

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 24, 2013, 6:00 P.M.**

BE IT REMEMBERED that a Regular Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 6:00 p.m. on September 24, 2013, being the fourth Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester, Jr., Vice President, Ward 2; LaRita Cooper-Stokes, Ward 3; De'Keither Stamps, Ward 4; Tony Yarber, Ward 6 and Margaret Barrett-Simon, Ward 7. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk; Beatrice Byrd and Toya Martin, Deputy City Clerk's and Pieter Teeuwissen, City Attorney.

Absent: Quentin Whitwell, Ward 1.

The meeting was called to order by **President Charles Tillman**.

The invocation was offered by **Pastor Danny Hollins** of Greater Fairview Baptist Church.

There came on for consideration Agenda Item No. 2: Public Hearing:

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR SONSHINE BAPTIST CHURCH TO ERECT A 32 SQ. FT. GROUND SIGN AT 8 FT. IN HEIGHT WITHIN A R-1 ZONE WHICH ONLY ALLOWS GROUND SIGNS FOR CHURCHES TO BE ONLY 16 SQ. FT. IN SIGN AREA AND A MAXIMUM HEIGHT OF 6 FT.

Vice President Tillman recognized **Deacon Henry Smith, Sr.** who spoke in favor of said order and requested that the Council approve said matter.

There came on for consideration Agenda Item No. 3: Public Hearing:

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO DENY THE SIGN VARIANCE REQUEST FOR SONSHINE BAPTIST CHURCH TO ERECT A 32 SQ. FT. GROUND SIGN AT 8 FT. IN HEIGHT WITHIN A R-1 ZONE WHICH ONLY ALLOWS GROUND SIGNS FOR CHURCHES TO BE ONLY 16 SQ. FT. IN SIGN AREA AND A MAXIMUM HEIGHT OF 6 FT.

It was noted for the record that no comments were received by the public.

The following individuals were introduced during the meeting:

- Dr. Henderson, Hinds Community College
- Carol Burger, United Way
- Shawna Davie
- Rebelwood Apartment Complex Residents

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President Tillman recognized the following individuals who provided public comments:

- **Mark Hodges** expressed support of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.
- **Conelius Beasley** thanked the Mayor and Members of the Council for their hard work within the City of Jackson.
- **Teresa Sterling** expressed concerns regarding crime throughout the City of Jackson.
- **Edward Hubbard** expressed support of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.
- **Xavier McDonald** expressed concerns regarding the level of criminal activity in Pine Ridge Garden Apartments, formerly known as Rebelwood Apartments.
- **Kenya Ward** expressed concerns regarding the level of criminal activity in Pine Ridge Garden Apartments, formerly known as Rebelwood Apartments.
- **LaShunda Williams** expressed concerns regarding the level of criminal activity in Pine Ridge Garden Apartments, formerly known as Rebelwood Apartments.
- **Shannon Harris** expressed concerns regarding the level of criminal activity in Pine Ridge Garden Apartments, formerly known as Rebelwood Apartments.
- **Rander Adams, Vice President of Battlefield Park Neighborhood Association** expressed opposition of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.
- **John Holt** expressed opposition of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.

ORDER ACCEPTING PAYMENT OF \$389.40 FROM GEICO INSURANCE COMPANY ON BEHALF OF ITS INSURED (BRYANT COLEMAN) AS A PROPERTY DAMAGE SETTLEMENT.

IT IS HEREBY ORDERED by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of \$389.40 as a property damage settlement for damage sustained to a City of Jackson vehicle (PC-1699) on November 5, 2012.

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

Yeas- Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman and Yarber.
Nays-None.
Absent- Whitwell.

ORDER ACCEPTING PAYMENT OF \$1,066.79 FROM PROGRESSIVE GULF INSURANCE COMPANY ON BEHALF OF ITS INSURED (JOHN RIMMER), AS A PROPERTY DAMAGE SETTLEMENT.

IT IS HEREBY ORDERED by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of \$1,066.79 as a property damage

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settlement for damage sustained to a City of Jackson vehicle (PC-1602) on June 10, 2013.

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

Yeas- Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman and Yarber.
Nays-None.
Absent- Whitwell.

ORDER ACCEPTING PAYMENT OF \$1,631.95 FROM STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY ON BEHALF OF ITS INSURED (GARY & SHARON JAMES – DRIVER, KENYATTA WHITE) AS A PROPERTY DAMAGE SETTLEMENT.

IT IS HEREBY ORDERED by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of \$1,631.95 as a property damage settlement for damage sustained to a City of Jackson vehicle (PT-694) on February 18, 2013.

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

Yeas- Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman and Yarber.
Nays-None.
Absent- Whitwell.

ORDER AUTHORIZING PAYMENT OF \$3,799.71 TO ELLENA HICKS AS A FULL AND COMPLETE SETTLEMENT OF A PROPERTY DAMAGE CLAIM.

IT IS HEREBY ORDERED that payment in the amount of \$3,799.71 be made to Ellena Hicks as full and complete settlement for any and all claims resulting from a property damage that occurred on December 16, 2012.

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

Yeas- Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman and Yarber.
Nays-None.
Absent- Whitwell.

ORDER AUTHORIZING PAYMENT OF \$4,359.00 TO DAN JONES, III AS A FULL AND COMPLETE SETTLEMENT OF A PROPERTY DAMAGE CLAIM.

IT IS HEREBY ORDERED that payment in the amount of \$4,359.00 be made to Dan Jones, III as full and complete settlement for any and all claims resulting from a vehicular accident that occurred on August 7, 2013, with a City of Jackson vehicle.

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

Yeas- Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman and Yarber.
Nays-None.
Absent- Whitwell.

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President Tillman requested that the **Resolutions** and **Item No. 39** to be presented be moved forward on the Agenda. Hearing no objections, **President Tillman** requested that the Clerk read the following:

**RESOLUTION TO HONOR AND CELEBRATE THE 26TH
ANNIVERSARY OF NEW HORIZON CHURCH INTERNATIONAL.**

Said item was pulled at the request of **Council Member Yarber**.

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING DR. JIMMIE JAMES, JR. AS AN OUTSTANDING CITIZEN AND FOR HIS CONTRIBUTIONS TO THE ADVANCEMENT OF ACADEMIC AND MUSICAL EXCELLENCE AT JACKSON STATE UNIVERSITY. Accepting the Resolution with appropriate remarks was **Dr. Jimmie James, Jr.**

There came on for introduction Agenda Item No: 39:

ORDINANCE APPROVING THE RE-SUBDIVIDING OF PARTS OF LOT 6 AND 7, BLOCK G, NORTH PARK ADDITION TO JACKSON MISS. TO CREATE THE MANOR AT MANSHIP AND AUTHORIZING THE MAYOR TO SIGN THE FINAL PLAT.

Council Member Cooper-Stokes left the meeting at 7:00 p.m.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 17385 TO 17761 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 17385 to 17761, inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$133,885.90 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:

<u>FROM</u>	<u>TO ACCOUNTS PAYABLE FUND</u>	<u>TO PAYROLL FUND</u>
GENERAL FUND		1,978,865.96
PARKS & RECR.		73,580.72
LANDFILL FUND		24,147.91
SENIOR AIDES		2,578.72
WATER/SEWER OPER. & MAINT		216,779.12
PAYROLL FUND	133,885.90	1,497.00
EARLY CHILDHOOD		34,082.91
HOUSING COMM DEV		7,726.72

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TITLE III AGING PROGRAMS		6,176.90
AMERICORP CAPITAL CITY REBUILD		11,488.64
TRANSPORTATION FUND		5,666.38
T-WARNER PA/GA FUND		6,495.57
COPS HIRING GRANT 2011		31,441.85

TOTAL \$2,400,528.40

Council Member Whitwell moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- Cooper-Stokes.

ORDER APPROVING CLAIMS NUMBERED 17385 TO 17761, APPEARING AT PAGES 2700 TO 2757, INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$2,470,990.33 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 17385 to 17761, appearing at pages 2700 to 2757, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$2,470,990.33 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:

<u>FROM:</u>	<u>TO ACCOUNTS PAYABLE FUND</u>
08/09&/10 COPS TECHNOLOGY GRNT	16,896.94
09 AMERICAN RECVRY&REINVEST ACT	191,411.97
2012 G.O. NOTE-CAPITAL PROJECT	5,338.22
CAPITAL CITY REVENUE FUND	680.00
CAPITAL PROJECTS- CARE & MAINT	52,768.00
CAPTIOL STREET 2-WAY PROJECT	34,436.28
EARLY CHILDHOOD (DAYCARE)	5,824.65
GENERAL FUND	816,116.70
HOME PROGRAM FUND	59,351.58
HOUSING COMM DEV ACT (CDBG) FD	667.24
JXN CONVENTION & VISITORS BUR	258,456.98
LANDFILL/SANITATION FUND	35,439.37
MADISON SEWAGE DISP OP & MAINT	10,850.00
NCSC SENIOR AIDES	416.25
P E G ACCESS- PROGRAMMING FUND	9,222.90
PARKS & RECR/ FUND	27,347.30
RESURFACING- REPAIR & REPL. FD	65,582.31
STATE TORT CLAIMS FUND	210,000.00
TECHNOLOGY FUND	21,059.97
TITLE III AGING PROGRAMS	213.13
TRAFFIC - REPAIR & REPL FD	19,220.41
TRANSPORTATION FUND	529,758.86
UNEMPLOYMENT COMPENSATION REVO	106.17
VEHICLE POOL FUND	160.00
WATER/SEWER CAPITAL IMPR FUND	26,069.55

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WATER/SEWER CONST FD 2002-\$50M	7,430.40
WATER/SEWER OP & MAINT FUND	52,314.15
WATER/SEWER REVENUE FUND	11,492.00
WIRELESS RADIO COMMUNCATN FUND	2,359.00

\$2,470,990.33

Council Member Barrett- Simon moved adoption; **Council Member Whitwell** seconded.

President Tillman recognized **Lee Unger**, the City's Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **Council Member Whitwell**.

Thereafter, **President Tillman** called for a final vote on the claims docket:

Yeas- Barrett-Simon, Priester, Tillman and Whitwell.
Nays- Stamps and Yarber.
Absent- Cooper-Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE THE AUDIT ENGAGEMENT LETTER FROM BANKS, FINLEY, WHITE & CO. TO PROVIDE AUDITING SERVICES FOR FISCAL YEAR 2013.

WHEREAS, Banks, Finley, White & Co. has audited the City of Jackson for the last four (4) consecutive years with a total of sixteen (16) years auditing the City of Jackson; and

WHEREAS, the Government Finance Officers Association has awarded the City of Jackson with the Certificate of Excellence in Financial Reporting for those sixteen (16) years that the City of Jackson was audited by Banks, Finley, White & Co.; and

WHEREAS, Banks, Finley, White & Co. has agreed to audit the City of Jackson for an amount not to exceed \$248,890.00, the same fee for the Fiscal Year 2012 Audit.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute the Audit Engagement Letter from Banks, Finley, White & Co. to provide auditing services for Fiscal Year 2013, said audit to be performed for an amount not to exceed \$248,890.00.

Council Member Whitwell moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- Cooper-Stokes.

ORDER ACCEPTING THE PROPOSAL OF REGIONS CAPITAL ADVANTAGE, INC. TO PROVIDE LEASE PURCHASE FINANCING FOR 2013 AND AUTHORIZING THE MAYOR TO EXECUTE THE MASTER LEASE PURCHASE AGREEMENT, ESCROW AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY FOR FUNDING OF THE 2013 LEASE PURCHASE TRANSACTION.

WHEREAS, the City received proposals to provide lease purchase financing for 2013; and

WHEREAS, Regions Capital Advantage, Inc. submitted the best proposal at an interest rate of 1.3245% for a three-year term and an interest rate of 2.34% for a seven-year term.

IT IS, THEREFORE, ORDERED that the proposal of Regions Capital Advantage, Inc. be accepted to provide lease purchase financing for 2013 and that the Mayor be authorized to execute the Master Lease Purchase Agreement, Escrow Agreement and all other documents necessary for funding of the 2013 lease purchase transaction.

Council Member Whitwell moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- Cooper-Stokes.

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF MS. JENNIFER JOHNSON TO THE JACKSON REDEVELOPMENT AUTHORITY.

Said item was pulled by **Mayor Chokwe Lumumba**.

Council Member Cooper-Stokes returned to the meeting at 7:34 p.m.

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF MR. MICHAEL STARKS, SR. TO THE JACKSON REDEVELOPMENT AUTHORITY.

WHEREAS, the Jackson Redevelopment Authority consists of seven (7) members appointed by the Mayor for a term of five years; and

WHEREAS, Gregory Green's term expired on August 13, 2009, thereby creating a vacancy; and

WHEREAS, Michael Starks, Sr., a resident of Ward 4, after evaluation of his qualifications has been appointed by the Mayor to fill said vacancy.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Michael Starks, Sr. to the Jackson Redevelopment Authority be confirmed with said term to expire August 13, 2014.

President Tillman recognized Mayor **Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Michael Starks, Sr.** for consideration as Ward 4 Jackson Redevelopment Authority appointee, City of Jackson, Mississippi. **Michael Starks, Sr.** read his personal statement and answered questions posed to him by Council Members.

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Council Member Stamps moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent-None.

ORDER APPOINTING MICHAEL J. MALOUF, JR., ESQ. TO THE OFFICE OF MUNICIPAL JUDGE FOR THE CITY OF JACKSON, MISSISSIPPI.

WHEREAS, pursuant to Section 21-23-3, Mississippi Code of 1972, as amended, the governing authorities of the City of Jackson shall appoint to the office of municipal judge a qualified elector of Hinds County who is an attorney at law; and

WHEREAS, pursuant to Section 2-163 of the Jackson Code of Ordinances, the terms of office for appointed municipal officers is subject to the control of the Mayor, subject to applicable provisions of the civil service law; and

WHEREAS, a qualified elector of Hinds County who is an attorney at law duly appointed to the office of municipal judge is a municipal officer of the City of Jackson, the term of which is subject to the control of the Mayor; and

WHEREAS, the term of office of Jackson Municipal Judge Robert Waller has expired, thereby creating a vacancy and the need for the appointment of a successor; and

WHEREAS, the Mayor, after evaluation of the qualifications of Michael J. Malouf, Jr., Esq., has nominated him to fill said vacancy; and

WHEREAS, the nomination of Michael J. Malouf, Jr., Esq. to the office of municipal judge is now before the City Council for confirmation; and

WHEREAS, the City Council has considered the nomination and a majority of the Council present and voting has determined that the nominee, Michael J. Malouf, Jr., Esq., should be confirmed.

IT IS, THEREFORE, ORDERED by the City Council that Michael J. Malouf, Jr., Esq. is appointed to the office of Municipal Court Judge for the City of Jackson, Mississippi.

President Tillman recognized Mayor **Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Michael J. Malouf, Jr., Esq.** for consideration as Municipal Judge, City of Jackson, Mississippi. **Michael J. Malouf, Jr., Esq.** read his personal statement and answered questions posed to him by Council Members.

Council Member Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent-None.

Council Member Whitwell left the meeting at 7:38 p.m.

ORDER AUTHORIZING THE CITY OF JACKSON, MISSISSIPPI, TO PARTNER WITH THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER FOR THE SECOND CONSECUTIVE YEAR IN THE DEVELOPMENT AND IMPLEMENTATION OF THE SCIENCE TRAINING AND ENRICHMENT PROGRAM.

WHEREAS, the University Mississippi Medical Center (“UMMC”) desires to partner with the City of Jackson, Mississippi (“City of Jackson”), in fostering the pipeline to health careers in the state of Mississippi, specifically, with a concentration in the Greater Jackson Area; and

WHEREAS, this goal will be achieved in the middle school (6th, 7th, and 8th grade) population through the further development and implementation of the Math and Science Academy (STEP-Science Training and Enrichment Program) in the City of Jackson; and

WHEREAS, the City of Jackson will implement the STEP program in its service area, and target 6th, 7th, and 8th grade students; and

WHEREAS, the City of Jackson will create awareness through existing relationships with Jackson Public Schools, as well as private and parochial schools in the City of Jackson; and

WHEREAS, the City of Jackson will share equal fiscal responsibility for the FY2013/2014 budget for the STEP program, with costs to the City not to exceed \$8,859.00; and

WHEREAS, UMMC agrees that 50% of the total enrollment in the FY2013/2014 STEP program will be reserved for the students in the City of Jackson, and that paper applications will be distributed to Jackson Public Schools for enrollment opportunities in STEP.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute an Agreement, and any and all documents related thereto, with UMMC for the development and implementation of the STEP program, with the City of Jackson being responsible for program costs not to exceed \$8,859.00.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE ANNUAL INFORMATION CERTIFICATION WITH THE MISSISSIPPI DEPARTMENT OF EDUCATION WHICH REIMBURSES THE CITY FOR MEALS PROVIDED TO CHILDREN ENROLLED IN ITS EARLY CHILDHOOD DEVELOPMENT CENTERS AND DESIGNATING AN ALTERNATE PERSON TO SIGN CORRESPONDENCE AND CLAIMS.

WHEREAS, the City of Jackson provides Early Childhood Development Services to children at three (3) centers; and

WHEREAS, breakfast, lunch, and a snack are provided as meals for the children enrolled at the centers; and

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WHEREAS, the Mississippi Department of Education Office of Child Nutrition reimburses eligible entities for meals provided to children and adults in accordance with its Child and Adult Care Food Program; and

WHEREAS, the City of Jackson is eligible to receive reimbursement for the meals provided to the children enrolled in its Early Childhood Development Centers; and

WHEREAS, the Department of Education requires that an Annual Information Certification be executed by renewing institutions and further requires the designation of an alternate signing authority; and

WHEREAS, it is in the best interest of the City of Jackson to authorize the Mayor to execute the agreement with the Mississippi Department of Education and designate the Director of the Department of Human and Cultural Services as the alternate person to sign correspondence and claims.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute the Annual Information Certification with the Mississippi Department of Education for participation in the Child and Adult Care Food Program for the year commencing October 1, 2013 and ending September 30, 2014.

IT IS HEREBY ORDERED that the Director of the Department of Human and Cultural Services shall be designated as an alternate to sign correspondence or claims.

IT IS FURTHER HEREBY ORDERED that the Mayor shall be authorized to execute any and all documents required by the Mississippi Department of Education to secure reimbursement and insure the City's participation in the Child and Adult Care Food Program.

Council Member Barrett- Simon moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

**ORDER AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE
TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
BETWEEN JACKSON STATE UNIVERSITY AND THE CITY OF
JACKSON, MISSISSIPPI AND IT'S POLICE DEPARTMENT FOR THE
JACKSON POLICE DEPARTMENT TO PROVIDE SECURITY AT
JACKSON STATE UNIVERSITY ATHLETIC FOOTBALL EVENTS.**

WHEREAS, the City of Jackson has a long standing agreement with Jackson State University ("JSU") to provide trained police security at athletic football events; and

WHEREAS, the parties desire to enter into a document titled "Memorandum of Understanding between Jackson State University and the City of Jackson, Mississippi and its Police Department," hereinafter referred to as "MOU"; and

WHEREAS, pursuant to the MOU, JSU agrees to pay to the City of Jackson for all police officers and supervisors who provide security services at designated athletic football events as follows: for all services rendered by the officers and/or supervisors, pursuant to their salary ranges, inclusive of fringe benefits plus any overtime costs incurred by the City of Jackson Police Department, shall not exceed the total sum of Two Hundred Forty Nine Thousand and Nine Hundred Dollars and No Cents (\$249,900.00) for the term of the agreement.

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IT IS HEREBY ORDERED that the Mayor of the City of Jackson and the Chief of the Police Department are authorized to enter into the herein-described Memorandum of Understanding between the City of Jackson, Mississippi and its Police Department and JSU wherein JSU pays to the City of Jackson, for police security services at designated athletic football events, at the salary ranges of the officers and/ or supervisors utilized, inclusive of fringe benefits costs, plus any overtime costs incurred by the City of Jackson Police Department, with the total cost to JSU not to exceed \$249,900.00.

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 Barrett- Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priestler, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

ORDER AUTHORIZING THE AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION FOR THE JACKSON POLICE DEPARTMENT'S PARTICIPATION IN THE JACKSON DRUG ENFORCEMENT ADMINISTRATION TASK FORCE FOR THE TERM OF SEPTEMBER 30, 2013 TO SEPTEMBER 29, 2014.

WHEREAS, the City of Jackson has previously entered into an agreement with the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA") for the City of Jackson Police Department to participate in the Jackson DEA Task Force; and

WHEREAS, DEA and the City of Jackson Police Department are desirous of entering into an agreement of participation in the Jackson DEA Task Force; and

WHEREAS, there is evidence that trafficking in narcotics and dangerous drugs exists in the Jackson, Mississippi area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of the State of Mississippi; and

WHEREAS, one of the primary missions of the task force is to disrupt the illicit drug trafficking activity in the Jackson area by immobilizing targeted violators and trafficking organizations; and

WHEREAS, to assist in this joint effort the Jackson Police Department will provide one (1) experienced officer to the Task Force for a period of not less than two years; and

WHEREAS, it is the intent of the joint effort to enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecution avenues by which to convict and incarcerate these offenders.

IT IS HEREBY ORDERED that the herein-described agreement between the City of Jackson Police Department and DEA for the term of September 30, 2013 through September 29, 2014, is hereby authorized.

IT IS FURTHER ORDERED that the Mayor of the City of Jackson and the Chief of the Jackson Police Department are authorized to execute an agreement with the DEA for participation in the Jackson Drug Enforcement Administration Task Force.

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Council Member Barrett- Simon moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE JACKSON PUBLIC SCHOOL DISTRICT AND THE CITY OF JACKSON, MISSISSIPPI AND IT'S POLICE DEPARTMENT FOR THE JACKSON POLICE DEPARTMENT TO PROVIDE SECURITY AT DESIGNATED JACKSON PUBLIC SCHOOL DISTRICT ATHLETIC AND SOCIAL EVENTS.

WHEREAS, the City of Jackson has a long standing agreement with the Jackson Public School District ("JPS") to provide trained police security at designated athletic and social events; and

WHEREAS, in the past the parties thereto have executed a document titled "Security Agreement for Athletic and Social Events" ("Agreement") with the term of the Agreement being effective for one year; and

WHEREAS, the parties have agreed to amend the Agreement and desire to enter into a document titled "Memorandum of Understanding between Jackson Public School District and the City of Jackson, Mississippi and its Police Department, "hereinafter referred to as "MOU"; and

WHEREAS, pursuant to the MOU, JPS agrees to pay to the City of Jackson for all police officers and supervisors who provide security services at designated athletic and social events as follows: for all services rendered by the officers and/or supervisors, pursuant to their salary ranges, inclusive of any overtime due or fringe benefits, shall not exceed the sum of One Hundred Fifty-Five Thousand Dollars and No Cents (\$155,000) for the term of the agreement.

IT IS HEREBY ORDERED that the Mayor of the City of Jackson and the Chief of the Police Department are authorized to enter into the herein-described Memorandum of Understanding between the City of Jackson, Mississippi and its Police Department and the Jackson Public School District wherein JPS pays to the City of Jackson, for police security services at designated athletic and social events, at the salary ranges of the officers and/ or supervisors utilized, inclusive of fringe benefits costs, plus any overtime costs incurred by the City of Jackson Police Department, with the cost to JPS not to exceed \$155,000.

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 Barrett- Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

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ORDER RATIFYING THE MAYOR'S SUBMISSION OF AND AUTHORIZING ACCEPTANCE OF THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$239,820 AND AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF JACKSON AND HINDS COUNTY, MISSISSIPPI.

WHEREAS, On July 9th, 2013 an application was submitted to the U.S. Department of Justice, Bureau of Justice Assistance; and

WHEREAS, said application was for the 2013 Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, the City of Jackson and Hinds County have received a joint allocation from the U.S. Department of Justice, Office of Justice Programs; and

WHEREAS, grant funds will be used to upgrade and enhance public safety capacity between the Hinds County Sheriff's Department, District Attorney's Office, Public Defender's Office and the City of Jackson Police Department; and

WHEREAS, the 2013 Edward Byrne Memorial Justice Assistance Grant requires no matching funds.

IT IS HEREBY ORDERED that the Mayor's application submission for the 2013 Edward Byrne Memorial Justice Assistance Grant to the Department of Justice, Bureau of Justice Assistance in the amount of \$239,820 be ratified and the Mayor be authorized to enter into an Interlocal Cooperative Agreement between the City of Jackson and County of Hinds, Mississippi.

IT IS FURTHER ORDERED that the Mayor may execute any and all agreements and documents necessary to accomplish and affect the purposes and intent of this order.

Council Member Barrett- Simon moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priestler, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER ACCEPTING THE TERM BID OF MID SOUTH UNIFORM & SUPPLY, INC., FOR A TWENTY-FOUR MONTH SUPPLY OF WORK PANTS MEN/WOMEN (BID NO. 20084-082713).

WHEREAS, sealed bids for a twenty-four month supply of work pants men/women were opened on August 27, 2013; wherein one (1) bid was received; and

WHEREAS, the Jackson Fire Department (JFD) will use said work pants to fit JFD personnel at the various fire stations throughout the City of Jackson; and

WHEREAS, the Jackson Fire Department staff has reviewed the bid received and recommends that this governing authority deem the following bid submitted by Mid South Uniform & Supply, Inc., 1825 University Boulevard, Jackson, Mississippi 39204, for a twenty-four month supply of work pants men/women, at a cost of \$24.00 each, for items one (1) and two (2), to be the lowest and best bid received, and it is noted that no other bids were received.

IT IS, THEREFORE, ORDERED that the bid of Mid South Uniform & Supply, Inc., 1825 University Boulevard, Jackson, Mississippi 39204, received August 27, 2013, for a twenty-four month supply of work pants men/women, (starting November 1, 2013 through October 31, 2015) be accepted as the lowest and best bid received, it being determined that said bid met the specifications.

IT IS FURTHER ORDERED that payment for said works pants be made from the General Fund.

Council Member Barrett- Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR SONSHINE BAPTIST CHURCH TO ERECT A 32 SQ. FT. GROUND SIGN AT 8 FT. IN HEIGHT WITHIN A R-1 ZONE WHICH ONLY ALLOWS GROUND SIGNS FOR CHURCHES TO BE ONLY 16 SQ. FT. IN SIGN AREA AND A MAXIMUM HEIGHT OF 6 FT.

WHEREAS, the public health, safety or general welfare of the community may require that variances be granted in specific cases as set forth in City of Jackson Sign Ordinance, Sections 102-26, et seq., of the City of Jackson Code of Ordinances; and

WHEREAS, pursuant to Section 102-40, no action by the City Council may be taken concerning a variance from the sign regulations until after a public hearing in relation thereto, at which parties in interest and the general citizenry shall have an opportunity to be heard; and

WHEREAS, no variance from the Sign Ordinance shall be passed by the City Council unless and until an application seeking the variance is filed with the City's Signs and License Division, with such application containing, at a minimum, a legal description, location map, plot plan, the exact nature of the requested variance, the grounds upon which it is requested, and/or such other information as may be required by the Signs and License Division manager; and

WHEREAS, said variance application shall also demonstrate that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

2. The literal interpretation of the provisions of the Sign Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Sign Ordinance.

3. The special conditions and circumstances do not result from actions of the applicant.

4. Granting the variance requested will not confer upon the applicant any special privilege that is denied by the Sign Ordinance to other similar lands, structures, or buildings in the same district.

WHEREAS, SonShine Baptist Church, the applicant herein, has requested a variance from the Sign Ordinance regulations to erect a 32 sq. ft. ground sign at 8 ft. in height within a R-1 zone which only allows ground signs for churches to be only 16 sq. ft. in sign area and a maximum height of 6 ft.

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IT IS, THEREFORE, ORDERED that SonShine Baptist Church is hereby approved a variance from the Sign Ordinance regulations to erect a 32 sq. ft. ground sign at 8 ft. in height within a R-1 zone which only allows ground signs for churches to be only 16 sq. ft. in sign area and a maximum height of 6 ft., it being determined that the parties in interest and the general citizenry first had their opportunity to be heard and that the applicant has met the necessary criteria for the requested variance.

IT IS FURTHER ORDERED that the City Council has considered the variance application and approves the variance requested therein based on a finding that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; the literal interpretation of the provision of the Sign Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Sign Ordinance; the special conditions and circumstances do not result from actions of the applicant; and granting the variance requested will not confer upon the applicant any special privilege that is denied by the Sign Ordinance to other similar lands, structures, or buildings in the same district.

Council Member Cooper-Stokes moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

**ORDER ESTABLISHING CERTAIN FEES FOR PROVIDING COPIES
OF JACKSON CITYWIDE DESIGN GUIDELINES.**

WHEREAS, the Jackson City Council approved an order on August 13, 2013, which is recorded in Minute Book "6-D", that adopted and approved Jackson Citywide Design Guidelines as a public policy to guide and encourage public and private development efforts in the city; and

WHEREAS, there is no charge to download a digital copy of Jackson Citywide Design Guidelines from the City of Jackson Department of Planning and Development's webpage; and

WHEREAS, the costs and expenses associated with printing copies of the Jackson Citywide Design Guidelines will impact the Department's budget; and

WHEREAS, it is in the best interest of the City of Jackson and its budget would be served by establishing fees for providing copies of Jackson Citywide Design Guidelines; and

WHEREAS, a fee of \$10.00 per book is a reasonable sum for providing black and white copies of Jackson Citywide Design Guidelines; and

WHEREAS, a fee of \$25.00 per book is a reasonable sum for providing colored copies of Jackson Citywide Design Guidelines.

IT IS, THEREFORE ORDERED that the fee for providing black and white copies of Jackson Citywide Design Guidelines shall be \$10.00 per book and the fee for providing colored copies of Jackson Citywide Design Guidelines shall be \$25.00 per book.

IT IS, FURTHER ORDERED that the fees established herein shall become effective on the seventh (7th) day following approval of this order by the council.

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Council Member Barrett-Simon moved adoption; Council Member Yarber seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priestler, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

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 AND PURSUANT TO ADMINISTRATIVE HEARINGS HELD AUGUST 6, 2013 FOR THE FOLLOWING CASES:

2010-2740	2011-4210	2012-1171	2012-1753	2012-1754
2012-1836	2012-1838	2012-1900	2012-1901	2012-1902
2012-1905	2012-1906	2012-1922	2012-2218	2012-2264
2012-2265	2012-2409	2012-2862	2012-2939	2012-3319
2012-3320	2012-3557	2012-3623	2013-3772	2013-1006
2013-1007	2013-1141	2013-1143	2013-1211	2013-1212
2013-1214	2013-1238	2013-1239	2013-1305	2013-1327
2013-1355	2013-1359	2013-1370	2013-1385	2013-1392
2013-1484	2013-1562	2013-1565	2013-1713	2013-1727
2013-1728	2013-1737	2013-1766	2013-1781	2013-1782
2013-1853	2013-1854	2013-1855	2013-1856	2013-1858
2013-1861	2013-1863	2013-1864		

WHEREAS, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanness as to be a menace to the public health safety and welfare of the community; and

WHEREAS, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

WHEREAS, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on August 6, 2013; and

WHEREAS, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

WHEREAS, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2010-2740: Parcel #154-10-8** located 1532 Deer Park: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5*
- 2) **Case #2011-4210: Parcel #635-219** located at 938 Raymond Road: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 5*
- 3) **Case #2012-1171: Parcel #212-293** located at 1938 Shamrock Drive: Mr. Ronald Bell appeared. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded seven

(7) days to cure expiring August 13, 2013. If there is a default and the City cleans, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 5*

- 4) **Case #2012-1753: Parcel #95-49-1** located *1241 Wood Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 7*
- 5) **Case #2012-1754: Parcel #94-55** located *1250-54 Wood Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Demolition – Ward 7*
- 6) **Case #2012-1836: Parcel #308-146** located *364 Boling Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 7) **Case #2012-1838: Parcel #308-175** located *414 Boling Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Board-up – Ward 4*
- 8) **Case #2012-1900: Parcel #212-108** located at *857 Monterey Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 9) **Case #2012-1901: Parcel #306-331** located *124 Sanford Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 10) **Case #2012-1902: Parcel #306-318** located *223 Sanford Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 4*
- 11) **Case #2012-1905: Parcel #306-353** located *219 Sanford Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 12) **Case #2012-1906: Parcel #306-352** located *217 Sanford Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 13) **Case #2012-1922: Parcel #629-27** located *4204 Larchmont Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Demolition – Ward 4*
- 14) **Case #2012-2218: Parcel #53-69** located *3758 Northview Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 7*
- 15) **Case #2012-2264: Parcel #144-107** located *802 Canal Street*: Ms. Beverly Handy appeared and testified that she recently purchased the property with intent to rehabilitate. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested party shall be afforded a

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period of fourteen (14) days expiring on August 20, 2013 to visit the Community Improvement Division and enter into a rehabilitation agreement. If there is a default and the City cleans hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 3*

- 16) **Case #2012-2265: Parcel #162-388** located 1626-32 Jones Avenue: Mr. Martinelli Showers appeared. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded until August 20, 2013 to enter into a rehabilitation agreement with Community Improvement. If there is a default and the City cleans hearing officer recommends assessment of actual costs and a penalty of \$1500.00. *Demolition – Ward 5*
- 17) **Case #2012-2409: Parcel #711-613** located 6250 Woodstock Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Demolition – Ward 2*
- 18) **Case #2012-2862: Parcel #116-19** located 172-74 Texas Avenue: Gracie Gordon appeared. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded fourteen (14) days to visit the Division and enter into a rehabilitation agreement. The fourteen (14) day period expires August 20, 2013. *Demolition – Ward 5*
- 19) **Case #2012-2939: Parcel #119-415** located 231 Beverly Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Demolition – Ward 4*
- 20) **Case #2012-3319: Parcel #402-4-1** located 2670 Market Street: Mr. Anthony McLin appeared. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded time to cure expiring September 5, 2013. If there is a default and the City cleans, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 2*
- 21) **Case #2012-3320: Parcel #713-141** located 6551 Livingston Road: Mr. Anthony Morgan appeared and stated that he purchased subject property from Compass Bank on March 30, 2013 and has active permits because he is rehabilitating. The City's counsel recommended that the recommendation for demolition be held in abeyance but that the owner be required to address vegetation, shrubbery, and grass issues within seven (7) days. Hearing officer agreed and therefore, recommends that the demolition of the structure be held in abeyance pending rehabilitation. Hearing officer recommends that the property be adjudicated as menace to public health and safety because of the substantial shrubbery and vegetation present. Mr. Morgan should be allowed seven (7) days expiring August 13, 2013 to cure the violations. If he defaults, hearing officer recommends that a penalty of \$500.00 be assessed with addition to costs incurred by the City, if it cleans. *Demolition – Ward 2*
- 22) **Case #2012-3557: Parcel #306-361** located 4307 Wainwright Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 4*
- 23) **Case #2012-3623: Parcel #306-366** located 0 Wainwright Avenue/Lot W of 4207: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 4*
- 24) **Case #2012-3772: Parcel #158-30** located 937-39 Arbor Vista Boulevard: No appearance by owner or an interested party. Hearing officer recommends that the

property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Grass and Weeds – Ward 5*

- 25) **Case #2013-1006: Parcel #127-120-3** located *430-1/2 Marcus L. Butler Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5*
- 26) **Case #2013-1007: Parcel #127-121-14** located *430 Marcus L. Butler Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5*
- 27) **Case #2013-1141: Parcel #116-85** located *258 N. Alabama Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 4*
- 28) **Case #2013-1143: Parcel #116-182** located *243 N. Alabama Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 4*
- 29) **Case #2013-1211: Parcel #820-500** located *5458 Williams Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 4*
- 30) **Case #2013-1212: Parcel #821-400** located *5320 Williams Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward*
- 31) **Case #2013-1214: Parcel #129-38** located *1735 Grand Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5*
- 32) **Case #2013-1238: Parcel #615-229** located *2837 Engleside Drive/HSE N of 2849*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 33) **Case #2013-1239: Parcel #611-246** located *3549 Ridgecrest Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 34) **Case #2013-1305: Parcel #207-27** located *0 Ferguson Drive/Lot E of 328*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 35) **Case #2013-1327: Parcel #839-290** located *959 Palm Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 36) **Case #2013-1355: Parcel #847-250-3** located *Siwell Road/Lot N of 4595*: Mr. Rick Snyder appeared. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded seven (7) days to cure expiring August 13, 2013. If there is a default and the City

cleans, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 4*

- 37) **Case #2013-1359: Parcel #634-245** located *2031 Tivoli Terrace*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 38) **Case #2013-1370: Parcel #206-132** located *336 Sunny Lane Drive/Lot E of 328*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 7*
- 39) **Case #2013-1385: Parcel #430-11** located *0 Kings Highway/Lot Rear of 4571*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 1*
- 40) **Case #2013-1392: Parcel #152-68** located *1207 AB Central Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 5*
- 41) **Case #2013-1484: Parcel #4858-576-93** located *0 Brookhollow Drive/Lot @ NE Corner of Gresham Cove*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 4*
- 42) **Case #2013-1562: Parcel #53-104-13** located *118 Conti Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 43) **Case #2013-1565: Parcel #642-336** located *322 Queen Theresa Lane*: Mr. Ernest Powell appeared. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded time to cure expiring September 5, 2013. If there is a default and the City cleans, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 44) **Case #2013-1713: Parcel #214-72** located *260 Marla Avenue*: Angela Angelo appeared and testified that she lives in the vicinity of the subject property, and she corroborated testimony from the City's Code Enforcement Officer regarding the state of the property. Hearing officer recommends that the property be adjudicated as menace to public health and safety. In addition to recommending that the property be adjudicated as a menace to public health, hearing officer recommends the assessment of a penalty of \$500.00 plus actual costs, if City cleans. *Board-up – Ward 5*
- 45) **Case #2013-1727: Parcel #633-206** located *0 Maria Drive/Lot @ NE Corner of Barbara Ann Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 46) **Case #2013-1728: Parcel #833-6** located *5144 Lurline Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 47) **Case #2013-1737: Parcel #210-127** located *2580 Paden Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be

adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 5*

- 48) **Case #2013-1766: Parcel #144-112** located *824 Canal Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 3*
- 49) **Case #2013-1781: Parcel #57-52** located *221 Keener Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Grass and Weeds – Ward 7*
- 50) **Case #2013-1782: Parcel #64-7** located *209 Whitfield Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 51) **Case #2013-1853: Parcel #91-41** located *841 Palmyra Street*: Case #2013-1392: Mr. Hank Campbell appeared and indicated he is a principal with Global Plastic Recycles, LLC. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded time to cure expiring August 20, 2013. If there is a default and the City cleans, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 3*
- 52) **Case #2013-1854: Parcel #152-57** located *1415 Central Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 5*
- 53) **Case #2013-1855: Parcel #132-42** located *1050 Robinson Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 3*
- 54) **Case #2013-1856: Parcel #722-330** located *715 Neering Trail*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 2*
- 55) **Case #2013-1858: Parcel #805-397** located *6525 Abraham Lincoln Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 2*
- 56) **Case #2013-1861: Parcel #152-60** located *1329 Central Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Board-up – Ward 5*
- 57) **Case #2013-1863: Parcel #91-44** located *817 Palmyra Street*: Mr. Hank Campbell appeared and stated that he was a principal with Global Plastic Recycles, LLC. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the interested parties be afforded time to cure expiring August 20, 2013. If there is a default and the City cleans, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 3*
- 58) **Case #2013-1864: Parcel #91-42** located *Monument Street/Lot W of Lot @ NW Corner of Palmyra*: Mr. Hank Campbell appeared and stated that he was a principal with Global Plastic Recycles, LLC. Hearing officer recommends that the property be adjudicated as menace to public health and safety but the

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interested parties be afforded time to cure expiring August 20, 2013. If there is a default and the City cleans, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 3*

IT IS HEREBY ORDERED that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

IT IS HEREBY ORDERED that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

IT IS HEREBY ORDERED that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

IT IS HEREBY ORDERED that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

Council Member Barrett-Simon moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

* * * * *

ORDER AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO THE CONSTRUCTION ENGINEERING & INSPECTION SERVICES CONTRACT WITH STANTEC CONSULTING SERVICES, INC. FOR THE ITS-3 RAILROAD GRADE CROSSING PROJECT, FEDERAL AID PROJECT NUMBER ITS-0250-00(020)LPA/103901-701000, CITY PROJECT NUMBER 21500-903.

WHEREAS, on March 16th, 2012, the City of Jackson entered into a construction engineering and inspection services contract with Stantec Consulting Services, Inc., for construction engineering and inspection services for the ITS-3 Railroad Grade Crossing Project; and

WHEREAS, the contractor will need to complete additional unanticipated work that will require additional engineering and inspection oversight that was not anticipated in the original contract; and

WHEREAS, Stantec has provided an estimated cost of \$13,878.68 to provide additional construction engineering and inspection services in association with the additional unanticipated work; and

WHEREAS, the execution of Supplemental Agreement No. 1 to the CE&I contract is subject to the concurrence of the Mississippi Department of Transportation.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Supplemental Agreement No. 1 to the Construction Engineering & Inspection Services Contract with Stantec Consulting Services, Inc., for an amount not to exceed \$13,878.68 for the ITS-3 Railroad Grade Crossing Project, Federal Aid Project Number ITS-0250-00(020) LPA/103901-701000, City Project Number 21500-903.

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 24, 2013, 6:00 P.M.

Council Member Barrett-Simon moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Stamps, Priester, Tillman and Yarber.
Nays-Cooper-Stokes.
Absent-Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT #2 TO THE CONTRACT OF SIMMONS EROSION CONTROL, INC. FOR THE ITS-3 RAILROAD GRADE CROSSING PROJECT, FEDERAL AID PROJECT NUMBER ITS-0250-00(020)/103901-701000, CITY PROJECT NUMBER 21500, SUBJECT TO THE APPROVAL OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION.

WHEREAS, on April 17, 2012, the City of Jackson accepted the bid of Simmons Erosion Control, Inc. in the amount of \$373,391.95 to commence work on ITS-3 Railroad Grade Crossing Project; and

WHEREAS, Supplemental Agreement #1, which was executed on March 12, 2013, increased the contract time by 110 calendar days and the contract cost by \$4,625.00 due to delays in receiving a revised right-of-way permit from the Canadian National Railroad and due to out-of-date fiber optic mapping, all of which were beyond the contractor's control; and

WHEREAS, during construction, the contractor has discovered that a section of the fiber optic cable is in need of unanticipated maintenance work beyond the capability of City crews to be able to support the signal connection from the State Street KCS crossing to I-20/55 and to connect two fiber mains that cross at Clinton Blvd and I-220; and

WHEREAS, Supplemental Agreement #2, which would create pay items for the referenced work, would increase the contract cost by \$11,095.34 and increase the contract time by a number of calendar days to be determined by the Mississippi Department of Transportation; and

WHEREAS, the Mississippi Department of Transportation must approve Supplemental Agreement #2 prior to execution of the supplemental agreement by the Mayor.

IT IS, THEREFORE, ORDERED, that the Mayor is authorized to execute Supplemental Agreement #2 to the contract of Simmons Erosion Control, Inc. for ITS-3 Railroad Grade Crossing Project, Federal Aid Project Number ITS-0250-00(020)/103901-701000, City Project Number 21500, and authorizing an increase in the contract time by a number of calendar days to be determined by the Mississippi Department of Transportation and increasing the contract amount by \$11,095.34 to a total contract amount of \$389,112.29.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Stamps, Priester, Tillman and Yarber.
Nays-Cooper-Stokes.
Absent-Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION TESTING SERVICES CONTRACT WITH SOIL TECH CONSULTANTS, INC. FOR THE JRA PARKING FACILITY III RAMP MODIFICATIONS, CITY PROJECT NUMBER 10B4004-702.

WHEREAS, the City of Jackson advertised for statements of qualifications for engineering services from consulting engineering firms for the Capitol Street Improvements, which originally included the two-way conversion of Capitol Street, construction of new parking garage ramps, and demolition of the existing Capitol Street ramps; and

WHEREAS, the City selected Neel-Schaffer, Inc. to perform preliminary engineering, and construction engineering and inspection services; and

WHEREAS, the overall project was divided into two separate projects to comply with requirements attached to the funding sources for the two related, but separate, projects; and

WHEREAS, the design and construction engineering contract for Neel-Schaffer's work on the JRA Parking Facility III Ramp Modifications did not include quality control testing services that are necessary for construction; and

WHEREAS, the City and Soil Tech Consultants, Inc., a subsidiary of Neel-Schaffer, Inc. that specializes in geotechnical engineering, have negotiated a contractor for construction engineering and inspection services in the amount of \$68,000.00 for quality control testing services.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute and the City Clerk is authorized to attest a Construction Testing Services Contract with Soil Tech Consultants, Inc., in an amount not to exceed \$68,000.00 for the JRA Parking Facility III Ramp Modifications, City Project Number 10B4004-702.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

ORDER ACCEPTING THE BID OF NEW ENGLAND CONTRACTORS, LLC, FOR CONSTRUCTION SERVICES FOR THE NORTHGATE PARK PROJECT, PROJECT NUMBER 3B8001 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY.

WHEREAS, the Northgate Park Project advertised for bids on July 25 and August 1, 2013; and

WHEREAS, five (5) bids were received in response to the City's advertisement for bids and opened on August 27, 2013; and

WHEREAS, the bid received from New England Contractors, LLC in the amount of \$57,000.00 was the lowest bid received and met specifications; and

WHEREAS, the Department of Public Works recommends that the governing authorities accept the bid of New England Contractors, LLC as the lowest and best bid.

IT IS, THEREFORE, ORDERED that the bid of New England Contractors, LLC in the amount of \$57,000.00 for the Northgate Park Project is accepted as the lowest and best bid.

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IT IS FURTHER ORDERED that the Mayor is authorized to execute and the City Clerk is authorized to attest a contract with New England Contractors, LLC for the Northgate Park Project in accordance with the City's Advertisement For Bidders, said bid, and the specifications on file with the Public Works Department, Engineering Division, Room 424 at 200 S. President Street and the City Clerk, Jackson, Mississippi.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER ACCEPTING THE BID OF FLEET SAFETY EQUIPMENT, INC., FOR AN EIGHTEEN-MONTH SUPPLY OF BAR LIGHTS, ELECTRONIC SIRENS, SWITCH BOXES, SPEAKERS, COMMUNICATION ORGANIZERS, AND SECURITY SCREENS, (BID NO. 05554-081313).

WHEREAS, sealed bids for Bar Lights, Electronic Sirens, Switch Boxes, Speakers, Communication Organizers, and Security Screens were opened August 13, 2013, wherein two (2) bids was received; and

WHEREAS, the Jackson Police Department will use said bar lights, electronic sirens, switch boxes, speakers, communication organizers and security screens to equip emergency vehicles and equipment; and

WHEREAS, the staff at the Jackson Police Department has reviewed all bids and recommends that this governing authority deem the bid submitted by Fleet Safety Equipment, Inc., 1613 Dowzer Avenue, Pell City, AL 35125, for an eighteen-month supply of bar lights, electronic sirens, switch boxes, speakers, communication organizers, and security screens, be accepted as the lowest and best bid.

IT IS HEREBY ORDERED, that the bid of Fleet Safety Equipment, Inc., 1613 Dowzer Avenue, Pell City, AL 35125, received August 13, 2013, for an eighteen-month supply of bar lights, electronic sirens, switch boxes, speakers, communication organizers, and security screens, (starting October 01, 2013 through March 31, 2015), be accepted as the lowest and best bid received, it being determined that said bid met the specifications.

IT IS FURTHER ORDERED that payment for said police equipment be made from the General Fund.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER ACCEPTING THE BID OF BLISS PRODUCTS AND SERVICES, INC., FOR CONSTRUCTION SERVICES FOR THE 2013 PLAYGROUND RESURFACING PROJECT, PROJECT NUMBER 3B8002 & 3B8003 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY.

WHEREAS, the 2013 Playground Resurfacing Project advertised for bids on July 25 and August 1, 2013; and

WHEREAS, six, (6) bids were received in response to the City's advertisement for bids and opened on August 27, 2013; and

WHEREAS, the bid received from Bliss Products and Services, Inc., in the amount of \$23,260.00, was the lowest bid received and met specifications; and

WHEREAS, the Department of Public Works recommends that governing authorities deem the bid of Bliss Products and Services, Inc. in the amount of \$23,260.00 to be the lowest bid and best bid.

IT IS, THEREFORE, ORDERED that the bid of Bliss Products and Services, Inc., for the 2013 Playground Resurfacing Project in the total amount of \$23,260.00 is accepted as the lowest and best bid.

IT IS FURTHER ORDERED that the Mayor is authorized to execute and the City Clerk is authorized to attest a contract with Bliss Products and Services, Inc., in accordance with the City's Advertisement for Bidders, the bid of Bliss Products and Services, Inc., and the specifications on file with the Public Works Department, Engineering Division, Room 424 at 200 S. President Street and the City Clerk, Jackson, Mississippi.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 2 TO THE CONTRACT WITH TERRA RENEWAL SERVICES, INC. FOR THE SAVANNA STREET WWTP STORM CELL REHABILITATION, CITY PROJECT NO. 11B0500902.

WHEREAS, on May 29, 2012 the City of Jackson accepted the bid of Terra Renewal Services, Inc. in the amount of \$8,989,883.95 for the Savanna Street WWTP Storm Cell Rehabilitation, City Project No. 11B0500902 and authorized the Mayor to execute a construction contract for the Project; and

WHEREAS, Terra Renewal Services, Inc. has been performing work on the Project under that contract; and

WHEREAS, Change Order 1 for additional dirt work and soil stabilization was approved on March 19, 2013; and

WHEREAS, quantities of anticipated sludge to be removed have been reduced, sump modifications were necessary, and an underdrain system in Cell 4 was required for groundwater removal; and

WHEREAS, the net change in contract price for these line item changes is a reduction of \$691.00, resulting in a revised contract price of \$9,085,471.43; and

WHEREAS, this additional work and materials are necessary to the scope of the contract as originally bid, do not constitute a new undertaking outside the original scope of the contract, are commercially reasonable, and are not made to circumvent the public purchasing statutes.

IT IS, THEREFORE, ORDERED that a change order to the Project reducing the amount of the contract by \$691.00, resulting in a revised contract price of \$9,085,471.43, is accepted.

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IT IS FURTHER ORDERED that the Mayor is authorized to execute Change Order Number 2 to the contract with Terra Renewal Services, Inc. for the Savanna Street WWTP Storm Cell Rehabilitation, City Project No. 11B0500902.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO PARTICIPATE IN THE COMMUNITY RATING SYSTEM PROGRAM.

WHEREAS, the City of Jackson has been participating in the Community Rating System (CRS) program since 1991; and

WHEREAS, the City of Jackson receives credit points from the CRS program for undertaking activities designated by the program; and

WHEREAS, individuals or businesses with a flood insurance policy backed by the National Flood Insurance Program (NFIP) receive a discount on their flood insurance policy premiums based on the number of points earned; and

WHEREAS, the City of Jackson is currently a Class 8 community, which provides policy holders a 10% discount on flood insurance policy premiums; and

WHEREAS, as a condition of the City's continued participation, it is necessary for the Mayor to execute documents as part of the annual certification of the City's CRS activities.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute documents necessary to participate in the Community Rating System Program.

Council Member Barrett-Simon moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT #2 TO THE CONTRACT OF HEMPHILL CONSTRUCTION COMPANY, INC. FOR THE FORTIFICATION STREET IMPROVEMENTS PROJECT, FEDERAL AID PROJECT NUMBER STP-7285-00(002)LPA 105325-801000, CITY PROJECT NUMBER 31501, SUBJECT TO THE APPROVAL OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION.

WHEREAS, on April 17, 2012, the City of Jackson accepted the bid of Hemphill Construction Company, Inc. in the amount of \$8,998,961.00 to construct the Fortification Street Improvements Project; and

WHEREAS, in August 2012, the City approved Supplemental Agreement #1, which called for substituting one type of soil for a better type of soil for the same unit price resulting in no increase or decrease to the contract amount or time; and

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WHEREAS, during construction, the City and the contractor discovered that a 42-inch storm drain line that was to be left in place and a sanitary sewer line that was to be removed were encased in the same concrete pour and would both have to be removed because they could not be physically separated; and

WHEREAS, the City and the contractor also determined that the entire 42-inch storm drain under Fortification Street was much shallower than plans showed and would have to be completely replaced with an arch-shaped pipe that could be set deeper below the street while carrying the same volume and flow of storm water; and

WHEREAS, during construction, the City and the contractor determined that a decorative fence would be necessary on top of two high retaining walls to provide fall protection for those yards; and

WHEREAS, Supplemental Agreement #2, which would create pay items for these items, would increase the contract cost by \$36,998.00, and increase contract time by 5 calendar days to complete this unforeseen work; and

WHEREAS, the Mississippi Department of Transportation must approve of Supplemental Agreement #2 prior to execution of the supplemental agreement.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Supplemental Agreement #2 to the contract of Hemphill Construction Company, Inc. for the Fortification Street Improvements Project, Federal Aid Project Number STP-7285-00(002)LPA 105325-801000, City Project Number 31501, increasing the contract time by 5 calendar days to a total contract time of 555 calendar days, and increasing the contract amount by \$36,998.00 to a total contract amount of \$ 9,035,959.00.

Council Member Barrett-Simon moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Priester, Tillman and Yarber.
Nays-Cooper-Stokes and Stamps.
Absent-Whitwell.

* * * * *

**ORDER AUTHORIZING THE MAYOR TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT WITH M.A.C &
ASSOCIATES, LLC TO ANALYZE WATER AND SEWER RATES FOR
CITY OF JACKSON WATER AND SEWER CUSTOMERS.**

WHEREAS, the City of Jackson relies on water and sewer rates to fund the operation and maintenance of the water treatment and transmission, and the sewer collection and treatment systems; and

WHEREAS, it is necessary to evaluate the financial needs of the water and sewer systems in order to determine the proper rate structures and rates necessary to properly operate and maintain both systems and to undertake the capital improvement projects that will be recommended under the updated Water System Master Plan and required by the City's Consent Decree for its waste water system; and

WHEREAS, the City has determined that it is necessary to retain professional services to conduct the necessary analysis to formulate rate structures that remain as affordable as possible for customers and provides the necessary funding for both systems; and

WHEREAS, M.A.C. & Associates is willing to render such professional engineering services for an amount not to exceed \$162,000.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a professional engineering services agreement with M.A.C. & Associates, LLC in the

**REGULAR MEETING OF THE CITY COUNCIL
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amount of \$162,000.00 to analyze the financial needs of the City's Water and Sewer systems and recommend appropriate rate structures and rates for both systems.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded

After a thorough discussion, **Mayor Chokwe Lumumba** pulled said item.

Motion and second on said item were withdrawn.

ORDER RESCINDING THE NOVEMBER 27, 2012 ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI ACCEPTING THE BID OF MCGUFFIE PAINTING AND WATERPROOFING COMPANY, INC., AND AUTHORIZING THE EXECUTION OF THE CONTRACT AND ALL RELATED DOCUMENTS FOR THE CHARLES TILLMAN BRIDGE ENHANCEMENT PROJECT, CITY PROJECT NO. 12B4500-701.

WHEREAS, on November 27, 2012, the City Council authorized the Mayor to execute a contract with McGuffie Painting and Waterproofing, Inc., for the Charles Tillman Bridge Enhancement Project; and

WHEREAS, after advertising the project, accepting bids, and awarding the project, Illinois Central/Canadian National Railroad advised the City of additional insurance, worker safety training, and safety measures necessary to access the Illinois Central/Canadian National right-of-way for the purpose of enhancing the Charles Tillman Bridge; and

WHEREAS, these additional requirements would require a change order to the original bid amount of more than twenty-five percent (25%); and

WHEREAS, the contract with the successful bidder, McGuffie Painting and Waterproofing, Inc. has not been signed by the parties; and

WHEREAS, the Department of Public Works recommends that it would be in the best interest of the City rescind the award of the contract to McGuffie, reject all bids, and re-advertise with new specifications that incorporate Illinois Central/ Canadian National Railroad's requirements.

IT IS, THEREFORE, ORDERED that the November 27, 2012 Order of the City Council authorizing the Mayor to accept the bid of McGuffie Painting and Waterproofing Company, Inc. for the Charles Tillman Bridge Enhancement Project, City Project No. 12B4500-701, is hereby rescinded.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

**REGULAR MEETING OF THE CITY COUNCIL
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ORDER AUTHORIZING THE MAYOR TO EXECUTE A ONE -YEAR EXTENSION OF THE SOLID WASTE COLLECTION AND HAULING CONTRACT WITH WASTE MANAGEMENT OF MISSISSIPPI, INC. AND TO EXECUTE ANY NECESSARY DOCUMENTS NECESSARY TO EXERCISE THE EXTENSION OPTION.

Said item was pulled by **Mayor Chokwe Lumumba**.

ORDER ESTABLISHING JUST COMPENSATION AND AUTHORIZING ACQUISITION OF FEE SIMPLE INTEREST IN PROPERTY NEEDED FOR THE DR. JESSIE MOSLEY DR. (OAKLEY STREET EXTENSION) PROJECT NO. STPD 7527-00 (001)/ 104860-8001000 WITH PAYMENT THEREFORE TO BE MADE TO GRANTORS, LEE. E. WILLIAMS, JR., AND LINDA RUTH WILLIAMS HARRIS FOR THE DR. JESSIE MOSLEY DRIVE (OAKLEY STREET EXTENSION) PROJECT NO. STPD 7527-00 (001) 104860-8011000.

WHEREAS, the City of Jackson requires certain property for the Dr. Jessie Mosley Drive (Oakley Street Extension) Project, Project No. STPD 7527-00 (001) 104860-801000; and

WHEREAS, the City of Jackson previously determined the fair market value of the property to be \$450.00 and paid this amount to the putative owner, as determined by the property acquisition consultant retained by the City; and

WHEREAS, a title certification performed later as a requirement for funding by the Mississippi Department of Transportation determined that the two siblings of the putative owner also each owned an undivided one-third interest in the property; and

WHEREAS, state and federal property acquisition policy statutes and regulations require the making of offers of just compensation to the owners of property being acquired by the City for this project; and

WHEREAS, the fair market value for the required property as determined through a waiver valuation as authorized under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, and applicable regulations of the Federal Highway Administration, and the Mississippi Real Property Acquisition Policies Law is as follows:

Parcel Number 80-18 \$450.00 (Grantors-Lee E. Williams, Jr. and Linda Ruth Williams Harris); and

WHEREAS, Barry Zirulnik, Esq. of the law firm of Price & Zirulnik advised the City that the owners were not likely to accept \$225.00 each as compensation for the property since their sibling has already been paid \$450.00 for his interest and that condemning the property would likely cost approximately 50 times the fair market value of each owners' interest; and

WHEREAS, it is recommended that to save substantial expense and delay from condemnation proceedings the City should authorize an administrative adjustment of \$450.00 to avoid litigation costs and further delay to the project.

IT IS, THEREFORE, ORDERED by the Council of the City of Jackson, Mississippi, that just compensation is established in the amount of \$450.00-Parcel No. 80-18 (Grantors-Lee E. Williams, Jr and Linda Ruth Williams Harris).

IT IS FURTHER ORDERED that an administrative adjustment of \$450.00 is to be paid in the interest of avoiding the costs of litigation and further delay in construction of the project.

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IT IS FURTHER ORDER that just compensation and an administrative adjustment totaling \$450.00 each be paid to two remaining owners of the described property, Lee E. Williams, Jr. and Linda Ruth Williams Harris, and that the warrant be made payable to said owners for the acquisition of fee simple interest for the Dr. Jessie Mosley Drive (Oakley Drive Extension) Project, Project No. STPD-7527-00 (001) 104860-801000.

FEE SIMPLE INTEREST

LEE E. WILLIAMS, JR. AND LINDA RUTH WILLIAMS HARRIS

Lot 10 in Jo Ascher's Subdivision of Helm Survey, City of Jackson, Hinds County, MS, being Hinds County Tax Parcel No. 80-18

Less and except all oil, gas and other minerals which may be produced through a well bore.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER AUTHORIZING PAYMENT TO SOUTHERN CONSULTANTS, INC. FOR ENGINEERING SERVICES FOR THE COWAN PLACE SEWER REHABILITATION, CITY PROJECT NO. 13B0502.

WHEREAS, in April of 2013, a tree destroyed a sewer crossing across Eubanks Creek, necessitating an immediate set up of a bypassing pump; and

WHEREAS, design of the project is beyond the capacity of City staff to perform under the circumstances; and

WHEREAS, Southern Consultants, Inc. has been selected from the Statements of Qualifications on file in the Department of Public Works; and

WHEREAS, the Department of Public Works has negotiated a price of \$17,900.00 for design and bidding services for the project; and

WHEREAS, the Public Works Department recommends payment of the negotiated amount for the engineering services, \$17,900.00, for the I-55/Eubanks Creek Sewer Rehabilitation, City Project No. 13B0502.

IT IS, THEREFORE, ORDERED that payment in the amount of \$17,900.00 to Southern Consultants, Inc. for design and bidding services for the Cowan Place Sewer Rehabilitation, City Project No. 13B0502 is authorized.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.
Nays-None.
Absent-Whitwell.

ORDER AUTHORIZING PAYMENT TO SOUTHERN CONSULTANTS, INC. FOR ENGINEERING SERVICES IN THE ANNEXED AREA FIRE HYDRANT SURVEY.

WHEREAS, after coordination between the Department of Public Works and the Jackson Fire Department, design of additional fire protection measures in the Annexed area in southwest Jackson is required; and

WHEREAS, the City does not have the staff to perform such a survey and design itself; and

WHEREAS, Southern Consultants, Inc. has been selected from the Statements of Qualifications on file in the Department of Public Works; and

WHEREAS, the Department of Public Works has negotiated an amount not to exceed \$5,000 with Southern Consultants, Inc. to provide the engineering services required; and

WHEREAS, the Public Works Department recommends payment of the negotiated amount for the engineering services, \$5,000.00, for the Annexed Area Fire Hydrant Survey.

IT IS, THEREFORE, ORDERED, that payment in the amount of \$5000.00 to Southern Consultants, Inc. for the Annexed Area Fire Hydrant Survey is authorized.

Council Member Barrett-Simon moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Whitwell.

Council Member Barrett-Simon left the meeting at 8:06 p.m.

ORDER AUTHORIZING PAYMENT OF ATTORNEY FEES IN THAT CERTAIN LAWSUIT STYLED "STATE OF MISSISSIPPI VS. RICHARD McGAHEY" IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI, CAUSE NO. 12-0-967-00 JAW.

Said item was placed in the Rules Committee at the request of **President Tillman**.

ORDER AUTHORIZING THE CITY OF JACKSON TO ADOPT FORMAL POLICY WITH RESPECT TO PAYMENT OF LEGAL COUNSEL IN CRIMINAL MATTERS.

Said item was placed in the Rules Committee at the request of **President Tillman**.

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 24, 2013, 6:00 P.M.

**RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
SUPPORTING THE 154TH ANNUAL MISSISSIPPI STATE FAIR.**

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

WHEREAS, The City of Jackson is home to the Mississippi State Fair and a major contributor to the success and longevity of the Mississippi State Fair's family tradition with opening day this year on Wednesday, October 2, 2013, featuring carnival rides and games, livestock events and the Midway; and

WHEREAS, Mr. Billy Orr, Executive Director, has long been associated with the Mississippi State Fair, and he welcomes every Mississippian to enjoy the Fair; and

WHEREAS, on opening day, the children have an opportunity to receive a treat at the fair if the child is age 12 or under and dressed in costume and they may receive free admission at the gates on Wednesday, October 2nd, and receive candy from vendors with a sign in front of their booths; and

WHEREAS, the ever popular Morris Day and the Time will appear at the Pavilion on the Midway this year and the talented Eric Benet is on tap to appear this year, along with other exciting musical entertainment.

THEREFORE, IT IS HEREBY RESOLVED that the Jackson City Council hereby supports the 154th Annual Mississippi State Fair.

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

Yeas- Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Barrett-Simon and Whitwell.

There came on for consideration Agenda Item No. 46:

DISCUSSION: CITY MISDEMEANOR HOLDING FACILITY.

Said item was placed in the Planning Committee at the request of **President Tillman**.

DISCUSSION: OVERGROWN CREEKS: **President Tillman** recognized **Council Member Cooper-Stokes** who expressed concerns regarding drainage issues throughout the City.

DISCUSSION: PARKING METER UPGRADES: **President Tillman** recognized **Council Member Yarber** who expressed concerns regarding the upgrades of parking meters throughout the City.

There came on for consideration Agenda Item No. 49:

PROCLAMATION: MINORITY ENTERPRISE DEVELOPMENT WEEK. Said item was pulled at the request of **Mayor Chokwe Lumumba**.

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The following announcements/reports were provided during the meeting:

- National Night Out on October 1, 2013
- Dad's of Destiny Conference at 5:45 p.m. on September 29, 2013 at JSU E-Center
- Make a Difference Day on October 26, 2013
- Town Hall Meeting at 6:30 p.m. on September 26, 2013 at Fondren Presbyterian Church
- People Assembly at 3:00 p.m. on September 28, 2013 at Pearl Street A.M.E.
- National Night Out Kickoff from 11:00 a.m.-2:00 p.m. on September 27, 2013 at City Hall

President Tillman recognized **City Attorney Pieter Teeuwissen** who suggested the need for an Executive Session to discuss TCI and the Transaction Waste Contract. **Council Member Stamps** moved and **Council Member Priester** seconded to consider to go into Executive Session. The motion prevailed by the following vote:

Yeas- Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Barrett-Simon and Whitwell.

Council Member Stamps moved and **Council Member Priester** seconded to go into Executive Session. The motion prevailed by the following vote:

Yeas- Cooper-Stokes, Stamps, Priester, Tillman and Yarber.

Nays-None.

Absent-Barrett-Simon and Whitwell.

An announcement was made to the public that the Council voted to go into Executive Session to discuss possible litigation.

Council Member Cooper-Stokes left the meeting.

Council Member Yarber moved, seconded by **Council Member Priester**, that the Council come out of Executive Session. The motion prevailed by the following vote:

Yeas- Stamps, Priester, Tillman and Yarber.

Nays- None.

Absent- Barrett-Simon, Cooper-Stokes and Whitwell.

President Tillman announced that the Council voted to come out of Executive Session and that no official action had been taken.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Meeting to be held at 4:00 p.m. on Monday, September 30, 2013; at 8:45 p.m., the Council stood adjourned.

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ATTEST:

Bresha Lee
CITY CLERK

APPROVED:

[Signature] / 09-29-13
MAYOR DATE
