the rotation list and through its Manager, Tianna Thomas, has agreed to demolish the structure, cut grass, weeds and remedy conditions constituting a menace to public health and welfare for the parcel located at 226 Grandview Circle for the sum of \$4,898.00; and

WHEREAS, Thomas Management Group LLC has a principal office address of 1060 E. County Line Road Ste. 3A-342, Ridgeland, Mississippi 39157 according to information appearing on the Mississippi Secretary of State's website.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a contract with Thomas Management Group LLC for the demolition of the structure, cutting of vegetation, and remedying of other conditions on the property located at 226 Grandview Circle deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$4,898.00 shall be paid to Thomas Management Group LLC for the services provided from funds budgeted for the Division.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND THOMAS MANAGEMENT GROUP LLC, FOR THE DEMOLITION AND REMOVAL OF STRUCTURE(S), FOUNDATION, STEPS, DRIVEWAY, CUTTING OF GRASS AND WEEDS, REMOVAL OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATION SECTION 21-19-11 FORCASE #2017-2177 - 140 GRANDVIEW CIRCLE - \$4,986.00.

WHEREAS, on March 27, 2018 the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety and welfare pursuant to Section 21-19-11 of the Mississippi Code following an Administrative Hearing held on January 23, 2018 for Case #2017-2177 located in Ward 7 of the City of Jackson; and

WHEREAS, the Community Improvement Division of the Planning and Development Department has a system in which vendors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety and welfare are rotated; and

WHEREAS, Thomas Management Group LLC appeared next on the rotation list and through its Manager, Tianna Thomas, has agreed to demolish the structure, cut grass, weeds and remedy conditions constituting a menace to public health and welfare for the parcel located at 140 Grandview Circle for the sum of \$4,986.00; and

WHEREAS, Thomas Management Group LLC has a principal office address of 1060 E. County Line Road Ste. 3A-342, Ridgeland, Mississippi 39157 according to information appearing on the Mississippi Secretary of State's website.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a contract with Thomas Management Group LLC for the demolition of the structure, cutting of vegetation, and remedying of other conditions on the property located at 140 Grandview Circle deemed to be a menace to public health, safety and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$4,986.00 shall be paid to Thomas Management Group LLC for the services provided from funds budgeted for the Division.

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

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

ORDINANCE AMENDING SECTIONS OF CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSISSIPPI, GOVERNING BUILDINGS AND BUILDING REGULATIONS.

WHEREAS, Chapter 26 Buildings and Building Regulations of the Code of Ordinances of the City of Jackson, Mississippi, established rules and regulations for construction permits, construction codes and contractor licenses; and

WHEREAS, the City of Jackson finds it necessary to amend rules and regulations relating to construction permits and contractor licenses in order to continue to reasonably protect public life, safety, and property through the enforcement of construction codes and minimum standards to safeguard life or limb, health, property and public welfare.

THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Chapter 26 Article I through Article VIII of the Code of Ordinances of the City of Jackson, Mississippi, is hereby deleted and replaced to read as follows:

ARTICLE I. - IN GENERAL

Sec. 26-1. – Permits Required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by adopted building codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

Sec. 26-2. - Permit fees.

The adopted schedule of fees shall govern all fees to be charged and assessed under this article.

Sec. 26-3. - "Building Official" defined.

Whenever the term "Building Official" is used in the code adopted by this article, it shall mean the director of the planning and development department of this city or his/her designee.

Sec. 26-4. - License and building permit revocation.

(a) It shall be the duty of the Building Official, to revoke the license and building permits of any person or job for any of the following reasons:

1. Making false statements in the application for city license and/or building permit;
2. Permitting the use of a permit or license by any person other than the permittee or licensee;
3. Persistent refusal or neglect to observe the provisions of the applicable codes in this section, state, and adopted codes; and
- 4 Any other act intended to violate the provisions of the applicable codes.

(b) The revocation of a certificate shall not serve as a bar to any further remedy or action at law which might be invoked by the city.

Sec. 26-5. - Requirements for demolition or wrecking of buildings.

(a) No person shall begin to demolish or wreck any structure within the city until a permit is issued under the provisions of the adopted building code.

(b) All work performed in demolishing or wrecking any building or other structure in this city shall be performed in a good and workmanlike manner. Once any such work has begun on any particular structure, it shall be completed within the time set forth in the permit. After any such work has been completed, the ground upon which the building or structure formerly stood shall be thoroughly cleared of all debris, refuse or other waste materials remaining after the demolition so as to leave the site in an orderly condition. Such clearing shall all be completed within 30 days following completion of the demolition or wrecking of the building or structure.

Sec. 26-6. - Requirements for moving buildings.

- (a) No person planning to move any building or structure within the city shall commence the move until a permit is issued under the provision of the adopted building code.
- (b) No person planning to move upon or over the streets and highways of this city any building, structure or other load which exceeds 12 feet in width or 15 feet in height shall commence any moving operations pursuant thereto until such person shall have first notified and obtained the approval of the chief of police or his designated agent as to the proposed date, time and route thereof.
- (c) At all times during the actual conduct of any moving operation governed by the terms of this section the mover shall have an alternate towing vehicle readily available for immediate use should the original towing vehicle become disabled. All trailers used in such moving operations shall be equipped with brakes adequate to control the movement thereof and capable of being applied from the driver's position of the towing vehicle. Such brakes shall be so designed and connected that in the event of an accidental breakaway of the towed vehicle they shall become engaged automatically.
- (d) No building or structure exceeding 18 feet in height shall be moved upon or over the streets and highways of the city unless the portion which exceeds such height is removed prior.
- (e) No building, structure or other load exceeding 12 feet in width shall be moved between the hours of 7:00 a.m. and 9:00 a.m. or between the hours of 4:00 p.m. and 6:00 p.m.
- (f) During all moving operations subject to the provisions of this section, the mover shall be required to have a police escort to assist in the movement of such building or structure through traffic and shall reimburse the city for the services of such officers at a rate equal to the pay scale currently used for work performed by off-duty police officers.

Sec. 26-7. - Nonprofit organizations to be exempt from community improvement, zoning, and site plan fees relating to renovation of certain dwellings.

Nonprofit organizations exempt from federal income tax pursuant to 26 USC 501(c)(3) are exempt from payment of zoning and site plan, building and permit, electrical, plumbing, gas, and mechanical fees relating to construction of new dwellings which are made available for sale as single-family homes for low-to-moderate income individuals or families, if the site is located in an eligible or partially eligible community development block grant (CDBG) targeted area, or the site contains an existing dwelling appropriate for demolition by established criteria of the planning and community improvement divisions. Such organizations shall receive a 50 percent reduction in fees on all other sites.

Sec. 26-8 – Notice of violation

The Building Official is authorized to serve a notice of violation on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this ordinance or adopted codes, or in violation of a permit or certificate issued under the provisions of this ordinance or adopted codes. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Sec. 26-9– Penalty for violations

The agent, tenant or owner, or any other person who shall violate a provision of this code, or fails to comply with any of the requirements of this code, or who shall erect, construct, alter, demolish or move any structure, or has moved, erected, constructed, altered, repaired or demolished a building or structure in violation of this code, shall be prosecuted within the limits provided by state or local laws after failing to abate or correct a notice of violation promptly. Each day such violation is continued can constitute a separate violation, and can be prosecuted for each and every one of such days within the limits of such laws.

Sec. 26-10- 26-19 Reserved

ARTICLE II. – CONTRACTORS

Sec. 26-20. – Tradesman License

All journeyman and master electricians, plumbers and mechanical installers shall be required to hold the appropriate licenses before performing work requiring a permit in the city. Only a master in such trades may apply and obtain a permit. The master in each trade must supervise personnel on the job.

Sec. 26-21. - General contractors' license.

A copy of a residential builder, residential remodeler or building construction or commercial license, as required by the state board of contractors, shall be presented to the Building Official prior to the issuance of a building permit, subject to the exceptions provided for by the state as set forth in MCA 1972, § 73-59-17 as last amended.

Sec. 26-22. – Transfer of Certificate of Responsibility

Any person or corporation holding a valid Certificate of Responsibility from the Mississippi State Board of Contractors with a classification in the equivalent trade is to be granted a City of Jackson equivalent license upon paying the appropriate fees and verification of such by the Building Official.

Sec. 26-23. – Transfer from other examining board

Any person holding a license from an another municipality or county in the state is to be granted a City of Jackson equivalent tradesmen license upon paying the application and renewal fees provided that the person furnishes evidence that they hold such license and passed the written examination that qualified them for such license pursuant to MCA 27-17-457.

Sec. 26-24 – Registration required

All commercial and residential construction general contractors and electrical contractors, plumbing contractors, gas fitting contractors, air conditioning contractors and refrigeration contractors doing business within the city shall register with the Building Official. It is hereby established that the city Building Official shall maintain an approved list of general contractors and subcontractors upon registration.

Sec. 26. -25 – Insurance and certificate of responsibility required.

In order to qualify, all residential and commercial contractors and electrical, plumbing, and mechanical contractors shall:

- (a) Provide proof of commercial liability insurance issued by an insurance company admitted to write such insurance in the State of Mississippi and having minimum limits as follows: general liability \$500,000.00 per occurrence and \$1,000,000.00 general aggregate;

- (b) Provide a certificate of responsibility or master tradesman license where required by this ordinance.

Sec. 26-26. - Exemptions from registration, bonding, and licensing.

Nothing contained in this article shall be interpreted as prohibiting any person from installing, altering or repairing his own electrical, gas, mechanical, plumbing or appliances, or installing, extending, replacing, altering or repairing, in general, on their own residence provided, however, all such work must be done in conformity with all other provisions of this article, including those provisions relating to permits, inspections and fees.

This section applies only to a residence owned and occupied by the person doing such work, and not a building structure which is readily accessible to the general public or not occupied by the individual doing such work. A person doing work on his own residence or who acts under supervision of the owner-occupant with respect to residential construction or improvement when the owner of such construction or improvement is related to such person by consanguinity or direct affinity is exempt from licensing and bonding requirements.

Sec. 26-27- 26-39 Reserved

ARTICLE III. – LICENSES

Sec. 26-40 – Tradesman License Required

- (a) It shall be unlawful for any person to engage in the business of electrical wiring for power, lighting, signs, appliances, fixtures and all other equipment which requires electricity in its operation without first obtaining from the planning and development department a license to do so as provided in this division.
- (b) It shall be unlawful for any person to engage in the business of plumbing, gas fitting, air conditioning, or the installation or connecting of appliances without first obtaining from the planning and development department a license so to do, as set forth in this division.
- (c) It shall be unlawful for any person to engage in the business of air conditioning, refrigeration, or the installation or connecting of appliances without first obtaining from the planning and development department a license so to do, as set forth in this division.

Sec. 26-41. – Fees

The fee for each application and renewal for a journeyman or master license shall be in accordance with the current adopted fee schedule.

Sec. 26-42. – Issuance

If an applicant passes the required examination, and satisfies the other requirements of this division for the specific trade, the Building Official shall issue the license.

Sec. 26-43- Term.

Each tradesman license is valid for a period of one year and must be annually renewed upon a date established by the Building Official.

Sec. 26-44. – Qualifications for Journeyman Electrician

- (a) Completed Application for Journeyman Electrician License
- (b) Four years of work experience or equivalent education at a technical or trade school may be recognized as work experience with approval from the Building Official.
- (c) Three reference letters from Master Electricians.

- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Journeyman Electrician Exam for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-45.- Classifications of Master Electrician Licenses

- (a) *Class A-1 electrician.* A class A-1 electrician is any person engaged in or about to engage in the business of installing, maintaining, altering, or repairing electrical wires, conduits, apparatus, fixtures or other electrical appliances, equipment and machinery in, on or under all types of buildings and other structures, and outside installations.
- (b) *Class A-2 electrician.* A class A-2 electrician is any person engaged in or about to engage in the business of installing, maintaining, altering, or repairing electrical wires, materials, fixtures and equipment in, on or under residential buildings wired in nonmetallic sheath cable, including the premises adjacent to such buildings.
- (c) *Class B electrician.* A class B electrician is any person who is employed as a maintenance electrician by any person owning or operating any place of business. His certificate shall be valid only while he remains in the employ of such person.
- (d) *Class C electrician.* A class C electrician is any person engaged in or about to engage in the business of installing, maintaining, altering or repairing electrical circuit, not to exceed 20 feet in length from existing circuits, to connect air conditioning-heating, or sign equipment. However, he must first be licensed as an air conditioning-heating or sign contractor.

Sec. 26-46. – Qualifications for Master Electrician

- (a) Completed Application for Master Electrician License
- (b) Work experience as required by requested classification:
 - 1. An applicant for a class A-1 certificate shall have had at least four years of training as an apprentice electrician, or the equivalent, in a recognized technical school or college, and, in addition thereto, shall have had at least four years of experience as a journeyman electrician, or in lieu thereof, he shall have been a qualified electrical contractor, during which time he must have been in charge of industrial and commercial electrical jobs for at least two years.
 - 2. An applicant for a class A-2 certificate shall have had at least two years of training as an apprentice electrician, or the equivalent, in a recognized technical school or college, and in addition thereto, shall have had at least four years of experience as a journeyman electrician, or in lieu thereof, he shall have been a qualified electrical contractor, during which time he must have been in charge of residential electrical jobs for at least two years.
 - 3. An applicant for a class B certificate shall have had at least four years of experience under the supervision of a journeyman electrician in that particular line or class of operation in which he desires to engage, or he shall have had its equivalent in the opinion of the Building Official, or be a graduate of any trade or technical school or college of recognized standing.
 - 4. An applicant for a class C certificate shall have had at least two years of practical experience as an electrician or the equivalent in a recognized technical school or college, or in lieu thereof, he shall have been a qualified air conditioning-heating or sign contractor.

- (c) Three reference letters from Master Electricians.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Master Electrician Exam for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-47. – Qualifications for Journeyman Plumber and Gas Fitter

- (a) Completed Application for Journeyman Plumber and Gas Fitter License
- (b) Four years of work experience or equivalent education at a technical or trade school can be recognized as work experience with approval from the Building Official.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Journeyman Plumber Exam, the National Standard Journeyman Gas Pipe Fitter Exam, or the National Standard Journeyman Plumber with Gas Exam as applicable for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.
- (f) In addition to the qualifications stated, the applicant may be exempt from taking the journeyman plumbing exam by showing proof that he has passed such exam given by an approved apprenticeship school.

Sec. 26-48 – Qualifications for Master Plumber or Gas Fitter

- (a) Completed Application for Master Plumber and Gas Fitter License
- (b) Five years of work experience or diploma from a trade school, technical school or college of recognized standing one year of practical experience in the operation of the business for which he is applying.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Master Plumber Exam, the National Standard Master Gas Pipe Fitter Exam, or the National Standard Master Plumber with Gas Exam for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-49. – Qualifications for Journeyman Air Conditioning and Refrigeration

- (a) Completed Application for Journeyman Air Conditioning and Refrigeration License
- (b) Four years of work experience or equivalent education at a technical or trade school can be recognized as work experience with approval from the Building Official.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Journeyman Mechanical Exam as applicable for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.
- (f) In addition to the qualifications stated, the applicant may be exempt from taking the journeyman plumbing exam by showing proof that he has passed such exam given by an approved apprenticeship school.

Sec. 26-50. – Qualifications for Master Air Conditionings and Refrigeration

- (a) Completed Application for Master Air Conditioning and Refrigeration License
- (b) Five years of work experience or diploma from a trade school, technical school or college of recognized standing one year of practical experience in the operation of the business for which he is applying.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed National Standard Master Mechanical Exam for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-51- 26-59 Reserved

ARTICLE IV. – BUILDING CODES

Sec. 26-60. - Adopted.

The following codes, with amendments, and subject to identified modifications, amendments and exclusions, as provided herein, are hereby adopted by reference as though they were copied herein fully.

- (a) The International Building Code, 2012 Edition (with amendments). Subject to the following: to Section 101.1 insert "The City of Jackson, Mississippi"; to Section 1612.3 insert "The City of Jackson, Mississippi"; to Section 1612.3 insert "Thirty (30) days after issuance"; to Section 3412.2 insert "Thirty (30) days after issuance"; adopt appendix E "supplemental accessibility requirements"; adopt appendixes A, B, D, E, F, G, H, I, J, K, L, & M;
- (b) The International Existing Building Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, B, & C;
- (c) The National Electrical Code, 2014 Edition;
- (d) The International Residential Code, 2012 Edition (with amendments). Subject to the following: to section R101.1 insert "The City of Jackson, Mississippi"; to section P2603.5.1 insert "Twelve (12) inches in two locations"; delete section P2904; adopt appendixes A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, & Q;
- (e) The International Mechanical Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, & B;
- (f) The International Fuel Gas Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, B, C, & D;
- (g) The International Plumbing Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, B, C, D, E, & F; and
- (h) The International Energy Conservation Code, 2012 Edition (with amendments). Subject to the following: to section 101.1 insert "The City of Jackson, Mississippi"; to section 108.4 insert "\$250.00; \$1000.00".

Sec. 26-61- 26-79 Reserved

ARTICLE V. – BOARD OF CONSTRUCTION

Sec. 26-80. - Established; composition; appointment of members.

The Board of Construction ("Board"), shall be established in this article and is to consist of eight (8) members. The Board is to be composed of one architect, one general contractor, one engineer, one master electrician, one master mechanical, one master plumber and two lay persons. Members of the board must be residents of the City of Jackson.

Sec. 26-81. - Term of office; removal of members; vacancies.

Members of the Board shall be appointed for terms of three years and are eligible to serve multiple terms upon being reconfirmed. Vacancies on the Board shall be filled in the same manner in which original appointments are required to be made. If a Board member has more than three unexcused absences in a calendar year, the Board may recommend to the mayor the dismissal of that member.

Sec. 26-82. - Quorum; voting; conflict of interest.

Five members of the Board shall constitute a quorum. In varying the application of any provisions of the Board, or in modifying an order of the Building Official, affirmative votes of the majority of the Board members present shall be required. No Board member shall act in a case in which he has a personal or professional interest or conflict of interest for any reason.

Sec. 26-83. - Duties and responsibilities.

- (a) Powers. The Board shall have the power to hear appeals of decisions and interpretations of the Building Official, and consider variances of the technical codes.
- (b) Appeals. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Board whenever any one of the following conditions are claimed to exist:
 - 1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed, or materials to be used, in the installation or alteration of a building, structure or service system.
 - 2. The provisions of this Code do not apply to the specific case.
 - 3. An equally good or more desirable form of installation can be employed in the specific case.
 - 4. The true intent and meaning of the technical code or any of the regulations under such code have been allegedly misconstrued or incorrectly interpreted.
- (c) Variances. The Board, when appealed to and after a hearing, may vary the application of any provision of the technical codes to any particular case when, in its opinion, the enforcement of such provision would do manifest injustice and be contrary to the spirit and purpose of the technical codes or public interest, and finds all of the following:
 - 1. Special conditions and circumstances exist which are peculiar to the building, structure or service system involved, and are not applicable to other buildings, structures or service systems.
 - 2. Special conditions and circumstances are not a result of the action or inaction of the applicant.
 - 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service systems.
 - 4. The variance granted is the minimum variance that will make the reasonable use of the building, structure or service system.
 - 5. The granting of the variance will be in harmony with the general intent and purpose of this Code, and will not be detrimental to the public health, safety and general welfare.
- (d) Conditions of variance. In granting a variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced and/or completed, and may prescribe appropriate conditions and safeguards in conformity with the technical codes. Violation of the conditions of a variance shall be deemed a violation of the technical code.

- (e) Contractor license. Upon the disapproval of a license by the Building Official, the applicant shall be entitled to a hearing before the Board. The aggrieved party must submit the request for a hearing in writing to the Building Official.

Sec. 26-84. - Meetings

The Building Official or the chairperson of the Board, with three days' prior notice, may call meetings in order to attend to appeals in a timely manner.

Sec. 26-85 – Appeal of Board of Construction Rulings

A person may appeal the decision of the Board by filing a notice with the Building Official within ten days of notification of said decision. The City Council shall hold a hearing at the next available scheduled meeting. The decision of the City Council shall be final.

Sec. 26-86- 26-99. - Reserved

ARTICLE VI. – FEES

Sec. 26-100 – Sec. 26-349 – Reserved

ARTICLE VII - Reserved

Sec. 26-350– Sec. 26-399 – Reserved

ARTICLE VIII – Reserved

Sec. 26-400– Sec. 26-445 – Reserved

SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of Jackson, Mississippi, as a whole.

SECTION 3. The preceding amendments and revisions to the Building Ordinance of the City of Jackson, Chapter 26 of the Code of Ordinances, City of Jackson, Mississippi, shall be published and effective 30 days after passage, in accordance with Miss. Code Ann. Section 21-13-11 (1972 as amended).

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

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

Nays- None.

Absent- Stokes.

ORDINANCE GOVERNING THE FIXING OF SALARIES OF MUNICIPAL OFFICERS AND EMPLOYEES BASED ON BUDGETARY CONSIDERATIONS.

WHEREAS, the mayor-council form of government has been adopted by the City of Jackson; and

WHEREAS, Section 21-8-21 of the Mississippi Code of 1972 as amended is applicable to the mayor-council form of government; and

WHEREAS, Section 21-8-21(2) states that the salary of the *mayor, councilmen*, and all employees of the municipality shall be paid at such periods as may be fixed by the council, but not less frequently than once a month; and

WHEREAS, Section 21-8-21(2) states that every officer or employee of the municipality shall receive such a salary of compensation as the council shall by ordinance provide, and the salary compensation of all employees may be fixed by the council from time to time, as occasion may demand; and

WHEREAS, the Mississippi Attorney General has previously opined that the salary of a position may be reduced at *any time* of the year through an amendment to the ordinance that originally set the salaries (*see Opinion #2015-00408 Johnny L. Dupree November 30, 2015*) (*citing Opinion #97-018 Brogdon, March 28, 1997*); and

WHEREAS, the Council by ordinance previously established and fixed the salary of all municipal officers and employees; and

WHEREAS, the best interest of the City of Jackson would be served by reducing the compensation of the members of the council, council's staff, mayor, mayor's staff, chief administrative officer, chief administrative officer's staff, and department directors as budgetary circumstances dictate; and

WHEREAS, the Council seeks to exemplify, in word and deed, the principles of shared sacrifice, fiscal accountability and collective commitment.

NOW BE IT ORDAINED by the Jackson City Council that the salary and compensation of the council, council's staff, mayor, mayor's staff, chief administrative officer, chief administrative officer's staff, and department directors will be reduced by a sum to be set by the council upon it being determined by the council that a department director or the chief administrative officer has not been fiscally responsible with the approved budget.

IT IS FURTHER ORDAINED that upon reduction of the compensation, the positions for which compensation shall be reduced shall be separated from those positions not reduced and submitted to the governing authorities separately for approval.

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

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

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

Council Member Stamps left the meeting.

ORDINANCE GRANTING RWMA, INC. A REZONING FROM C80-C2 (LIMITED) COMMERCIAL SUBDISTRICT TO C80-C3 (GENERAL) COMMERCIAL SUB-DISTRICT WITH A CONDITIONAL USE PERMIT TO FOR BUILDING MATERIAL SALES WHERE SOME OR ALL SUCH MATERIALS ARE DISPLAYED OUTDOORS FOR THE PROPERTY LOCATED AT 1350 HWY. 80 W. (PARCEL #167-15 & 167-20), CASE NO. 4038.

WHEREAS, RWMA, Inc. has filed a petition to rezone property located at 1350 Hwy. 80 W. (Parcel #167-15 & 167-20), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C80-C2 (Limited) Commercial Subdistrict to C80-I1 (Light) Industrial Sub-district to make zoning more consistent with light industrial use and to eliminate the non-conforming use; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, offered no recommendation to rezone the property from C80-C2 (Limited) Commercial Subdistrict to C80-I1 (Light) Industrial Sub-district to make zoning more consistent with light industrial use and to eliminate the non-conforming use; and

WHEREAS, the zoning staff offered an alternative recommendation to rezone the property from C80-C2 (Limited) Commercial Subdistrict to C80-C3 (General) Commercial with a Conditional Use Permit to allow for building material sales where some or all such materials are displayed outdoors; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m. on Monday, February 25, 2019 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on November 29, 2018 and December 13, 2018 that a hearing had been held by the Jackson City Planning Board on December 19, 2018, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board offered no recommendation of the rezoning of the above described property to C80-I1 (Light) Industrial Subdistrict; and

WHEREAS, the Council after having considered the matter, is of the opinion that such changes would be in keeping with sound land use practices and be to the best interest of the City and that there has been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is a public need for additional property in that area zoned in accordance since any previous City Council action; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the operating a building material business with an outdoor display at the above location would not be detrimental to the continued use, value or development of properties in the vicinity and the proposed use would be in harmony with the Comprehensive Plan and that a Use Permit be granted for the rezoning to a C80 C3 (General) Commercial Subdistrict of the City of Jackson with the conditions that the Use Permit be granted on an annual basis; that it be granted to the current owner/operator of the building material business ; and that subsequent owners or operators of a building material business at this location must apply for and receive a new Use Permit.

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

SECTION 1. That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

That certain parcel of land, together with the buildings and improvements thereon standing, situated in the Frist Judicial District, County of Hinds, State of Mississippi, and being more particularly described as follows:

A tract of land located and situated in the Southeast Quarter (SE 1/4) of Section 9, Township 5 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi, which tract of land consists of two parcels (with the second parcel being an access easement) and which tract of land is more particularly described as follows:

PARCEL I

Commence on the North side of the right-of-way of U. S. Highway 80 where the same is intersected by the line between the East Half (E ½) and the West Half (W ½) of the Southeast Quarter (SE 1/4) of Section 9, Township 5 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi; run thence North along said line between the East Half (E ½) and the West Half (W ½) of the Southeast Quarter (SE 1/4) of said section a distance of 241.65 feet to an iron pin marking the POINT OF BEGINNING; thence South 89 degrees 15 minutes East 152.02 feet; thence South 88 degrees 27 minutes East 64.77 feet to an iron pin; thence North 00 degrees 09 minutes West 162.26 feet to an iron pin; thence North 00 degrees 45 minutes East 20.00 feet; thence North 89 degrees 15 minutes West 216.61 feet to an iron pin; thence South 181.35 feet to the POINT OF BEGINNING, containing 0.90 acres, more or less.

PARCEL II

ACCESS EASEMENT

Commence at the intersection of the northern right-of-way line of U. S. Highway No. 80 with the line dividing the East Half (E ½) and the West Half (W ½) of the said Southeast Quarter (SE 1/4) of Section 9 and run thence North 00°22'20" East for a distance of 241.65 feet along the mid-line of the said Southeast Quarter (SE 1/4) of Section 9 to iron pin; thence South 88°52'40" East for a distance of 152.02 feet to an iron pin; thence South 88°04'40" East for a distance of 64.77 feet to an iron pin which marks the POINT OF BEGINNING for the access easement herein described; thence North 00°13'20" East for a distance of 162.10 feet; thence South 88°30'36" East for a distance of 15.0 feet; thence South 00°31'20" West for a distance of 443.97 feet to the northern right-of-way line of U. S. Highway No. 80; thence North 78°44'36" West for a distance of 35.62 feet along the said northern right-of-way line; thence leave said northern right-of-way line of U. S. Highway No. 80 and run North 00°31'20" East for a distance of 276.0 feet; thence South 88°04'40" East for a distance of 20.87 feet to the POINT OF BEGINNING.

Being the same tract of land as that conveyed by Corporate Express Office Products, Inc., to RWMA, Inc., by a Warranty Deed dated May 24, 2000, and recorded in Book 5246, at Page 320, on the land records in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

It is hereby modified so as to approve the rezoning of the property located at 1350 Hwy. 80 W. (Parcel #167-15 & 167-20) from C80-C2 (Limited) Commercial Subdistrict to C80-C3 (General) Commercial Sub-district with a Conditional Use Permit. The conditions of the Use Permit shall be that it is granted on an annual basis; it is granted to the current owner/operator of the building material business; and that subsequent owner or operators of a building material business at this location must apply for and receive a new Use Permit. However, that before for any structure is erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

SECTION 2. That the cost of publication of this Ordinance shall be borne by the petitioner.

SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and after publication of same by the petitioner.

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

President Priester recognized **Attorney James Peden**, a representative of the Applicant, who provided an overview of the Restricted Covenants agreement that was composed between homeowners and the Applicant.

President Priester recognized **Council Member Tillman** who requested that said item be remanded back to the Planning Board to allow homeowners within that community further clarity of the proposed zoning request.

Thereafter, **Council Members Foote** and **Banks** withdrew their motion and second. **President Priester** stated that said item would be remanded back to the Planning Board.

President Priester requested that Agenda Item No. 32 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER AUTHORIZING PAYMENT TO JEFFERIES STUDIO RESTORATION, LLC D/B/A RESTORATION 1 OF JACKSON FOR EMERGENCY CLEANUP OF THE JUDICIAL ADMINISTRATION BUILDING FOLLOWING A FIRE.

WHEREAS, on November 29, 2018, a fire occurred in the Judicial Administration Building; and

WHEREAS, the City of Jackson Police Department contacted the City of Jackson Care and Maintenance Division of the Department of Public Works for assistance in cleaning up the areas damaged by the fire and the water used to extinguish it; and

WHEREAS, the Care and Maintenance Division of the Department of Public Works lacked the equipment and expertise to properly clean up the area to minimize damage from water used to extinguish the fire; and

WHEREAS, Mr. Tony Jones, the Deputy Director over this Division of the Department of Public Works, contacted Jefferies Studio Restoration, LLC d/b/a Restoration 1 of Jackson to provide the necessary emergency clean up services; and

WHEREAS, the cleanup services were satisfactorily completed at a total cost of \$48,038.64; and

WHEREAS, the certification of Mr. Jones of the invoice received and the Work Order Contract for the emergency cleanup services are attached hereto and made a part of these minutes; and

WHEREAS, the Department of Public Works recommends that the payment for the emergency cleanup services to Jefferies Studio Restoration, LLC d/b/a Restoration 1 of Jackson in the total amount of \$48,038.64 be authorized.

IT IS, THEREFORE, ORDERED that payment in the amount of \$48,038.64 to Jefferies Studio Restoration, LLC d/b/a Restoration 1 of Jackson for emergency cleanup services following a fire in the Judicial Administration Building is authorized.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER APPROVING CLAIMS NUMBER 4285 TO 4602 APPEARING AT PAGES 652 TO 701 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$4,223,525.79 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 4284 to 4602 appearing at pages 652 to 701, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$4,223,525.79 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
09 TID BOND FUND \$407,000	34,179.00
1% INFRASTRUCTURE TAX	737,608.66
EARLY CHILDHOOD (DAYCARE)	1,583.95
EMPLOYEES GROUP INSURANCE FUND	26,675.22
FIRE PROTECTION	168.96
GENERAL FUND	773,090.33
H O P W A GRANT – DEPT. OF HUD	43,816.27
HOME PROGRAM FUND	9,981.48
HOUSING COMM DEV ACT (CDBG) FD	18,434.29
JXN CONVENTION & VISITORS BUR	290,289.19
LANDFILL/SANITATION FUND	157,918.59

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

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LIBRARY FUND	9,453.50
MADISON SEWAGE DISP OP & MAINT	12.64
NCSC SENIOR AIDES	68.38
P E G ACCESS- PROGRAMMING FUND	1,604.79
PARKS & RECR FUND	66,879.52
RESURFACING- REPAIR & REPL. FD	89,635.29
SEIZURE & FORFEITED PROP-STATE	4,852.52
STATE TORT CLAIMS FUND	3,593.93
TECHNOLOGY FUND	96,548.42
TIGER GRANT	669,255.40
TITLE III AGING PROGRAMS	2,525.17
TRAFFIC – REPAIR & REPL FD	57,117.55
TRANSPORTATION FUND	35,564.14
WATER/SEWER CAPITAL IMPR FUND	806,777.60
WATER/SEWER OP & MAINT FUND	277,437.18
WATER/SEWER REVENUE FUND	8,453.82
TOTAL	<u>\$4,223,525.79</u>

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

President Priester recognized **Terry Williamson**, Deputy City Attorney who stated that an amendment was needed in order to add a payment to Jefferies Studio Restoration, LLC D/B/A Restoration 1 in the amount of \$48,038.64.

President Priester moved, seconded by **Vice President Lindsay** to amend the Claims Docket to add a payment in the amount of \$48,038.64 payable to Jeffries Studio Restoration, LLC D/B/A Restoration 1. The motion prevailed by the following vote:

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

President Priester recognized **LaaWanda Horton**, Interim Director of Administration, who provided an overview of the Claims Docket at the request of **Council Member Banks**.

Thereafter, **President Priester** called for a vote on said item as amended:

ORDER APPROVING CLAIMS NUMBER 4285 TO 4602 APPEARING AT PAGES 652 TO 701 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$4,271,564.43 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 4284 to 4602 appearing at pages 652 to 701, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$4,271,564.43 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
09 TID BOND FUND \$407,000	34,179.00
1% INFRASTRUCTURE TAX	737,608.66

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

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EARLY CHILDHOOD (DAYCARE)	1,583.95
EMPLOYEES GROUP INSURANCE FUND	26,675.22
FIRE PROTECTION	168.96
GENERAL FUND	773,090.33
H O P W A GRANT – DEPT. OF HUD	43,816.27
HOME PROGRAM FUND	9,981.48
HOUSING COMM DEV ACT (CDBG) FD	18,434.29
JXN CONVENTION & VISITORS BUR	290,289.19
LANDFILL/SANITATION FUND	157,918.59
LIBRARY FUND	9,453.50
MADISON SEWAGE DISP OP & MAINT	12.64
NCSC SENIOR AIDES	68.38
P E G ACCESS- PROGRAMMING FUND	1,604.79
PARKS & RECR FUND	66,879.52
REPAIR & REPLACEMENT FUND	48,038.64
RESURFACING- REPAIR & REPL. FD	89,635.29
SEIZURE & FORFEITED PROP-STATE	4,852.52
STATE TORT CLAIMS FUND	3,593.93
TECHNOLOGY FUND	96,548.42
TIGER GRANT	669,255.40
TITLE III AGING PROGRAMS	2,525.17
TRAFFIC – REPAIR & REPL FD	57,117.55
TRANSPORTATION FUND	35,564.14
WATER/SEWER CAPITAL IMPR FUND	806,777.60
WATER/SEWER OP & MAINT FUND	277,437.18
WATER/SEWER REVENUE FUND	8,453.82

TOTAL **\$4,271,564.43**

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

Nays- None.

Absent- Stamps and Stokes.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 4285 TO 4602 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 4285 to 4602 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$187,795.68 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		1,910,925.57
PARKS & RECR FUND		70,136.47
LANDFILL FUND		13,285.74
SENIOR AIDES		2,500.48
WATER/SEWER OPER & MAINT		207,865.27
PAYROLL FUND		714.00

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

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PAYROLL	187,795.68	
EARLY CHILDHOOD		30,500.34
HOUSING COMM DEV		8,843.12
TITLE III AGING PROGRAMS		4,272.37
TRANSPORTATION FUND		12,563.13
T-WARNER PA/GA FUND		4,874.54
TOTAL		<u>\$2,266,471.03</u>

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

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

RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF JACKSON, MISSISSIPPI TO REIMBURSE ITSELF FROM THE PROCEEDS OF THE MASTER LEASE PURCHASE AGREEMENT FOR THE INITIAL PURCHASE OF TWENTY-FOUR (24) VEHICLES FOR THE JACKSON POLICE DEPARTMENT.

WHEREAS, in connection with the initial purchase of twenty-four (24) vehicles for the Jackson Police Department, the City has advanced and will advance internal funds; and

WHEREAS, the City intends to reimburse itself for all of such expenses from the proceeds of the Master Lease Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY ACTING FOR AND ON BEHALF OF THE MUNICIPALITY, AS FOLLOWS:

Section 1. Declaration of official intent. The City of Jackson, Mississippi, hereby declares its official intent to reimburse itself from the proceeds of the Master Lease Purchase Agreement for the initial purchase of twenty-four (24) vehicles for the Jackson Police Department, prior to and subsequent to the date of this Resolution in accordance with Treasury Regulations 1.150-2. This Resolution is intended as a declaration of official intent under Treasury Regulation 1.150-2. The debt to be issued to finance the initial purchase of twenty-four (24) vehicles for the Jackson Police Department is expected not to exceed an aggregated principal amount of \$563,160.00.

Section 2. Incidental action. The Mayor is authorized to take such action as may be necessary to carry out the purpose of this Resolution, and is authorized to execute necessary and related documents required for the issuance of the debt.

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

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

There came on for consideration Agenda Item No. 13:

ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FUNDS TRANSFER AGREEMENT WITH THE CITY'S DEPOSITORY BANKING INSTITUTION. Said item was pulled from the agenda by the Administration.

Council Member Stamps returned to the meeting.

ORDER AUTHORIZING THE MAYOR TO TRANSFER FUNDS FROM THE GENERAL FUNDS ACCOUNT UNDER THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER TO THE DEPARTMENT OF PERSONNEL IN ORDER TO AUGMENT SERVICES PROVIDED.

WHEREAS, the Chief Administrator recognizes the need to augment the budget of the Department of Personnel using available funds from 001.401.08.6419; and

WHEREAS, the Department of Personnel will use these funds to hire part time employees short term, and/or consultants in order to meet the needs of the Department; and

WHEREAS, the Chief Administrative Officer will submit a *Change Requested in Budget* form to authorize this transfer.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute the transfer of funds from 001.401.98.6419 in the amount of \$27,500.00 to 001.413.00.6419.

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

President Priester recognized **Dr. Robert Blaine**, Chief Administrative Officer who stated that the order would need to be amended after the last **WHEREAS** paragraph to include the following goals:

1. To decrease the number of grievances filed with the HR Department from each department in the city;
 2. To identify barriers to communicating up and down the chain of command create & recommendations to resolve issues;
 3. To identify training needs specific to each department and in general, for all departments;
 4. To produce a final written report to Department Directors with specific recommendations for the Chief Administrator.
-

President Priester moved, seconded by **Vice President Lindsay** to amend said order as ascribed by **Dr. Blaine**. The following motion prevailed by the following vote:

Yeas- Foote, Lindsay, Priester and Tillman.

Nays- Banks.

Absent- Stamps and Stokes.

After a thorough discussion, **President Priester** recognized **Mayor Chokwe Antar Lumumba**, who stated that he would be amendable to pulling said item for further vetting. Thereafter, **Council Member Tillman** and **President Priester** withdrew their motion and second. **President Priester** stated that said item would be tabled until the next Regular City Council meeting.

There came on for consideration Agenda Item No. 15:

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 from the agenda by the Administration.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE SERVICE AGREEMENT WITH MOTOROLA, INC. FOR THE MAINTENANCE OF THE CITY OF JACKSON'S FIRE ALERTING SYSTEM.

WHEREAS, on or about October 01, 2018, the City of Jackson entered into a purchase agreement with Motorola, Inc., for a Fire Alerting System; that agreement included provisions for the service and maintenance of the City of Jackson's purchase from Motorola, Inc.; and

WHEREAS, the present maintenance service coverage for the Fire Alerting System will expire on or about September 30, 2019; and

WHEREAS, it is necessary that maintenance service agreement be executed to provide continuous service and maintenance of the Fire Alert System; and

WHEREAS, Motorola, Inc., has agreed to provide service and maintenance for the Fire Alerting System at a cost of no more than \$5,746.22 per month for a period of no less than one year, for a total yearly cost of no more than \$68,954.60; further, Motorola, Inc. is agreeable to the annual renewal of the agreement under the same cost, terms and conditions.

IT IS, HEREBY, ORDERED that the Mayor be authorized to execute a renewable one-year maintenance service agreement with Motorola, Inc. for service and maintenance to the City's Fire Alert System wherein the city agrees to pay Motorola, Inc. no more than \$5,746.22 per month for a total yearly cost of no more than \$68,954.60.

IT IS, HEREBY, ORDERED that the Mayor be authorized to annually renew the aforementioned maintenance service agreement under the same cost, terms and conditions herein described, provided said renewals are in the best interest of the City of Jackson and do not extend said agreement past September 30, 2019 without further authority from City's governing authority.

IT IS, HEREBY, ORDERED that the Mayor be authorized to execute any documents necessary to effectuate the afore mentioned maintenance service agreement.

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

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

ORDER AUTHORIZING THE SALE OF LOST, STOLEN, ABANDONED AND MISPLACED MOTOR VEHICLES AND EQUIPMENT AT A PUBLIC AUCTION ON MARCH 30, 2019.

WHEREAS, the City of Jackson routinely receives and recovers lost, stolen, abandoned or misplaced motor vehicles and equipment which must be disposed of pursuant to the procedure set forth in Section 21-39-21, Mississippi Code of 1972, as Amended; and

WHEREAS, it is required under said statute to sell lost, stolen, abandoned, or misplaced motor vehicles and equipment at a public auction; and

WHEREAS, the governing authorities has approved for a public auction to be held at 4225-C Michael Avalon Street on March 30, 2019 to dispose of lost, stolen, abandoned or misplaced motor vehicles and equipment; and

WHEREAS, a list of said motor vehicles and equipment sold at the public auction will be filed with the City Clerk, and posted in accordance with Section 21-39-21, Mississippi Code of 1972, as Amended

IT IS HEREBY ORDERED that motor vehicles and equipment be sold at a public auction to be held at 4225-C Michael Avalon Street on March 30, 2019, in compliance with Section 21-39-21, Mississippi Code of 1972, as amended.

IT IS FURTHER ORDERED that the Jackson Police Department designee be authorized to sign the necessary documents to effectuate the sale of the vehicles and equipment which are sold at the auction.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A FORTY-EIGHT MONTH RENTAL AGREEMENT WITH ADVANTAGE BUSINESS SYSTEMS FOR A MINOLTA BIZHUB C-308 DIGITAL COLOR SYSTEM AND THE MINOLTA BIZHUB 368e (BLACK/WHITE) DIGITAL COLOR SYSTEM TO BE USED BY THE DEPARTMENT OF PERSONNEL MANAGEMENT, INSURANCE SECTION AND THE HUMAN RESOURCE SECTION.

WHEREAS, the City of Jackson, Mississippi, desires to enter into a forty-eight-month rental agreement for two copiers to be used by the Insurance section and the Human Resource section within the Department of Personnel Management; and

WHEREAS, Advantage Business Systems has agreed to provide through State Contract #8200038141, Minolta Bizhub C-308 Digital Color System and a Minolta Bizhub 368e (Black/White) Digital Color System.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute the necessary documents for a contract with Advantage Business Systems, 5442 Executive Place, Jackson, MS 39206, to provide a 48-month rental of a Minolta Bizhub C-308 Digital Color System, at a cost of \$165.00 per month and a Minolta Bizhub 368e (Black/White) Digital Color System, at a cost of \$123.00 per month, which includes labor, parts, toner and drums, with the exceptions of paper and staples, plus a copy charge of \$.0085 per black/white copy and \$.055 per color copy (Bizhub C-308); and \$.0079 per black/white page (Bizhub 368e).

IT IS FURTHER ORDERED that payment for said copy rental be made from the general funds.

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

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

ORDER AUTHORIZING THE PURCHASE OF A FORD F350 TRUCK FROM COUNTRY FORD PURSUANT TO STATE CONTRACT #8200042046 TO BE UTILIZED BY THE MAINTENANCE DEPARTMENT WITHIN THE CITY'S PUBLIC TRANSIT SYSTEM, JATRAN.

WHEREAS, the City of Jackson, Mississippi desires to purchase a Ford F350 truck to be utilized by the Maintenance Department for road calls/service pursuant to guidelines established by the Federal Transit Administration (FTA); and

WHEREAS, the City of Jackson is eligible to participate and purchase a Ford F350 truck from Country Ford through state contract #8200042046; and

WHEREAS, the cost shall not exceed the sum of \$27,618.00, which is covered 80% (\$22,094.40) by FTA funds and the City's 20% (\$5,523.60) local match which is budgeted in FY19; and

WHEREAS, the purchase of the Ford F350 truck pursuant to the state contract is not intended and will not create an exclusive supplier relationship with Country Ford and the best interest of the City would be served by authorizing the purchase of the truck in fiscal year 2019 (FY19), from Country Ford pursuant to state contract #8200042046 and FTA guidelines.

IT IS, THEREFORE, ORDERED that 80% of the sum of \$27,618.00 may be expended from the available FTA funds and 20% match from general funds in FY18 for the purchase of the Ford F350 truck from Country Ford pursuant to state contract #8200042046 shall not be construed as obligating the City to purchase additional vehicles from or creating an exclusive supplier relationship with Country Ford.

IT IS, FURTHER ORDERED that the vehicle will be up fitted to convert to a Work/Service Truck by Sullivan Truck Equipment, Inc.

IT IS, FURTHER ORDERED that the cost to up fit the vehicle will not exceed \$12,650.00 covered 80% (\$10,120.00) federal and 20% (\$2,530.00) local match.

IT IS, FURTHER ORDERED that the Mayor shall be authorized to execute any all purchase orders, contracts, or other documents required to the purchase a Ford F350 truck pursuant to the state contract #8200042046 from Country Ford for the Maintenance Department within the City's public transit system, JATRAM, for an amount not to exceed \$26,479.00.

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

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

Nays- None.

Absent- Stokes.

ORDER AUTHORIZING THE ENDORSEMENT OF A MINORITY CAPITAL FUND LOAN INSURANCE CLAIM CHECK MADE PAYABLE TO CAPITAL CITY CAR WASH, LLC (BORROWER) AND THE CITY OF JACKSON (MORTGAGEE).

WHEREAS, on November 6, 2007, by subrecipient agreement, The City of Jackson through its Community Development Block (CDBG) allotment from Housing and Community Development allocated funds to Minority Capital Fund, now known as Small Business Capital Fund, to loan to businesses located in low to moderate communities in Jackson; and

WHEREAS, on September 28, 2006, Capital City Car Wash, LLC, located at 2531 Livingston Road Jackson, MS procured a loan in the amount of \$150,000.00 from Minority Capital Fund secured by 1st deed of the car wash, including land, and equipment; and

WHEREAS, on March 14, 2014, per direction from HUD, City of Jackson began to service all loans originated by Minority Capital Fund using City allocated CDBG funds; and

WHEREAS, on August 14, 2018 vandalism occurred at the car wash that caused the owners to file an insurance claim on behalf of Capital City Car Wash, LLC; and

WHEREAS, on December 6, 2018 or thereabout, the owners received a check from their insurance company, Maxum Indemnity Company, in the amount of \$5,999.73 made payable to Capital City Car Wash, LLC and the City of Jackson; and

WHEREAS, upon the City's endorsement, \$5,999.73 will be credited to Capital City Car Wash, LLC's loan which will serve to pay the loan off.

IT IS HEREBY ORDERED that the Mayor, or a designee, be authorized to endorse the joint payee insurance claim check in the amount of \$5,999.73 for payoff of the Capital City Car Wash, LLC loan. Any deeds will also be signed by the mayor to complete this transaction as a full and final matter.

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

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

ORDER ACCEPTING A SECTION 108 GUARANTEED LOAN UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, PLEDGING FULL FAITH AND CREDIT AS SCURITY, AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO CITY'S HUD SECTION 108 LOAN GUARANTEE CONTRACT, NOTE, AND RELATED DOCUMENTS CONTAINING THAT PLEDGE.

WHEREAS, on September 11, 2007, the City Council adopted an Order, recorded in Minute Book 5Q, Pages 326-327, authorizing the Mayor to submit an application to the United States Department of Housing and Urban Development ("HUD") for a guarantee of a loan under Section 108 of the Housing and Community Development Act of 1974 in an amount of \$10,000,000 (the Section 108 Loan"); and

WHEREAS, on July 1, 2008, HUD approved the City of Jackson's application for a Section 108 Loan in the maximum amount of \$10,000,000 and, in furtherance thereof, the City of Jackson and HUD have executed that certain Contract for Loan Guarantee Assistance (the "Contract of Guarantee") setting forth the proposed uses of the proceeds of the Section 108 Loan; and

WHEREAS, as set forth in the Contract of Guarantee and the City's Consolidated Plan, the City proposed to loan the proceeds of the Section 108 Loan to TCI MS Investment, Inc. ("TCI") to provide funds for site acquisition and related costs (the "Acquisition Loan") in connection with the development of a hotel and related facilities to, among other things, serve the Convention Center (the "Capital Centre Revitalization Project"); and

WHEREAS, the City of Jackson drew \$7,000,000 under the Section 108 Loan and advanced the aggregate amount of \$6,629,208 under the Acquisition Loan to TCI, which TCI used, together with funds from other sources, for site acquisition purposes in furtherance of the Capital Centre Revitalization Project; and

WHEREAS, TCI determined that it would not be able to develop the Capital Centre Revitalization Project and proposed (i) a sale of the land currently owned by TCI and securing the Acquisition Loan (the "Encumbered Property") in exchange for the debt secured thereby, and (ii) a sale of Hinds County Tax Parcels 191-14, 191-15, 191-16, 191-17, 191-18, 191-19, 191-20, which TCI acquired with other funds for and in exchange for the sum of \$3,800,000 (the "Additional Property"); and

WHEREAS, the City desired to draw the \$3,000,000 remaining under the Section 108 Loan and use such funds, together with other funds of the City, to acquire the Additional Land; and

WHEREAS, the draw period under the Section 108 Loan ended September 30, 2011; and

WHEREAS, the City is determined to carry out an economic development project on site. It has developed a new work plan that has been conditionally approved by HUD. However, Mississippi state law prohibits the City from pledging the acquired property as collateral for the Section 108 loan guarantee; and

WHEREAS, in order to move forward with the project, HUD has requested the City amend the original Contract to modify the collateral on the loan; and

WHEREAS, an amendment is needed to the Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as Amended, 42 U.S.C. §5308, between the City of Jackson, Mississippi (the "City") and the Secretary of Housing and Urban Development ("HUD") dated October 21, 2008 (the "Contract"), which governs the \$10,000,000 Variable/Fixed Rate Note, Note Number B-07-MC-28-0003 issued by the City and guaranteed by HUD; and

WHEREAS, HUD has determined that a pledge of the City's Full Faith and Credit would be sufficient to secure the loan. Additionally, the City agreed to pay the debt service with non-federal funds until the project generates revenues that can be used to repay the loan.

IT IS, THEREFORE, ORDERED that the Mayor of the City of Jackson, Mississippi, is authorized to execute any and all documents necessary to accept the loan guarantee referenced above and any subsequent notes.

IT IS FURTHER ORDERED that said Note constitutes a general indebtedness of the City and is payable from any money as is lawfully available and authorized or pledged by the City for the payment of principal of and interest on the Note. For as long as the Note is outstanding, the City irrevocably pledges that it shall, in the manner provided by law within the constitutional and statutory limitations provided by law without the assent of the voters, make the prompt payment of principal and interest on the Note as the same shall become due.

IT IS FINALLY ORDERED the City of Jackson, Mississippi, hereby irrevocably pledges its full faith and credit in support of all obligations of the City as Borrower under any notes executed by the City, up to the amount of HUD's commitment for Section 108 Loan Guarantee Assistance, evidencing the Section 108 guaranteed loan pursuant to paragraph 15 of the related Contract for Section 108 Loan Guarantee Assistance between the City and HUD. This pledge shall be enforceable in mandamus against the City.

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

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

Council Member Stamps left the meeting.

ORDER AUTHORIZING THE MAYOR TO ENTER INTO A THIRTY-SIX (36) MONTH AGREEMENT WITH REMIX SOFTWARE, INC. FOR THE PROCUREMENT OF TRANSPORTATION PLANNING SOFTWARE IN ACCORDANCE WITH FEDERAL TRANSIT ADMINISTRATION (FTA) CIRCULAR 4220.1F.

WHEREAS, the City of Jackson, Mississippi, desires to enter into a 36-month agreement for transportation planning software; and

WHEREAS, the City of Jackson is subject to regulations promulgated by the Federal Transit Administration because it receives federal monies and assistance in its provision of public transportation services; and

WHEREAS, FTA C Circular 4220.1 F was promulgated by the Federal Transit Administration as guidance to assist recipients in complying with the various federal laws and legislation which affect FTA assisted procurements; and

WHEREAS, sole sources are identified as a procurement source in Chapter V Section 7 of FTA C Circular 4220.1 F; and

WHEREAS, Chapter V Section 7 of the referenced circular requires a recipient to complete a written sole source justification in conjunction with each sole source procurement; and

WHEREAS, Chapter VI Section 6 of the referenced circular requires a recipient to perform a cost analysis in conjunction with each sole source procurement; and

WHEREAS, the staff within the transit services division performed a cost analysis in conjunction with the procurement action and has documented its file concerning the subject procurement in accordance with the referenced circular; and

WHEREAS, the staff within the transit services division completed a written sole source justification with the procurement action and has documented its file with the report; and

WHEREAS, the transit service division believes and recommends that the best interest of the City of Jackson would be served by purchasing Transportation Planning Software from ReMix Software, Inc.; and

WHEREAS, the total cost of the procurement is \$16,400.00 the initial year and \$14,400.00 annually; and

WHEREAS, monies received from the Federal Transit Administration in the amount of \$13,120.00 will be used to fund the procurement described; and

WHEREAS, the sum of \$3,280.00 is not covered by federal funding and must be matched from local sources; and

WHEREAS, the local match is included in the division's budget for the 2019 fiscal year.

IT IS HEREBY ORDERED that the sole source procurement of Transportation Planning Software may be purchased from ReMix Software, Inc. in accordance with the referenced Circular; and

IT IS FURTHER ORDERED that a sum not to exceed \$16,400.00 may be expended for the procurement for the first year and \$14,400.00 annually thereafter with the understanding that federal monies in the amount of \$13,120.00 will be used for the procurement and a local match not exceeding \$3,280.00 will also be used.

IT IS FINALLY ORDERED that the Mayor shall be authorized to execute purchase orders, contracts, and other documents not contrary to the provisions of this order which may be required and necessary for facilitating the procurement and the receipt and delivery of the goods or services stated.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH THE 601 LIVE BAND TO SECURE THEIR PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, ON JUNE 15, 2019, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson's Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019			
	Artist / Group	Cost	Location
√	1. 601 Live Band	\$1,000.00	Battlefield Park 953 West Porter Street Jackson, Mississippi
	2. Vick Allen	\$4,000.00	
	3. The Bigg Robb Show	\$4,500.00	
	4. Omar Cunningham	\$3,500.00	
	5. Krishunda Echols	\$500.00	

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6.	LJ Echols	\$3,500.00
7.	Dave Mack	\$1,000.00
8.	Midnight Star	\$15,000.00
9.	Tre Williams	\$4,500.00

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with the 601 Live Band; and

WHEREAS, the 601 Live Band will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is One Thousand Dollars (\$1,000.00); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with the 601 Live Band to perform at Battlefield Park, on June 15, 2019 at the Blues in the Park event at a cost not to exceed One Thousand Dollars (\$1,000.00).

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

Yeas- Banks, Lindsay and Tillman.

Nays- Foote and Priester.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH MIDNIGHT STAR TO SECURE THEIR PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson’s Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, performing blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019			
	Artist / Group	Cost	Location
1.	601 Live Band	\$1,000.00	Battlefield Park 953 West Porter Street Jackson, Mississippi
2.	Vick Allen	\$4,000.00	
3.	The Bigg Robb Show	\$4,500.00	
4.	Omar Cunningham	\$3,500.00	
5.	Krishunda Echols	\$500.00	
6.	LJ Echols	\$3,500.00	
7.	Dave Mack	\$1,000.00	
√ 8.	Midnight Star	\$15,000.00	
9.	Tre Williams	\$4,500.00	

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with Midnight Star; and

WHEREAS, Midnight Star will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is Fifteen Thousand Dollars (\$15,000.00); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with Midnight Star to perform at Battlefield Park, on June 15, 2019 at the Blues in the Park event at a cost not to exceed Fifteen Thousand Dollars (\$15,000.00).

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

Yeas- Banks, Lindsay and Tillman.

Nays- Foote and Priestler.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH THE BIGG ROBB SHOW TO SECURE HIS PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson’s Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, performing blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019				
	Artist / Group	Cost	Location	
1.	601 Live Band	\$1,000.00	Battlefield Park	
2.	Vick Allen	\$4,000.00	953 West Porter Street	
√ 3.	The Bigg Robb Show	\$4,500.00	Jackson, Mississippi	
4.	Omar Cunningham	\$3,500.00		
5.	Krishunda Echols	\$500.00		
6.	LJ Echols	\$3,500.00		
7.	Dave Mack	\$1,000.00		
8.	Midnight Star	\$15,000.00		
9.	Tre Williams	\$4,500.00		

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with the Bigg Robb Show; and

WHEREAS, the Bigg Robb Show will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is Four Thousand Five Hundred Dollars (\$4,500.00); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with the Bigg Robb to perform at Battlefield Park,

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on June 15, 2019 at the Blues in the Park event at a cost not to exceed Four Thousand Five Hundred Dollars (\$4,500.00).

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

Yeas- Banks, Lindsay and Tillman.

Nays- Foote and Priester.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH OMAR CUNNINGHAM TO SECURE HIS PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, ON JUNE 15, 2019, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson’s Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019			
	Artist / Group	Cost	Location
1.	601 Live Band	\$1,000.00	Battlefield Park 953 West Porter Street Jackson, Mississippi
2.	Vick Allen	\$4,000.00	
3.	The Bigg Robb Show	\$4,500.00	
√ 4.	Omar Cunningham	\$3,500.00	
5.	Krishunda Echols	\$500.00	
6.	LJ Echols	\$3,500.00	
7.	Dave Mack	\$1,000.00	
8.	Midnight Star	\$15,000.00	
9.	Tre Williams	\$4,500.00	

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with Omar Cunningham; and

WHEREAS, Omar Cunningham will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is Three Thousand Five Hundred Dollars (\$3,500.00); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with Omar Cunningham to perform at Battlefield Park, on June 15, 2019 at the Blues in the Park event at a cost not to exceed Three Thousand Five Hundred Dollars (\$3,500.00).

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

Yeas- Banks, Lindsay and Tillman.

Nays- Foote and Priester.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH KRISHUNDA ECHOLS TO SECURE HER PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson’s Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, performing blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019			
	Artist / Group	Cost	Location
1.	601 Live Band	\$1,000.00	Battlefield Park 953 West Porter Street Jackson, Mississippi
2.	Krishunda Echols	\$4,000.00	
3.	The Bigg Robb Show	\$4,500.00	
4.	Omar Cunningham	\$3,500.00	
√ 5.	Krishunda Echols	\$500.00	
6.	LJ Echols	\$3,500.00	
7.	Dave Mack	\$1,000.00	
8.	Midnight Star	\$15,000.00	
9.	Tre Williams	\$4,500.00	

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with Krishunda Echols; and

WHEREAS, Krishunda Echols will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is Five Hundred Dollars (\$500.00)); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with Krishunda Echols to perform at Battlefield Park, on June 15, 2019 at the Blues in the Park event at a cost not to exceed Five Hundred Dollars (\$500.00)).

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

Yeas- Banks, Lindsay and Tillman.

Nays- Foote and Priester.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH L.J. ECHOLS TO SECURE HIS PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson’s Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, performing blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019			
	Artist / Group	Cost	Location
1.	601 Live Band	\$1,000.00	Battlefield Park 953 West Porter Street Jackson, Mississippi
2.	Vick Allen	\$4,000.00	
3.	The Bigg Robb Show	\$4,500.00	
4.	Omar Cunningham	\$3,500.00	
5.	Krishunda Echols	\$500.00	
√ 6.	L.J. Echols	\$3,500.00	
7.	Dave Mack	\$1,000.00	
8.	Midnight Star	\$15,000.00	
9.	Tre Williams	\$4,500.00	

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with L.J. Echols; and

WHEREAS, L.J. Echols will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is Three Thousand Five Hundred Dollars (\$3,500.00); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with L.J. Echols to perform at Battlefield Park, on June 15, 2019 at the Blues in the Park event at a cost not to exceed Three Thousand Five Hundred Dollars (\$3,500.00).

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

Yeas- Banks, Lindsay and Tillman.

Nays- Foote and Priester.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH DAVE MACK TO SECURE HIS PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson’s Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, performing blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019			
	Artist / Group	Cost	Location
1.	601 Live Band	\$1,000.00	Battlefield Park 953 West Porter Street Jackson, Mississippi
2.	Vick Allen	\$4,000.00	
3.	The Bigg Robb Show	\$4,500.00	

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	4.	Omar Cunningham	\$3,500.00
	5.	Krishunda Echols	\$500.00
	6.	LJ Echols	\$3,500.00
√	7.	Dave Mack	\$1,000.00
	8.	Midnight Star	\$15,000.00
	9.	Tre Williams	\$4,500.00

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with Dave Mack; and

WHEREAS, Dave Mack will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is One Thousand Dollars (\$1,000.00); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with Dave Mack to perform at Battlefield Park, on June 15, 2019 at the Blues in the Park event at a cost not to exceed One Thousand Dollars (\$1,000.00).

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH TRE WILLIAMS TO SECURE HIS PERFORMANCE AT THE CITY OF JACKSON 2019 JACKSON SOULFUL MUSIC, BLUES IN THE PARK CONCERT, AT BATTLEFIELD PARK.

WHEREAS, the City of Jackson’s Parks and Recreation Department is hosting the 2019 Jackson Soulful Music, Blues in the Park Concert on June 15, 2019, at Battlefield Park; and

WHEREAS, this concert will provide fun-filled blues entertainment for our citizens and visiting guests, featuring nine (9) extremely talented, performing blues artists; and

WHEREAS, each performing artist is listed below; and

BLUES IN THE PARK CONCERT – SATURDAY, JUNE 15, 2019			
	Artist / Group	Cost	Location
	1. 601 Live Band	\$1,000.00	Battlefield Park 953 West Porter Street Jackson, Mississippi
	2. Vick Allen	\$4,000.00	
	3. The Bigg Robb Show	\$4,500.00	
	4. Omar Cunningham	\$3,500.00	
	5. Krishunda Echols	\$500.00	
	6. LJ Echols	\$3,500.00	
	7. Dave Mack	\$1,000.00	
	8. Midnight Star	\$15,000.00	
√	9. Tre Williams	\$4,500.00	

WHEREAS, in furtherance to the event, the Department of Parks and Recreation will need to enter into an agreement with Tre Williams; and

WHEREAS, Tre Williams will perform at the Blues in the Park event at Battlefield Park on June 15, 2019; and

WHEREAS, the cost for the performance is Four Thousand Five Hundred Dollars (\$4,500.00); and

WHEREAS, the Department believes executing this agreement is in the best interest of the City of Jackson.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement, and all other necessary documents, for a contract with Tre Williams to perform at Battlefield Park, on June 15, 2019 at the Blues in the Park event at a cost not to exceed Four Thousand Five Hundred Dollars (\$4,500.00).

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

Yeas- Banks, Lindsay and Tillman.

Nays- Foote and Priester.

Absent- Stamps and Stokes.

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.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING TASK ORDER NUMBER 3A WITH BURNS & MCDONNELL FOR PROGRAM MANAGEMENT SERVICES FOR THE WASTEWATER CONSENT DECREE.

WHEREAS, the City of Jackson authorized an Agreement for Program Management Services for the Wastewater Consent Decree on January 24, 2017; and

WHEREAS, the initial term of the Agreement was for four-years, with options for two additional two-year terms; and

WHEREAS, Burns & McDonnell have proposed Task Order Number 3A, in the amount of \$1,368,646.00, for the period ending June 30, 2019, to provided limited program management services that will include continued reporting required under the Consent Decree, support for negotiations with the U.S. Environmental Protection Agency and Mississippi Department of Environmental Quality to modify the Consent, and support for development of short term and long-term cash flow models; and

WHEREAS, the Department of Public Works recommends that the City authorize Task Order Number 3A with Burns & McDonnell to continue providing limited program management services for the City's Wastewater Consent Decree.

IT IS, THEREFORE, ORDERED that Task Order Number 3A with Burns & McDonnell to provide Program Management Services for the Wastewater Consent Decree, in an amount not to exceed \$1,368,646.00 for services through June 30, 2019, is authorized.

IT IS FURTHER ORDERED that the Mayor is authorized to execute Task Order Number 3A and all other documents necessary for the providing of limited program management services, provided that the Director of Public Works shall not be entitled to authorize the expenditure of any additional funds in excess of \$1,368,646.00.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A ONE (1) YEAR EXTENDED SERVICE WARRANTY CONTRACT WITH MICRO-COMM, INC. TO PROVIDE PARTS AND SERVICE ON THE SCADA SYSTEMS FOR THE WATER STORAGE TANKS AND WELL SYSTEM.

WHEREAS, Micro-Comm, Inc. currently provides extended warranty services for the SCADA systems on the City Water Tanks and on the City well system; and

WHEREAS, the monitoring of the City's water storage tank levels and the status of the well system by SCADA is necessary for the proper operations of the water system in order to maintain adequate water supply and pressure; and

WHEREAS, the monitoring of the City wells by SCADA system ensures the safety of the public by notifying the water system operator of any problems with the chlorine feed system, including potentially harmful chlorine leaks; and

WHEREAS, this SCADA system has served the City since 1987 and is a proprietary system for which Micro-Comm, Inc. is the sole supplier of replacement parts and technical expertise; and

WHEREAS, the one-year extended service warranty contract in the amount of \$4,750.00 will ensure that the City has replacement parts available in the event components of the SCADA system fail or need troubleshooting; and

WHEREAS, the one-year extended service warranty contract also allows the City to obtain, as needed, onsite service for \$90.00 per hour (four-hour minimum), plus \$40.00 per hour travel time and all expenses or a maximum daily charge of \$900.00 per day plus \$40.00 per hour travel and all expenses; and

WHEREAS, the Public Works Department recommends this SCADA System one-year extended service warranty contract with Micro-Comm, Inc.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute any and all documents necessary to procure a one (1) year Extended Service Warranty Contract with Micro-Comm, Inc., to provide replacement parts and service at discounted rates for the water storage tanks and well system SCADA system for the water storage tanks and well system in the amount of \$4,750.00.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND OTHER DOCUMENTS NECESSARY WITH THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR FAST ACT SURFACE TRANSPORTATION PROJECTS AWARDED BY THE JACKSON METROPOLITAN PLANNING ORGANIZATION.

WHEREAS, the Fixing America's Surface Transportation Act (FAST Act) provides funding to regional metropolitan planning organizations for various surface transportation block grant projects; and

WHEREAS, the City of Jackson submitted applications to the Jackson Metropolitan Planning Organization for eligible projects for federal FAST Act funding with projects awarded on a competitive basis based on pre-determined criteria in set categories; and

WHEREAS, on February 13, 2019 the Jackson MPO Policy Committee approved the award of \$14,949,180.00 in construction funds to the City of Jackson for the following projects:

Pavement Management

- \$1,836,857.00 for Terry Road from I-20 to McDowell Road (Wards 5 & 7)
- \$3,674,734.00 for Woodrow Wilson Avenue from Mill Street bridge to Martin Luther King, Jr. Drive (Wards 3 & 7)
- \$2,669,746.00 for Meadowbrook Road from I-55 to West Street/Northbrook Drive (Wards 1, 3, & 7)
- \$1,583,723.00 for State Street from Sheppard Road to Briarwood Drive (Wards 2 & 3)

Bridge Repair

- \$1,125,000 to replace the Mill Street bridge over Town Creek near Griffith Street (Ward 7)
- \$2,025,000 to replace the Terry Road bridge over Cany Creek south of McCleure Road (Wards 6 & 7)

Safety Improvements

- \$354,198.00 for Woodrow Wilson Ave at Medgar Evers Blvd 5 Points signal upgrades (Ward 3)
- \$517,872.00 for Woodrow Wilson Ave at Bailey Ave & Bailey Ave Extension signal component upgrades (Ward 3 & 7)
- \$658,968.00 for State Street signal component upgrades from Rankin Street to Pascagoula Street (Ward 7)
- \$503,082.00 for State Street signal component upgrades from Pearl Street to High Street (Ward 7); and

WHEREAS, during the life of this project it will be necessary for the Mayor to execute a Memorandum of Understanding and other documents related to the administration and construction of the project and to submit those documents to MDOT, which administers projects that utilize federal transportation funds.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a Memorandum of Understanding and other documents necessary for the administration of said projects.

IT IS, FURTHER, ORDERED that the Director of Public Works and the City Engineer are authorized to execute various non-contractual documents on behalf of the Mayor as necessary for the administration of said projects.

IT IS FURTHER ORDERED that the documents executed by the Mayor may not include the appropriation of funds not previously authorized.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING CHANGE ORDER NO.1/FINAL TO THE CONTRACT OF HEMPHILL CONSTRUCTION COMPANY, INC. FOR THE HENDERSON ROAD BRIDGE REHABILITATION PROJECT, CITY PROJECT NO. 18B4501.902.

WHEREAS, on November 6, 2018 the City of Jackson accepted Hemphill Construction Company, Inc.'s bid of \$218,555.00 for the Henderson Road Bridge Rehabilitation Project, City Project No. 18B4501.902; and

WHEREAS, the contract work involved the construction of a precast bridge structure on Henderson Road within the City of Jackson corporate limits; and

WHEREAS, Change Order No. 1/Final represents a 1.0% increase to the current contract amount due to the adjustment of quantities and the removal or addition of items; and

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

WHEREAS, the current contract amount is \$218,555.00 and the increased contract amount will be \$220,731.90; and

WHEREAS, the Department of Public Works recommends final payment in the amount of \$55,478.90 to Hemphill Construction Company, Inc.; and

WHEREAS, the bonding company Federal 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 Change Order No. 1/Final to the contract of Hemphill Construction Company, Inc., increasing the contract amount by \$2,176.90 to a final contract amount of \$220,731.90 is authorized.

IT IS FURTHER ORDERED that the City make final payment in the amount of \$55,478.90 and release all securities held to Hemphill Construction Company, Inc. for all the work completed and materials furnished under this contract and that the City Clerk publish the Notice of Completion of the Henderson Road Bridge Rehabilitation Project, City Project No. 18B4501.902.

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

Yeas- Banks, Foote, Lindsay and Priester.

Nays- None.

Abstention- Tillman.

Absent- Stamps and Stokes.

ORDER TERMINATING THE CONTRACT OF KEY CONSTRUCTORS, LLC, FOR THE MCDOWELL ROAD BRIDGE REPLACEMENT PROJECT, CITY PROJECT NUMBER 17B4502.902, STP-8280-00(003) LPA/107540-701000.

WHEREAS, the contract for the McDowell Road Bridge Replacement Project, City Project Number 17BB4502.902, STP-8280-00(003) LPA/107540-01000 was awarded to Key Constructors, LLC on July 31, 2018; and

WHEREAS, the contractor (Key Constructors, LLC) has requested to terminate the contract due to ongoing and irreconcilable utility issues on the project, and concern with the precast units on the project due to procurement and installation; and

WHEREAS, the Department of Public Works has exhausted all resources to resolve the matter to help move the project forward under the existing contract; and

WHEREAS, the contractor (Key Constructor, LLC) has indicated that due to the delay in construction, and the unresolved utility issues their best course of action is to terminate the contract; and

WHEREAS, the Department of Public Works agrees that the best situation for the City of Jackson is to terminate the contract with Key Constructors, LLC, allowing for re-advertisement of work; and

WHEREAS, the Department of Public Works also request that payment for mobilization, and other miscellaneous construction work be paid in an amount of \$21,164.19.

IT IS, THEREFORE, ORDERED that the contract with Key Constructors, LLC, is terminated, and approval for payment in the amount of \$21,164.19 is authorized for the McDowell Road Bridge Replacement Project, City Project Number 17BB4502.902, STP-8280-00(003) LPA/107540-01000.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING REGARDING THE DISPOSING OF VEHICLES ABANDONED AT THE JACKSON-MEDGAR WILEY EVERS INTERNATIONAL AIRPORT AND HAWKINS FIELD AIRPORT BY AND BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND THE JACKSON MUNICIPAL AIRPORT AUTHORITY (JMAA).

WHEREAS, the Jackson Municipal Airport Authority, a public body corporate and politic of the State of Mississippi (“JMAA”) operates and controls the Jackson-Medgar Wiley Evers International Airport, a commercial service airport located in the City of Jackson, Rankin County, Mississippi (“JAN”) and Hawkins Field Airport, a general aviation airport located in the City of Jackson, Hinds County, Mississippi (“HKS”) (together “Airports”) pursuant to Mississippi Code Section 61-3-5 by resolution of the City of Jackson, Mississippi; and

WHEREAS, JMAA periodically declares vehicles left unattended on a public street, or road or other public property at the Airports and vehicles parked in the Airports’ public parking facilities as an “abandoned motor vehicle” in accordance with Mississippi Code Ann. §63-23-3; and

WHEREAS, JMAA charges parking fees for vehicles parked at JAN public parking facilities up and until said vehicles are removed from JMAA parking facilities after being declared as abandoned; and

WHEREAS, JMAA does not desire to keep or store vehicles declared as an “abandoned motor vehicle” on its property; and

WHEREAS, MS AG Opinion, Bass (February 16, 2018) provides that JMAA shall turn over any lost, abandoned or misplaced personal property found and stored on its property to the City of Jackson, MS for disposal; and

WHEREAS, the City is legally authorized to conduct public auctions during which abandoned items, including vehicles, can be auctioned; and

WHEREAS, JMAA desires to remove vehicles declared as an “abandoned motor vehicle” left unattended on a public street, or road or other public property at the Airports and from its parking facilities; and

WHEREAS, the City desires to retrieve vehicles declared as an “abandoned motor vehicle” by JMAA from JMAA to sell via public auction; and

WHEREAS, JMAA desires to collect the parking fees incurred by each vehicle declared as an “abandoned motor vehicle” for the days said vehicle was parked at a public parking facility at an Airport; and

WHEREAS, JMAA desires to deliver to the City vehicles left unattended on a public street, or road or other public property at the Airports and any vehicles parked in Airport public parking facilities declared as an “abandoned motor vehicle” and the City desires to retrieve said vehicles, dispose of said vehicles by public auction, recoup all costs incurred by the City, and deliver to JMAA, from the auction sale amount, the parking fees owed to JMAA for each abandoned motor vehicle; and

WHEREAS, the City, after a sale, shall remit to JMAA the amount owed to JMAA for parking fees as to the “abandoned motor vehicle” and retain the remainder of the sale amount; and

WHEREAS, the City, in the event the gross sale amount for an “abandoned motor vehicle” is less than the total parking fees owed to JMAA and the cost incurred by the City regarding the handling, processing, storage, and sale of the “abandoned motor vehicle,” the sale amount shall first be retained by the City to satisfy the total cost incurred by the City, and any remainder to satisfy parking fees owed to JMAA; and

WHEREAS, the City and JMAA desire to set forth in writing their understanding as to the delivery of vehicles declared as an “abandoned motor vehicle” by JMAA, the auction of said vehicles, the recoupment of costs incurred by the City, and the payment by the City of the parking fees owed to JMAA regarding each vehicle sold at auction.

IT IS HEREBY ORDERED that the Mayor of the City of Jackson is authorized to enter into the herein-described Memorandum of Understanding between the City of Jackson, Mississippi and the JMAA, for the delivery of vehicles declared as an “abandoned motor vehicle” by JMAA, the auction of said vehicles, the recoupment of costs incurred by the City, and the payment by the City of the parking fees owed to JMAA regarding each vehicle sold at auction.

IT IS FURTHER ORDERED that the Mayor, or his designee, be authorized to execute any and all documents necessary to facilitate the terms of the herein-described Memorandum of Understanding.

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

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING PAYMENT OF FULL AND FINAL JUDGMENT OF ALL CLAIMS IN THE MATTER OF “KATE EIDT VS. CITY OF JACKSON IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI; Civil Action No. 18-1102.

WHEREAS, on March 20, 2018, a Complaint was filed by Kate Eidt naming the City of Jackson, Mississippi as Defendant, alleging damage to her property as a result of a broken water main near her residence, “Kate Eidt vs. City of Jackson, in the County Court Hinds County, Mississippi, Civil Action No. 18-1102; and

WHEREAS, on or about February 20, 2019, the parties, through counsel, participated in a settlement conference where the parties negotiated and reached a proposed agreement to settle the aforementioned lawsuit styled KATE EIDT VS. CITY OF JACKSON IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI; Civil Action No. 18-1102; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiff and her attorney John Fike, in return for a complete release of the City and Entry of an Agreed Order of Dismissal; and

WHEREAS, such settlement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi, through the office of the City Attorney is authorized to make payment to the Plaintiff in the amount of \$4,200.00.

IT IS FURTHER ORDERED that payment of said damages is reasonable and necessary to effect resolution of all claims in the lawsuit styled KATE EIDT VS. CITY OF JACKSON IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI; Civil Action No. 18-1102.

IT IS FURTHER ORDERED that payment said sum will be released to Plaintiff in return for an executed release/settlement agreement by Plaintiff, and that the Office of the City Attorney is authorized to take any and all action, including execution of documents, necessary to effect resolution of her claim of damages not to exceed \$4,200.00.

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

President Priester recognized **Richard Davis**, Deputy City Attorney who stated that an amendment was needed to change the word "judgement" in the header to "settlement."

Council Member Banks moved, seconded by **Council Member Tillman** to amend the header in said order to reflect changes stated by **Attorney Davis**. The motion prevailed by the following vote:

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

Thereafter, **President Priester** called for a vote on said item as amended:

ORDER AUTHORIZING PAYMENT OF FULL AND FINAL SETTLEMENT OF ALL CLAIMS IN THE MATTER OF "KATE EIDT VS. CITY OF JACKSON IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI; Civil Action No. 18-1102.

WHEREAS, on March 20, 2018, a Complaint was filed by Kate Eidt naming the City of Jackson, Mississippi as Defendant, alleging damage to her property as a result of a broken water main near her residence, "Kate Eidt vs. City of Jackson, in the County Court Hinds County, Mississippi, Civil Action No. 18-1102; and

WHEREAS, on or about February 20, 2019, the parties, through counsel, participated in a settlement conference where the parties negotiated and reached a proposed agreement to settle the aforementioned lawsuit styled KATE EIDT VS. CITY OF JACKSON IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI; Civil Action No. 18-1102; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiff and her attorney John Fike, in return for a complete release of the City and Entry of an Agreed Order of Dismissal; and

WHEREAS, such settlement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi, through the office of the City Attorney is authorized to make payment to the Plaintiff in the amount of \$4,200.00.

IT IS FURTHER ORDERED that payment of said damages is reasonable and necessary to effect resolution of all claims in the lawsuit styled KATE EIDT VS. CITY OF JACKSON IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI; Civil Action No. 18-1102.

IT IS FURTHER ORDERED that payment said sum will be released to Plaintiff in return for an executed release/settlement agreement by Plaintiff, and that the Office of the City Attorney is authorized to take any and all action, including execution of documents, necessary to effect resolution of her claim of damages not to exceed \$4,200.00.

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

ORDER AUTHORIZING THE SETTLEMENT OF A PAYMENT DISPUTE WITH UNITED WATER SERVICES MISSISSIPPI, LLC.

WHEREAS, the City of Jackson and United Water Services Mississippi, LLC (“United Water”) were parties to an agreement that provided for the operation and maintenance of the City’s wastewater treatment plants and pump stations; and

WHEREAS, following the expiration of the term of that agreement, United Water submitted its final invoice to the City of Jackson; and

WHEREAS, while reviewing the final invoice, the current contract operator alerted the City to the fact that a rental emergency electrical generator would have been incapable of operating the Savanna Street Wastewater Treatment Plant in the event of a loss of electrical power; and

WHEREAS, the City disputed the payment for this rental emergency electrical generator and withheld its cost from the amount of the final invoice; and

WHEREAS, the cost of the rental emergency electrical generator for the 30-month term totaled \$647,610; and

WHEREAS, upon additional investigation of the dispute by the Office of the City Attorney, it was determined that the period of time the generator probably was incapable of operating the plant was approximately twelve months; and

WHEREAS, United Water Services Mississippi LLC has agreed to accept \$438,814.55 payable in 10 equal monthly installments of \$43,881.46 each, beginning April 10, 2019 and ending January 10, 2020, as full and final settlement of the final amount owed under the agreement between the City and United Water for the operation and maintenance of the City’s wastewater treatment plants and pump stations; and

WHEREAS, the Office of the City Attorney recommends that the City Council authorize the acceptance of the proposed final settlement.

IT IS, THEREFORE, ORDERED that a full and final settlement offer from United Water Services Mississippi LLC to accept from the City of Jackson \$438,814.55 payable in 10 equal monthly installments of \$43,881.46 each, beginning April 10, 2019 and ending January 10, 2020, as full and final settlement of the final amount owed under the agreement between the City and United Water for the operation and maintenance of the City’s wastewater treatment plants and pump stations is accepted.

IT IS FURTHER ORDERED that the Mayor is authorized to execute all documents necessary to effectuate this settlement.

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

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

ORDER AUTHORIZING PAYMENT OF FULL AND FINAL JUDGMENT OF ALL CLAIMS IN THE MATTER OF "TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his Individual Capacity" IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION; Civil Action No.: 3:17-cv-270 DPJ-FKB.

WHEREAS, on October 17, 2017, an Amended Complaint was filed naming the City of Jackson, Mississippi and Lee Vance, as Defendants, alleging race and sex discrimination and retaliation styled, "Tina Wallace vs. City of Jackson, Lee Vance, in his Individual Capacity and John Does 1-4", In the United States District Court for the Southern District of Mississippi, Civil Action No. 3:17-cv-270 DPJ-FKB; and

WHEREAS, on February 6, 2019, the parties, through counsel, participated in a settlement conference where the parties negotiated and reached a proposed agreement to settle the aforementioned lawsuit styled TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his individual capacity, and JOHN DOES 1-4, DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO. 3:17-cv-270 DPJ-FKB; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiff and her attorney Lisa Ross, in return for a complete release of the City and Lee Vance and Entry of an Agreed Order of Dismissal; and

WHEREAS, a portion of Plaintiff's claim for damages involves the difference in pay she received as a Deputy Chief and a Lieutenant from November 11, 2015 to July 15, 2018; and

WHEREAS, as part of the settlement, \$22,500.00 will be designated as wages owed; and

WHEREAS, such settlement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi or Lee Vance, in his individual capacity.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi, through the Office of the City Attorney is authorized to make payment to the Plaintiff in the amount of \$22,500.00 for wages owed.

IT IS FURTHER ORDERED that payment of said wages is reasonable and necessary to effect resolution of all claims in the lawsuit styled, TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his individual capacity, and JOHN DOES 1-4, DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO. 3:17-cv-270 DPJ-FKB.

IT IS FURTHER ORDERED that payment of said wages will be released to Plaintiff in return for an executed release/settlement agreement by Plaintiff, and that the Office of the City Attorney is authorized to take any and all action, including execution of documents, necessary to effect resolution of her claim of wages owed not to exceed \$22,500.00.

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

President Priester recognized **Timothy Howard**, City Attorney, who stated that an amendment was needed to change the "judgement" in the header to "settlement."

Council Member Banks moved, seconded by **Council Member Tillman** to amend said order to reflect the changes stated by **Attorney Howard**. The motion prevailed by the following vote:

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

Nays- None.

Absent- Stamps and Stokes.

Thereafter, **President Priester** called for a vote on said item as amended:

ORDER AUTHORIZING PAYMENT OF FULL AND FINAL SETTLEMENT OF ALL CLAIMS IN THE MATTER OF "TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his Individual Capacity" IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION; Civil Action No.: 3:17-cv-270 DPJ-FKB.

WHEREAS, on October 17, 2017, an Amended Complaint was filed naming the City of Jackson, Mississippi and Lee Vance, as Defendants, alleging race and sex discrimination and retaliation styled, "Tina Wallace vs. City of Jackson, Lee Vance, in his Individual Capacity and John Does 1-4", In the United States District Court for the Southern District of Mississippi, Civil Action No. 3:17-cv-270 DPJ-FKB; and

WHEREAS, on February 6, 2019, the parties, through counsel, participated in a settlement conference where the parties negotiated and reached a proposed agreement to settle the aforementioned lawsuit styled TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his individual capacity, and JOHN DOES 1-4, DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO. 3:17-cv-270 DPJ-FKB; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiff and her attorney Lisa Ross, in return for a complete release of the City and Lee Vance and Entry of an Agreed Order of Dismissal; and

WHEREAS, a portion of Plaintiff's claim for damages involves the difference in pay she received as a Deputy Chief and a Lieutenant from November 11, 2015 to July 15, 2018; and

WHEREAS, as part of the settlement, \$22,500.00 will be designated as wages owed; and

WHEREAS, such settlement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi or Lee Vance, in his individual capacity.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi, through the Office of the City Attorney is authorized to make payment to the Plaintiff in the amount of \$22,500.00 for wages owed.

IT IS FURTHER ORDERED that payment of said wages is reasonable and necessary to effect resolution of all claims in the lawsuit styled, TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his individual capacity, and JOHN DOES 1-4, DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO. 3:17-cv-270 DPJ-FKB.

IT IS FURTHER ORDERED that payment of said wages will be released to Plaintiff in return for an executed release/settlement agreement by Plaintiff, and that the Office of the City Attorney is authorized to take any and all action, including execution of documents, necessary to effect resolution of her claim of wages owed not to exceed \$22,500.00.

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

Nays- None.

Absent- Stamps and Stokes.

ORDER AUTHORIZING PAYMENT OF FULL AND FINAL JUDGMENT OF ALL CLAIMS IN THE MATTER OF "TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his Individual Capacity" IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION; Civil Action No.: 3:17-cv-270 DPJ-FKB.

WHEREAS, on October 17, 2017, an Amended Complaint was filed naming the City of Jackson, Mississippi and Lee Vance, as Defendants, alleging race and sex discrimination and retaliation styled, "Tina Wallace vs. City of Jackson, Lee Vance, in his Individual Capacity and John Does 1-4", in the United States District Court for the Southern District of Mississippi, Civil Action No. 3:17-cv-270 DPJ-FKB; and

WHEREAS, on February 6, 2019, the parties, through counsel, participated in a settlement conference where the parties negotiated and reached a proposed agreement to settle the aforementioned lawsuit styled TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his individual capacity, and JOHN DOES 1-4, DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO. 3:17-cv-270 DPJ-FKB; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiff and her attorney Lisa Ross, in return for a complete release of the City and Lee Vance and Entry of an Agreed Order of Dismissal; and

WHEREAS, such settlement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi or Lee Vance, in his individual capacity; and

WHEREAS, based on the economic value to the City and without admitting any liability, it is in the best interest of the City of Jackson, Mississippi that the City of Jackson resolve this matter in an amount not to exceed \$52,500.00 in attorney's fees and other compensatory damages.

NOW, THEREFORE, IT IS HEREBY ORDERED, by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi pay a total sum not to exceed \$52,500.00 to Tina Wallace and her attorney Lisa Ross in return for a complete release of the City and Lee Vance, in his individual capacity from any and all liability.

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

President Priester recognized **Timothy Howard**, City Attorney, who stated that an amendment was needed to change the "judgement" in the header to "settlement."

Council Member Banks moved, seconded by **Vice President Lindsay** to amend said order to reflect the changes stated by **Attorney Howard**. The motion prevailed by the following vote:

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

Thereafter, **President Priester** called for a vote on said item as amended:

ORDER AUTHORIZING PAYMENT OF FULL AND FINAL SETTLEMENT OF ALL CLAIMS IN THE MATTER OF "TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his Individual Capacity" IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION; Civil Action No.: 3:17-cv-270 DPJ-FKB.

WHEREAS, on October 17, 2017, an Amended Complaint was filed naming the City of Jackson, Mississippi and Lee Vance, as Defendants, alleging race and sex discrimination and retaliation styled, "Tina Wallace vs. City of Jackson, Lee Vance, in his Individual Capacity and John Does 1-4", in the United States District Court for the Southern District of Mississippi, Civil Action No. 3:17-cv-270 DPJ-FKB; and

WHEREAS, on February 6, 2019, the parties, through counsel, participated in a settlement conference where the parties negotiated and reached a proposed agreement to settle the aforementioned lawsuit styled TINA WALLACE VS. CITY OF JACKSON, LEE VANCE, in his individual capacity, and JOHN DOES 1-4, DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO. 3:17-cv-270 DPJ-FKB; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiff and her attorney Lisa Ross, in return for a complete release of the City and Lee Vance and Entry of an Agreed Order of Dismissal; and

WHEREAS, such settlement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi or Lee Vance, in his individual capacity; and

WHEREAS, based on the economic value to the City and without admitting any liability, it is in the best interest of the City of Jackson, Mississippi that the City of Jackson resolve this matter in an amount not to exceed \$52,500.00 in attorney's fees and other compensatory damages.

NOW, THEREFORE, IT IS HEREBY ORDERED, by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi pay a total sum not to exceed \$52,500.00 to Tina Wallace and her attorney Lisa Ross in return for a complete release of the City and Lee Vance, in his individual capacity from any and all liability.

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

Nays- None.

Absent- Stamps and Stokes.

DISCUSSION: WATER METERS: President Priester recognized **Mayor Chokwe Antar Lumumba** provided a history of the Siemens contract in order to clarify some miscommunications. **Mayor Lumumba** stated that the Siemens contract was signed in 2012 by former **Mayor Harvey Johnson** and the Notice to Proceed was signed by the late **Mayor Lumumba** because the contract was already in affect and bonds were already issued. **Mayor Chokwe Antar Lumumba** stated the following to clarify training issues: \$500,000.00 was issued to Total Business Solutions for water meter installation training. During that training, 83 people were trained and only 6 people were hired by MAC Construction.

There came on for discussion Agenda Item No. 44:

DISCUSSION: UTILITY CUTS: President Priester stated that said item would be held due to the absence of **Council Member Stokes**.

There came on for discussion Agenda Item No. 45:

DISCUSSION: JACKSON STATE UNIVERSITY: President Priester stated that said item would be held due to the absence of **Council Member Stokes**.

There came on for discussion Agenda Item No. 46:

DISCUSSION: OPEN RECORDS AND SUBPOENA RESPONSES: President Priester stated that said item should be discussed in Executive Session at a later time.

The following reports/announcements were provided during the meeting:

- **Mayor Chokwe Antar Lumumba** stated that the "Let's Go Clean Jackson" campaign kickoff would be held on March 16, 2019 from 9:00 a.m. until 2:00 p.m.
- **Council Member Tillman** announced that City of Jackson's Planning Department would hold a Washington Addition Neighborhood Planning Meeting on March 9, 2019 from 10:00 a.m. until 1:00 p.m. at College Hill Baptist Church located at 1600 Florence Avenue.

The meeting was closed in memory of the following individual:

- **Colonel Clyde Blakely**

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

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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 March 19, 2019; at 12:04 p.m. the Council stood adjourned.

ATTEST:

Krist Moore
CITY CLERK

APPROVED:

Robert J. Lumbata, MD 3/12/2019
MAYOR BK DATE
