

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, MARCH 16, 2021 10:00 A.M.**

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BE IT REMEMBERED that a Special Meeting of the City Council of Jackson, Mississippi, was convened at City Hall at 10:00 a.m. on March 16, 2021, being the third Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Aaron Banks, Council President, Ward 6; Charles Tillman, Vice President, Ward 5; Ashby Foote, Ward 1; Angelique Lee, Ward 2; Kenneth Stokes, Ward 3 (via teleconference); De'Keither Stamps, Ward 4; Virgi Lindsay, Ward 7. Directors: Chokwe Antar Lumumba, Mayor, Dr. Safiya Omari, Chief of Staff; Shanekia Mosley-Jordan, Clerk of the Council; Constance White, Chief Deputy Clerk of Council; and Monica Allen, Interim City Attorney.

Absent: None.

The meeting was called to order by **President Aaron Banks.**

The invocation was offered by **Pastor James Shoulders of Rising Sun M.B. Church.**

The Council recited the **Pledge of Allegiance.**

President Banks announced that there were no public comments received by the Clerk of Council's Office.

President Banks recognized **Council Member Stamps** who moved, seconded by **Council Member Tillman**, to add an item to the agenda on an emergency basis: "Resolution of the governing authorities of the City of Jackson, Mississippi requesting immediate funding for the erection and maintenance of four (4) water storage towers: (1) in Byram, Mississippi; (2) in South Jackson, Mississippi; and (1) in West Jackson, Mississippi. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lindsay, Stamps, Stokes and Tillman.

Nays – None.

Absent – None.

There came on as the Emergency Agenda Item: RESOLUTION OF THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI REQUESTING IMMEDIATE FUNDING FOR THE ERECTION AND MAINTENANCE OF FOUR (4) WATER STORAGE TOWERS: (1) IN BYRAM, MISSISSIPPI; (2) IN SOUTH JACKSON, MISSISSIPPI; AND (1) IN WEST JACKSON, MISSISSIPPI. Hearing no objections, the Clerk read the following:

RESOLUTION IN SUPPORT OF REQUEST TO THE STATE OF MISSISSIPPI AND THE UNITED STATES GOVERNMENT FOR EMERGENCY FUNDING NECESSARY FOR IMPROVEMENTS TO THE CITY OF JACKSON'S WATER TREATMENT PLANTS AND DISTRIBUTION NETWORK.

WHEREAS, Section 45-17-1, et seq., of the Mississippi Code of 1972, as amended, authorizes the Mayor of a municipality to proclaim the existence of a civil emergency; and

WHEREAS, on February 12, 2021, the National Weather Service issued a winter weather/storm warning for an area including the City of Jackson, Mississippi; and

WHEREAS, rain, sleet, ice, snow, and prolonged subfreezing temperatures occurred in the City of Jackson beginning February 13, 2021, which resulted in dangerous conditions; and

WHEREAS, on or about February 16, 2021, the City began experiencing problems with its two water treatment plants due to continuous hard freeze conditions, which resulted in the loss of water pressure in the water distribution system; and

WHEREAS, hard freeze conditions limited the transportation of chemicals necessary to treat water at both water treatment plants; and

WHEREAS, the hard freeze also appears to have resulted in breaks in water distribution lines that hamper efforts to provide potable water to City of Jackson water customers; and

WHEREAS, as a result of the conditions and damage caused by the rain, sleet, snow, and prolonged hard freeze, customers of the City of Jackson water system were without potable water and many customers are still without any water, which is creating public health and safety issues, including, but not limited to the inability to maintain proper hygiene to prevent the spread of COVID-19, the inability to properly dispose of human waste, and otherwise preventable fire losses due to a lack of water with which to fight fires; and

WHEREAS, in consideration of the health, safety, and welfare of the City's residents and the protection of their property within the affected areas, and in the public interest, Mayor Chokwe Antar Lumumba did declare a civil emergency effective February 12, 2021, pursuant to the authority vested in him by Section 45-17-1, *et seq.*, of the Mississippi Code of 1972, as amended, to take all efforts to protect people and property; and

WHEREAS, on February 22, 2021, the governing authorities of the City of Jackson, Mississippi, pursuant to Section 33-15-1, *et seq.*, of the Mississippi Code of 1972, as amended, and in the public interest and for the general welfare of the City of Jackson, declared a local emergency to support the civil emergency declared by the Mayor effective as of February 12, 2021, for the entire City of Jackson; and

WHEREAS, in the proclamation declaring a local emergency, the governing authorities of the City of Jackson, Mississippi, ordered that said proclamation should be transmitted to the appropriate state and federal government officials, including, but not limited to, the Governor of the State of Mississippi and the President of the United States of America; and

WHEREAS, the governing authorities of City of Jackson, Mississippi hereby find that conditions of extreme peril exist in the City as a result of need to make necessary capital improvements to its water treatment plants and distribution network; and

WHEREAS, the governing authorities of the City of Jackson, Mississippi further find that these improvements are critical to ensure clean water is provided to all customers within its service area, as well as to preserve the health, safety and welfare of its citizens; and

WHEREAS, based on the Engineer's Opinion of Probable Cost incorporated in the City of Jackson's 2020 Water System Capital Improvement Plan (dated December 16, 2020), funding in the amount of Fifteen Million Dollars (\$15,000,000.00) is required to make the capital improvements necessary to the water treatment plants and distribution network; and

WHEREAS, Mayor Chokwe Antar Lumumba, on March 3, 2020, submitted a formal written request to the Governor of the State of Mississippi to assist in obtaining the funding needed to complete the referenced capital improvements; and

WHEREAS, the governing authorities of the City of Jackson, Mississippi support the Mayor's request to the Governor of the State of Mississippi to assist in obtaining said funding to complete the necessary improvements, as well as assist with requesting funding from State and Federal agencies.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the governing authorities of the City of Jackson, Mississippi join the Mayor in formally requesting that the State of Mississippi and the United States government immediately provide emergency funding in the amount of Forty Seven Million Dollars (\$47,000,000.00) to the City of Jackson, Mississippi, to make necessary capital improvements to its water treatment plants and distribution network to ensure safety, health, and welfare of its citizens and customers.

IT IS FURTHER RESOLVED that a copy of this Resolution be forwarded to the Governor of the State of Mississippi, and that the Governor request funding assistance from State and Federal agencies.

IT IS FINALLY RESOLVED that a copy of this Resolution be forwarded to the appropriate agencies within the United States government.

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

Yeas – Banks, Foote, Lee, Lindsay, Stamps, Stokes and Tillman.

Nays – None.

Absent – None.

ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI NAMING THE SPLASH PAD AT THE PRESIDENTIAL HILLS II PARK “KINGSTON FRAZIER MEMORIAL SPLASH PAD” IN HONOR OF KINGSTON FRAZIER. **President Banks** stated **Council Member Stamps** requested that the Council suspend the rules to adopt said item.

Council Member Stamps moved, seconded by **Council Member Tillman**, to suspend the rules to make said item effective immediately. The motion prevailed by the following vote:

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

Nays – None.

Absent – None.

Thereafter, **President Banks** called for a vote on said item:

ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI NAMING THE SPLASH PAD AT THE PRESIDENTIAL HILLS II PARK “KINGSTON FRAZIER MEMORIAL SPLASH PAD” IN HONOR OF KINGSTON FRAZIER.

WHEREAS, it is befitting for the City of Jackson to recognize, honor and celebrate individuals whose lives have had a significant and positive impact in the community; and

WHEREAS, the City of Jackson, through the Department of Parks and Recreation, has received requests from the Presidential Hills II Community to name the Splash Pad at the Presidential Hills II Park, the “Kingston Frazier Memorial Splash Pad”; and

WHEREAS, on May 18, 2017, 6-year old Kingston Frazier was kidnapped and murdered after the vehicle he was sleeping in was stolen from the parking lot of Kroger’s Food Store on I-55 North Frontage Road in Jackson, Mississippi; and

WHEREAS, Kingston Frazier will forever be missed, but not forgotten, if the Splash Pad is named “Kingston Frazier Memorial Splash Pad”, honoring him for many years to come.

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

SECTION 1. The Splash Pad at the Presidential Hills II Park is hereby named the “Kingston Frazier Memorial Splash Pad”.

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

SECTION 3. This ordinance shall become effective thirty (30) days after passage, and upon publication in accordance with Section 21-13-11 of the Mississippi Code Annotated, as amended.

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

Yeas – Banks, Foote, Lee, Lindsay, Stamps, Stokes and Tillman.

Nays – None.

Absent – None.

ORDER APPROVING CLAIMS NUMBER 24831 to 24937 APPEARING AT PAGES 391 TO 435 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$12,402,753.59 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 24831 to 24937 appearing at pages 391 to 435, inclusive thereon in the Municipal “Docket of Claims”, in the aggregate amount of \$12,402,753.59 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

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

FROM:	TO ACCOUNTS PAYABLE FUND
GENERAL FUND	1,457,208.40
SEIZURE & FORF PROP-STATE	12,956.67
TECHNOLOGY FUND	229,948.59
PARKS & RECR. FUND	69,017.08
BUSINESS IMPROV FUND (LANDSCP)	461,510.59
LANDFILL SANITATION FUND	1,146,223.96
FIRE PROTECTION	41,040.92
NCSC SENIOR AIDES	68.38
STATE TORT CLAIMS FUND	119,939.00
WATER/SEWER REVENUE FUND	5,975.76
WATER/SEWER OP & MAINT FUND	1,749,526.26
WATER/SEWER CAPITAL IMPR FUND	1,609,820.22
DISABILITY RELIEF FUND	2,106,957.81
EMPLOYEES GROUP INSURANCE FUND	159,348.82
KELLOGG FOUNDATION PROJECT	17,602.57
EARLY CHILDHOOD (DAYCARE)	11,475.96
HOUSING COMM DEV ACT (CDBG) FD	599.02
HOME PROGRAM FUND	10,222.98
H O P W A GRANT – DEPT OF HUD	7,738.62
TITLE III AGING PROGRAMS	85,530.00
PUBLIC SAFETY PLANNING	5,984.00
G O PUB IMP CONS BD 2003 (\$20M)	264,599.24
INFRASTRUCTURE BOND 2020 \$32M	55,678.06
2008 GO STREET CONSTRUCTION FD	105,786.32
CAPITOL STREET 2-WAY PROJECT	200,778.80
1% INFRASTRUCTURE TAX	989,230.53
MADISON SEWAGE DISP OP & MAINT	1,004.28
TRANSPORTATION FUND	8,500.00
FONDREN BUSINESS IMPROV FUND	70,772.16

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RESURFACING – REPAIR & REPL. FD	32,396.32
P E G ACCESS – PROGRAMMING FUND	8,762.71
TIGER GRANT	1,183,229.22
MHC BLIGHT ELIMINATION PROGRAM	29,958.31
COVID-19 RESPONSE FUND	67,279.34
MODERNIZATION TAX	8,000.00
ESG COVID CARES TAX	13,969.19
LIBRARY FUND	9,453.50
WATER/SEWER CON FD 2013 - \$89.9M	44,660.00
TOTAL	<u>\$12,402,753.59</u>

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

President Banks recognized **Marlin King, Interim Chief Administrative Officer**, who provided a brief overview of the Claims Docket.

Thereafter, **President Banks**, called for a vote on said item:

Yeas – Foote, Lee, Lindsay, and Tillman.

Nays – Banks, Stamps and Stokes.

Absent – None.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 24831 TO 24937 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 24831 to 24937 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$115,108.49 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

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

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		2,371,619.09
PARKS & RECR FUND		91,136.43
LANDFILL FUND		18,665.13
SENIOR AIDES		1,739.15
WATER/SEWER OPER & MAINT		225,646.60
PAYROLL	115,108.49	
EARLY CHILDHOOD		35,432.73
HOUSING COMM DEV		11,664.84
TITLE III AGING PROGRAMS		5,664.09
TRANSPORTATION FUND		15,408.39
PEG ACCESS-PROGRAMMING FUND		8,761.65
TOTAL		\$2,785,738.10

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

Yeas – Banks, Foote, Lee, Lindsay, Stamps, Stokes and Tillman.

Nays – None.

Absent – None.

President Banks requested that Agenda Item No. 33 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

RESOLUTION AUTHORIZING THE CITY OF JACKSON, MS, TO ENTER INTO, A MARKETING AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC., ("USP") D/B/A/ SERVICE LINE WARRANTIES OF AMERICA ("SLWA") FOR ADVERTISEMENT TO THE CITY'S RESIDENTS OF WARRANTY PLANS FOR REPAIRS OF EXTERNAL WATER LINES AND EXTERNAL SEWER LINES.

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City; and

WHEREAS, City desires to offer Property Owners the opportunity, but not the obligation, to purchase a service plan for their external water lines and external sewer lines

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Property Owners subject to the terms and conditions contained within the marketing agreement; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Jackson, MS enters into a three (3) year marketing agreement with Utility Service Partners Private Label Inc., ("USP") D/B/A/ Service Line Warranties of America ("SLWA") to provide the National League of Cities Service Line Warranty Program.

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

President Banks recognized **Council Member Stamps** moved; **President Banks** seconded, to amend said order changing "Authorizing" to "Encouraging" throughout said item. The motion prevailed by the following votes:

Yeas – Banks, Foote, Lee, Lindsay, Stamps, Stokes and Tillman.

Nays – None.

Absent – None.

Thereafter, **President Banks** called for the vote on the Order, as amended:

RESOLUTION ENCOURAGING THE MAYOR TO ENTER INTO, A MARKETING AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC., ("USP") D/B/A/ SERVICE LINE WARRANTIES OF AMERICA ("SLWA") FOR ADVERTISEMENT TO THE CITY OF JACKSON, MISSISSIPPI'S RESIDENTS OF WARRANTY PLANS FOR REPAIRS OF EXTERNAL WATER LINES AND EXTERNAL SEWER LINES.

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City of Jackson, Mississippi ("City of Jackson"); and

WHEREAS, that the governing authorities desire that Property Owners be provided the option to exercise an opportunity, but not an obligation, to purchase a service plan for their external water lines and external sewer lines; and

WHEREAS, Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Property Owners subject to the terms and conditions contained within the marketing agreement; and

WHEREAS, the City of Jackson does not agree to any third party beneficiary relationship with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America, nor does it assume any liability.

NOW, THEREFORE BE IT RESOLVED that the governing authorities of the City of Jackson, Mississippi encourage the Mayor to enter into a three (3) year marketing agreement with Utility Service Partners Private Label Inc., ("USP) D/B/A/ Service Line Warranties of America ("SLWA") to provide the National League of Cities Service Line Warranty Program to Property Owners within the City.

Yeas – Banks, Foote, Lee, Lindsay, Stamps, Stokes and Tillman.

Nays – None.

Absent – None.

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Note: Council Member Stamps left the meeting.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GRANICUS, INC. FOR ANNUAL MAINTENANCE FOR THE AGENDA MANAGEMENT AND VIDEO SYSTEM.

WHEREAS, on January 21, 2020, the Jackson City Council authorized the execution of a one-year agreement with Granicus to provide an appliance for video housing and playback, a Meeting Efficiency Suite, Government Transparency Suite, Open Platform Suite, Encoding appliance software and resultant maintenance on an annual basis, and

WHEREAS, the appliance provides for an easy way to create, track, and publish agenda items for City Departments and the City Council; and

WHEREAS, the aforementioned agreement, which contemplates access to the software and follow-on maintenance on a subscription basis, expired on December 31, 2020, and is currently due for renewal; and

WHEREAS, the need for continuous maintenance has been analyzed and the execution of an agreement with Granicus for continuous maintenance for this system is recommended; and

WHEREAS, Granicus offered to provide said maintenance for a three-year period in the amount of \$29,609.04 for Year 1 (1/1/2021 — 12/31/2021), \$31,681.67 for Year 2 (1/1/2022 — 12/31/2022), \$33,899.39 for Year 3 (1/1/2023 — 12/31/2023) total amount not to exceed \$95,190.10 for the three-year period to expire on December 31, 2023.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a three-year agreement with Granicus, 408 Saint Peter Street, Suite 600, Saint Paul, Minnesota 55102, for maintenance and support for the agenda management and video system at a cost of \$29,609.04 for Year 1 (1/1/2021 — 12/31/2021), \$31,681.67 for Year 2 (1/1/2022 — 12/31/2022), \$33,899.39 for Year 3 (1/1/2023 — 12/31/2023) total amount not to exceed \$95,190.10 for the three-year period to expire on December 31, 2023.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH IMMIX TECHNOLOGY, INC. FOR THE PURCHASE OF A MAINTENANCE AGREEMENT FOR THE CITY OF JACKSON’S KRONOS TELESTAFF SYSTEM.

WHEREAS, Kronos Telestaff is an automated way to manage public safety schedules and communications. Prebuilt schedules and rosters can be utilized ensuring that staffing levels are always maintained and validated against specific rules; and

WHEREAS, the cost of renewal is \$33,945.60; and

WHEREAS, Immix Technology, Inc., is the sole provider of Kronos Telestaff maintenance support; and

WHEREAS, the maintenance needs for this system have been analyzed and the purchase of maintenance for this system is recommended.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a maintenance agreement with Immix Technology, Inc., at a cost of \$33,945.60 for the period beginning on the last date of execution by both parties and lasting through March 12, 2022.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH IMMIX TECHNOLOGY, INC. FOR THE PURCHASE OF A MAINTENANCE AGREEMENT FOR THE CITY OF JACKSON’S KRONOS TELESTAFF SYSTEM.

WHEREAS, the City of Jackson purchased Kronos software from Immix Technology, Inc.; and

WHEREAS, the City of Jackson uses the Kronos software for its timekeeping system; and

WHEREAS, the maintenance agreement for the Kronos software expires on March 10, 2021 and will need to be renewed; and

WHEREAS, the cost of renewal is \$106,540.58; and

WHEREAS, Immix Technology, Inc., is the sole provider of Kronos maintenance support; and

WHEREAS, the maintenance needs for this system have been analyzed and the purchase of maintenance for this system is recommended.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a maintenance agreement with Immix Technology, Inc., at a cost of \$106,540.58 for the period beginning on the last date of execution by both parties and expiring on March 10, 2022.

Council Member Tillman moved adoption; Council Member Lindsay seconded.

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

**ORDER AUTHORIZING THE MAYOR TO RETAIN THE LAW FIRMS:
WINSTON J THOMPSON III, PLLC, HAWKINS LAW, P.C. AND LIGHTFOOT,
FRANKLIN & WHITE, L.L.C. TO PURSUE CLAIMS RELATED TO THE
ILLEGAL DUMPING OF WASTE INTO THE CITY OF JACKSON'S SEWER
SYSTEM.**

WHEREAS, the governing authorities for the City of Jackson are aware that Gold Coast Commodities Inc., Partridge-Sibley Industrial Services, Inc., PSI-GA LLC, and Walker Environmental Services were the subject of investigations by state and federal authorities pertaining to the dumping and disposal of waste products contrary to state or federal law; and

WHEREAS, the City of Jackson may have suffered harm as a result of the activities of Gold Coast Commodities Inc., Partridge-Sibley Industrial Services, Inc., PSI-GA LLC, and Walker Environmental Services conduct; and

WHEREAS, the City of Jackson believes that the best interest of the municipality would be served by retaining counsel to investigate and pursue claims related to the illegal dumping of waste in the City of Jackson's sewer system; and

WHEREAS, Winston Thompson is a local attorney in the City of Jackson, Mississippi and officer in the firm of Winston J. Thompson, III PLLC whose principal office address is 626 North State Street, Ste. 303, Jackson Mississippi;

WHEREAS, John F. Hawkins is a local attorney and officer in the firm of Hawkins Law P.C., whose principal office address is 308 East Pearl Street, Ste. 102, Jackson, Mississippi according to the Mississippi Secretary of State; and

WHEREAS, Lightfoot Franklin and White LLC, is a limited liability company organized in the state of Alabama with an address of 400 20th Street, Birmingham AL according to the Alabama Secretary of State; and

WHEREAS, the Mayor recommends that the aforementioned firms be retained to investigate and pursue claims against Gold Coast Commodities Inc., Partridge-Sibley Industrial Services, Inc., PSI-GA LLC, and Walker Environmental Services, any officers, agents, affiliates, or employees for harm caused by its illegal activities which have been the subject of state and federal investigation and prosecution; and

WHEREAS, the Mayor and firms collectively entered into contract negotiations; and

WHEREAS, the firms are amenable to investigating and pursuing the claims on a contingency fee basis;

WHEREAS, the firms collectively will be paid a fee of 25% from the *net* recovery obtained and will advance expenses for travel, court reporter fees, depositions, postage, filing fees and other costs associated with the investigation and prosecution of the claim; and

WHEREAS, net recovery is defined to mean the total or gross recovery obtained less the expenses incurred; and

WHEREAS, gross recovery includes cash recovery and the fair market value of software, material or services received as part of the settlement; and

WHEREAS, the expenses will be reimbursed from the gross recovery obtained; and

WHEREAS, expenses will not be reimbursed if there is no recovery; and

WHEREAS, if the City terminates the agreement in good faith, dismisses or ceases to prosecute the lawsuit, the City will be required to reimburse the firms for expenses and pay the firms for time expended on the lawsuit at the standard hourly rate of the firms;

WHEREAS, the standard hourly rate of Lightfoot Franklin and White LLC is \$705.00; and

WHEREAS, the standard hourly rate of Hawkins Law P.C. is \$400.00; and

WHEREAS, the standard hourly rate of Winston J. Thompson, III PLLC is \$400.00; and

WHEREAS, the best interest of the City of Jackson would be served by retaining the firms and entering into a contract providing for the collective investigation pursuit and prosecution of the claims.

IT IS THEREFORE ORDERED that the Mayor shall be authorized to execute a contingency fee agreement with WINSTON J THOMPSON III, PLLC, HAWKINS LAW, P.C. AND LIGHTFOOT, FRANKLIN & WHITE LLC for the purposes stated in this order.

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

President Banks stated said item should be discussed during Executive Session. After a thorough discussion, **Council Members Tillman** and **Council Member Lindsay** withdrew their motion and second. Said item was tabled until later in the meeting.

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ORDER AUTHORIZING SWEET UNKNOWN SOUTH, LLC THE USE OF VARIOUS PERSONAL PROPERTY AND ACCESS TO CERTAIN REAL PROPERTY FOR THE PRODUCTION OF A FILM.

WHEREAS, Sweet Unknown South, LLC (“Sweet Unknown South”) is a Mississippi Limited Liability Company (BID #1217573) duly formed in the State of Mississippi, for the expressed purpose of movie and film production; and

WHEREAS, the governing authorities finds it to be in the best interest of the City of Jackson to attract, support and promote the production of quality films in the City; and

WHEREAS, Sweet Unknown South is focused on socially conscious productions as an independent studio, and is rooted in the mission of growing the film industry in Mississippi; and

WHEREAS, Sweet Unknown South is in the process of producing a film in which the backdrop of certain scenes will be a shooting range. Further, certain scenes in the movie require the use of vehicles staged as law enforcement vehicles; and

WHEREAS, Sweet Unknown South has requested the use of the City of Jackson’s shooting range on or about, Sunday, March 23, 2021, to film scenes for its movie; and

WHEREAS, Sweet Unknown South has requested the use of approximately 30 non-working and out-of-service police vehicles of *de minimis* value to use as props in its movie, with the producer bearing the costs of transporting said vehicles; and

WHEREAS, it is in the best interest of the City of Jackson that it grants Sweet Unknown South the use of the City’s shooting range on, or about, Sunday March 28, 2021, provided the production company adheres to all of the safety rules and regulations of the shooting range.

IT IS HEREBY ORDERED that City of Jackson, Mississippi grants Sweet Unknown South the use of the City’s shooting range on or about, Sunday March 28, 2021, provided the production company adheres to all of the safety rules and regulations of the shooting range and bears all other expenses relating to the use of the property.

IT IS FURTHER ORDERED that the City of Jackson grants the use of 30, more or less, non-working and out-of-service police vehicles of *de minimis* value to use as props in its movie for the tentative dates of March 31, 2021, April 19, 2021 and April 20, 2021, with the producer bearing the costs of transporting said vehicles.

IT IS FURTHER ORDERED that Sweet Unknown South must adhere to all other laws, ordinances, and regulations that may tangential to its production (i.e., permits, licensing, street closures, etc.).

IT IS FINALLY ORDERED that the Mayor, or his legally authorized designee, is authorized to execute any and all documents necessary and in furtherance of this order provided there be no additional costs to the City of Jackson.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AMENDING ORDER AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH DR. ALAN PENMAN TO SERVE AS EXPERT, HEALTH EFFECTS OF HEAT, ON THE ROBERT WOOD JOHNSON FOUNDATION GRANT AWARDED TO JACKSON, ENTITLED “GOING GREEN FOR A COOL, HEALTHY JACKSON” (CHJ).

WHEREAS, on January 19, 2021, the Jackson City Council (“City Council”) approved the following Order: **ORDER AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH DR. ALAN PENMAN TO SERVE AS EXPERT, HEALTH EFFECTS OF HEAT ON THE ROBERT WOOD JOHNSON FOUNDATION GRANT AWARDED TO JACKSON, ENTITLED “GOING GREEN FOR A COOL, HEALTHY JACKSON (CHJ);** and

WHEREAS, since that time, Dr. Alan Penman made the City of Jackson, Mississippi aware of his request that all payments be made to his employer, the University of Mississippi Medical Center (UMMC), instead of directly to him as specified in the above referenced Order and approved by the City Council.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an Agreement with the University of Mississippi Medical Center, to make payments thereto for the services rendered by its employee, Dr. Alan Penman, who is serving as Consultant on the Robert Wood Johnson Foundation funded project awarded to Jackson, entitled “Going Green for a Cool, Healthy Jackson”.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND HINDS COUNTY, MISSISSIPPI RELATED TO THE 2021 MUNICIPAL ELECTIONS.

WHEREAS, the City of Jackson, Mississippi (“City of Jackson”), must conduct municipal elections to elect the Mayor and Council Members for each respective Ward; and

WHEREAS, the City of Jackson’s 2021 Municipal Elections will take place, as specified by statute, on the following dates: Primary Election – April 6, 2021; Run-off Election – April 27, 2021 if needed; and General Election – June 8, 2021; and

WHEREAS, Hinds County, Mississippi owns the necessary voting equipment and accessories to properly conduct the 2021 Municipal election and is the body that must enter certain pertinent information into the Statewide Election Management System (“SEMS”); and

WHEREAS, it has been determined by the City Clerk and the Municipal Election Commissioners that the use of County voting machines and accessories are necessary to properly conduct said election, and that the services of the Hinds County Election Commission are needed to create the Special Election in SEMS; and

WHEREAS, Hinds County, Mississippi will provide said services in an amount not to exceed One Thousand Two Hundred Fifty Dollars (\$1,250.00); Five Hundred Dollars (\$500.00) for the April 6, 2021 Primary, Two Hundred Fifty (\$250.00) for the April 27, 2021 Primary Run-off if needed and Five Hundred Dollars (\$500.00) for the June 8, 2021 General Election.

IT IS, THEREFORE, ORDERED that the Mayor is hereby authorized to execute an agreement with the Hinds County, Mississippi for the use of voting equipment and accessories in an amount not to exceed One Thousand Two Hundred Fifty Dollars (\$1,250.00) for the municipal election.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.
Nays – None.
Absent – Stamps.

ORDER AUTHORIZING MAYOR TO EXECUTE AN AMENDED SUBGRANT AGREEMENT WITH SENIOR SERVICE AMERICA, INC. (SSAI) IN THE AMOUNT OF \$241,008.00 FOR THE CITY TO SPONSOR A SENIOR AIDES PROGRAM FOR 12 MONTHS FOR PERIOD JULY 1, 2020 THROUGH JUNE 30, 2021 FOR THE 2020-2021 FISCAL YEAR.

WHEREAS, the City of Jackson has implemented a Senior AIDES Program since 1972; and

WHEREAS, the Senior AIDES Program offers part-time employment training opportunities to low income individuals fifty five (55) years of age or older; and

WHEREAS, the City has been awarded \$241,008.00 in grant funding to further the Senior AIDES Program for a twelve month period beginning July 1, 2020 through June 30, 2021 for fiscal year 2020 - 2021; and

WHEREAS, a match of \$31,050.00 is required from the City of Jackson; and

WHEREAS, the program will enroll senior citizens in a four county service area: Hinds, Rankin, Scott, and Warren.

THEREFORE, BE IT ORDERED that the Mayor be authorized to execute an amended subgrant agreement with SSAI for additional funding in the amount of \$241,008.00 for a twelve month period beginning July 1, 2020 through June 30, 2021 to sponsor a Senior AIDES Program for the 2020-2021 fiscal year.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.
Nays – None.
Absent – Stamps.

ORDER AUTHORIZING PAYMENT TO BADGEPASS FOR THE JPD IDENTIFICATION UNIT ACCESS BADGE.

WHEREAS, the Jackson Police Department's Identification Unit uses equipment that requires special software servicing to continue to operate; and

WHEREAS, the City of Jackson Police Department's Identification Unit uses scan badges to control the access to JPD Headquarters; and

WHEREAS, BadgePass has provided continue maintenance/upgrades to the software system.

IT IS THEREFORE, ORDERED that payment be made to BadgePass for the services rendered in the amount of \$450.00.

IT IS FURTHER ORDERED that payment for said services be made from the City of Jackson General Fund.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN MEMORANDUM OF UNDERSTANDING WITH THE MISSISSIPPI STATE FIRE ACADEMY (MSFA) TO PROVIDE SERVICES ASSOCIATED WITH NFPA 1072 F COURSE TO THE JACKSON FIRE DEPARTMENT.

WHEREAS, the City of Jackson Fire Department will begin a recruit training class in January 2021; and

WHEREAS, the City of Jackson Fire Department provides some training to recruits and other training is conducted by the Mississippi State Fire Academy; and

WHEREAS, the Mississippi State Fire Minimum Standards Board was authorized to promulgate regulations establishing minimum educational and training standards, and the process for certifying fire personnel in the State of Mississippi; and

WHEREAS, regulations of the Mississippi State Minimum Standards Board require the completion of the NFPA 1072 F by all candidates prior to entering into an approved Firefighter I and II training program; and

WHEREAS, the regulations further require that the NFPA 1072 F be administered at the Mississippi State Fire Academy or through a field delivery program; and

WHEREAS, the anticipated date for commencement of the field delivery program is March 22– 26, 2021; and

WHEREAS, the Mississippi State Fire Academy has provided the Jackson Fire Department with a Memorandum of Understanding related to the candidates it is recommending for participation in the field delivery program with provisions as follows:

(1) The location of the field delivery program will be the Jackson Fire Department Training Facility; and

(2) The Mississippi State Fire Academy will furnish to the course coordinator for the City of Jackson Fire Department the Fire Fighter NFPA 1072 F course and a complete package to manage delivery of the course; and

(3) Books will not be included in the materials furnished the City of Jackson Fire Department; and the City of Jackson is responsible for purchasing any required books from the textbook publisher; and

(4) All documents and curriculum furnished to the City of Jackson Fire Department shall constitute property of the Mississippi State Fire Academy and may not be duplicated or used outside of the subject delivery; and

(5) The Mississippi State Fire Academy will approve and administer all written and skill examinations; and

(6) Certificates will be issued upon the successful completion of the course; and

(7) The minimum number of candidates has been established as none (0) due to COVID and the maximum number of candidates for the field delivery course is 15 (exceeded due to COVID); and

(8) The Jackson Fire Department will have a total of five (5) students participating. There is no charge (GRANT FUNDED); and

WHEREAS, the best interest of the public health, safety, and welfare would be served by authorizing the Mayor to execute the MOU with the Mississippi State Fire Academy.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute the MOU with the Mississippi State Fire Academy for the delivery course anticipated to commence on March 22-26, 2021.

Council Member Lindsay moved adoption; Council Member Tillman seconded.

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AMENDING THE ACCEPTANCE OF ONE (1) BUSINESS CLASS INTERNET 200 SERVICE ORDER AGREEMENT TO INSTALL COMCAST HIGH SPEED INTERNET WITH WI-FI, AT THE GROVE PARK MUNICIPAL GOLF COURSE, TO OPERATE SECURITY CAMERAS.

WHEREAS, the Department of Parks and Recreation of the City of Jackson, Mississippi (“City of Jackson”) has a need to install high speed internet with wi-fi service at the Grove Park Municipal Golf Course to operate security cameras; and

WHEREAS, the Department of Parks and Recreation the previous agenda item honored the Business Internet 200 Data Package for with a one-time Non-Recurring Charge (Professional Installation Fee) of \$99.95, approved on January 19, 2021; and

WHEREAS, further investigation regarding the installing cause a slight change, increasing the one-time Non-Recurring Charge (Professional Installation Fee) from \$99.95 to \$119.95; and

WHEREAS, no other revisions have been made, the Total Monthly Service Charge for \$148.45 will remain the same;

Data Package Discounted Rate - (1-12 Months)	\$130.00
Data Package Discounted Rate - (13-24 Months)	\$150.00
Equipment Fee	\$18.45
Total Monthly Service Charge	\$148.45
Standard Installation Fee/Change of Service Fee – (Non-Recurring)	\$119.95

WHEREAS, the revision received is reasonable for the services to be provided.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute One (1) Business Class Internet 200 Service Order Agreement with Comcast, for a two (2) year term, as well as any and all documents related thereto, for the installation and maintenance of business internet with wi-fi at the Grove Park Municipal Golf Course.

IT IS FURTHER ORDERED that the monthly service charge cost will not exceed \$150.00, plus any applicable fees, for services as well as a one-time Professional Installation charge of \$119.95, at the Grove Park Municipal Golf, and shall be paid from general funds budgeted for use by the Department of Parks and Recreation upon submission and approval of invoices from Comcast, as applicable at a cost not to exceed \$4,100.00.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER ACCEPTING THE DONATION OF A METAL PARK BENCH WITH AN “IN LOVING MEMORY OF RON FELDER” PLAQUE FROM MARY SINK AND FAMILY, TO BE INSTALLED AT THE PARHAM BRIDGES PARK, LOCATED AT 5055 OLD CANTON ROAD, JACKSON, MISSISSIPPI.

WHEREAS, Ms. Mary Sink and family have expressed a sincere desire to donate a beautiful metal park bench with an “In Loving Memory of Ron Felder” plaque, to be installed at Parham Bridges Park, located at 5055 Old Canton Road, Jackson, Mississippi, to be enjoyed by all park patrons of all ages, for many years to come; and

WHEREAS, the beautiful metal park bench will be installed by a City of Jackson approved vendor, working with the Park Maintenance staff, at no cost to the City of Jackson; and

WHEREAS, installing a beautiful metal park bench, helps provide extra, aesthetically pleasing seating for all park patrons for many years to come, as well as a memorable place family and friends living in the area, can long remember and enjoy memories of their deceased loved one.

IT IS, THEREFORE, ORDERED that the City of Jackson, Mississippi, is authorized to accept the donation from Mary Sink and family, beautiful, metal park bench, to be installed at Parham Bridges Park, located at 5055 Old Canton Road, Jackson, Mississippi, at no cost to the City of Jackson.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AMENDING PRIOR ORDER OF JANUARY 5, 2021 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND RELATED DOCUMENTS WITH NAVIRETAIL, LLC TO PROVIDE RETAIL RECRUITMENT SERVICES IN THE CITY OF JACKSON, MISSISSIPPI.

WHEREAS, the Department of Planning and Development desires to enter into an agreement with a professional service provider to perform retail recruitment related services in the City of Jackson; and

WHEREAS, the intent of the project is to identify the site selection data from the City of Jackson and to take a proactive approach to increase the retail sales tax base by recruiting eligible retailers; and

WHEREAS, NaviRetail, LLC presented a retail recruitment services plan for downtown Jackson to include targeting retailers suitable for downtown site selection data, performance of market and GAAP analyses and custom marketing material for the area; and

WHEREAS, on January 5, 2021, recorded in Minute Book “6S, at Page 385, the governing authorities authorized the Mayor to execute an agreement and related documents with NaviRetail LLC to provide professional retail recruitment related services in the City of Jackson from January 1, 2021, through December 31, 2021, at a cost not to exceed \$20,000.00, and further ordered that

the agreement may be renewed under the same terms and conditions up to three (3) years, at a cost not to exceed \$20,000.00 per year, subject to the right of the succeeding governing authorities to void; and

WHEREAS, after the January 5, 2021 Order was entered, NaviRetail, LLC advised the Development Division of the Department of Planning and Development, that to receive the discounted rate of \$10,000 per year, the agreement needed to reflect a three (3) year term; and

WHEREAS, after considering the information provided, the Department recommends the three (3) year term, beginning March 16, 2021 and ending February 28, 2024, at a cost not to exceed \$20,000.00 per year for a total contract cost of \$60,000.00, subject to the right of the succeeding governing authorities to void.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute the agreement and related documents with NaviRetail LLC to provide professional retail recruitment related services in the City of Jackson from March 16, 2021 through February 28, 2024, at a cost not to exceed \$60,000.00, subject to the right of the succeeding governing authorities to void.

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

President Banks recognized **Jordan Hillman, Department of Planning and Development**, who provided a brief overview of said item.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Lee, Lindsay, and Tillman.

Nays – None.

Abstention – Stokes.

Absent – Stamps.

FINAL ORDER GRANTING APPLICATION OF 225 EAST CAPITOL STREET HOTEL LLC AN AD VALOREM TAX EXEMPTION ON THE INCREASED IN AD VALOREM TAXES FOR IMPROVEMENTS TO PROPERTY LOCATED AT 225 EAST CAPITOL STREET, JACKSON, MISSISSIPPI, PURSUANT TO SECTION 27-31-31 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, AND THE JACKSON CODE OF ORDINANCES, SECTION 114-4.

WHEREAS, 225 East Capitol Street Hotel LLC, filed with Jackson City Council, a sworn Application for exemption from ad valorem taxation on the improvements made in 2020 to the property located at 225 East Capitol Street; and

WHEREAS, 225 East Capitol Street Hotel LLC, submitted the Said Application pursuant to the provisions of Section 27-31-31 of the Mississippi Code of 1972, as amended, in the Jackson Code of Ordinances, Section 114-4, seeking an exemption from improved ad valorem taxes for a period of ten (10) years beginning January 1, 2021; and

WHEREAS, the true value prior to renovations was \$1,085,510.00; and

WHEREAS, the increase in true value due to renovations is \$4,271,690.00; and

WHEREAS, the City Council of the City of Jackson, Mississippi, by the Resolution adopted on June 9, 2020, and recorded in minute book "6R, at pages 185-186", granted preliminary approval to the said Application for exemption of ad valorem taxes, subject to approval and certification by the State Tax Commission; and

WHEREAS, all statutory requirements for granting the requested exemption from ad valorem taxes have now been met, and the City Council of the City of Jackson, Mississippi may now enter a final order in this matter.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Jackson, Mississippi:

1. The Application of 225 East Capitol Street Hotel LLC, for exemption from ad valorem taxes on \$4,271,690.00 on the improvements of its property, which improvements were completed and in place as of December 31, 2020, is hereby finally approved for a ten (10) year period beginning January 1, 2021; provided further, however, that nothing herein shall be construed to exempt the said properties from state ad valorem taxation or from ad valorem taxation for school district purposes.

That the Municipal Clerk shall record the application and the order approving the same and shall file one (1) copy of the application and the order with the Chairman of the State Tax Commission.

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

President Banks recognized **Jordan Hillman, Department of Planning and Development**, who provided a brief overview of said item.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

FINAL ORDER GRANTING CW OLD, LLC AN AD VALOREM TAX EXEMPTION ON THE INCREASED IN AD VALOREM TAXES FOR IMPROVEMENTS TO PROPERTY LOCATED AT 245 EAST CAPITOL STREET, JACKSON, MISSISSIPPI, PURSUANT TO SECTION 27-31-31 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, AND THE JACKSON CODE OF ORDINANCES, SECTION 114-4.

WHEREAS, CW Old, LLC and related companies have secured investments and financing from various investors and lenders in order to fund the rehabilitation and renovation of the Old Courthouse located on East Capitol Street, in Jackson, Mississippi, within the central business district of the City; and

WHEREAS, CW Old, LLC, submitted the Said Application pursuant to the provisions of Section 27-31-31 of the Mississippi Code of 1972, as amended, in the Jackson Code of Ordinances, Section 114-4, seeking an exemption from improved ad valorem taxes for a period of ten (10) years beginning January 1, 2021; and

WHEREAS, the true value prior to renovations was \$1,966,500.00; and

WHEREAS, the increase in true value due to renovations is \$3,088,260.00; and

WHEREAS, the City Council of the City of Jackson, Mississippi, by the Resolution adopted on June 9, 2020, and recorded in minute book "6R, at pages 186-187", granted preliminary approval to the said Application for exemption of ad valorem taxes, subject to approval and certification by the State Tax Commission; and

WHEREAS, all statutory requirements for granting the requested exemption from ad valorem taxes have now been met, and the City Council of the City of Jackson, Mississippi may now enter a final order in this matter.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Jackson, Mississippi:

1. The Application of CW Old, LLC, for exemption from ad valorem taxes on \$3,088,260.00 on the improvements of its property, which improvements were

completed and in place as of December 31, 2020, is hereby finally approved for a ten (10) year period beginning January 1, 2021; provided further, however, that nothing herein shall be construed to exempt the said properties from state ad valorem taxation or from ad valorem taxation for school district purposes.

2. That the Municipal Clerk shall record the application and the order approving the same and shall file one (1) copy of the application and the order with the Chairman of the State Tax Commission.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS WITH MISSISSIPPI CENTER FOR POLICE & SHERIFFS TO USE CARES ACT FUNDS RECEIVED FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO PREPARE, PREVENT, AND RESPOND TO THE CORONAVIRUS FOR EMERGENCY SOLUTIONS GRANT (ESG) IN THE CITY OF JACKSON.

WHEREAS, on July 9, 2019 the City Council adopted an Order, recorded in Minute Book 6-P, page 362 authorizing the Mayor to submit the City of Jackson’s 2019 One-Year Action Plan of the 2015-2019 Consolidated Plan, consisting of the City’s CDBG, HOME, ESG and HOPWA components, to the Department of Housing and Urban Development (HUD); and

WHEREAS, the Coronavirus Aid Relief, and Economic Security Act (“CARES Act”) (Public Law 116-136) was enacted on March 27, 2020 in response to the Coronavirus (COVID-19) Pandemic; and

WHEREAS, HUD allocated supplemental funding to the City of Jackson to be used to prevent, prepare for, and respond to COVID-19; and

WHEREAS, on June 9, 2020 the Office of Housing and Community Development was notified of additional supplemental funding of \$1,444,552.00 in Emergency Solutions Grants ESG CARES Act Round 2 funding; and

WHEREAS, on September 1, 2020, the City Council adopted an Order, recorded in Minute Book 6R, pages 546-547 that notice be given to the public that the City of Jackson is considering Amendment Number 2 to its 2019 One-Year Action Plan of the Consolidated Plan; and

WHEREAS, the Office of Housing and Community Development recommends that the Mayor be authorized to execute the contract and related documents with Mississippi Center for Police & Sheriffs to expend ESG CARES Act funds in an amount not to exceed \$20,103.58 to prepare, prevent and respond to the Coronavirus to residents of the City of Jackson’s Metropolitan Statistical Area, beginning April 1, 2020 through March 31, 2021.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute the contract and related documents with Mississippi Center for Police & Sheriffs to expend ESG CARES Act funds in an amount not to exceed \$20,103.58, to prepare, prevent and respond to the Coronavirus in the City of Jackson beginning April 1, 2020 through March 31, 2021.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HOPKINS CONSTRUCTION & MAINTENANCE, LLC TO PROVIDE CONSTRUCTION SERVICES FOR THE DAVIS PLANETARIUM DEMOLITION PROJECT CITY PROJECT NO.

WHEREAS, competitive bids for interior demolition for the Russell C. Davis Planetarium Building were received on December 15, 2020; and

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

WHEREAS, Hopkins Construction & Maintenance LLC submitted the lowest and best bid; and

WHEREAS, the Public Works Department recommends that the governing authorities deem the bid of Hopkins Construction & Maintenance LLC, in the amount of \$278,500.00, to be the lowest and best bid.

IT IS, THEREFORE, ORDERED that the bid of Hopkins Construction & Maintenance LLC to provide construction services for the Davis Planetarium Demolition project, in an amount not to exceed \$278,500.00 is accepted as the lowest and best bid.

IT IS FURTHER ORDERED that the Mayor is authorized to execute a contract with Hopkins Construction & Maintenance LLC, for construction services for Davis Planetarium Demolition project in an amount not to exceed \$278,500.00

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

President Banks recognized **David Lewis, Deputy Director of Human and Cultural**, who provided a brief overview of said item.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BAKER LPA GROUP, INC., FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR ADA RENOVATIONS AT THE ARTS CENTER OF MISSISSIPPI, CITY PROJECT NO. 17B7003.701.

WHEREAS, the City of Jackson solicited statements of qualifications from architectural / engineering firms for the design and construction of ADA Renovations at the Arts Center of Mississippi; and

WHEREAS, one proposal for architectural / engineering services was received; and

WHEREAS, a review committee evaluated the response and Baker LPA Group, LLP was selected for the project; and

WHEREAS, architectural and engineering services will be funded by a CDBG grant; and

WHEREAS, five bids were received for the construction project November 10, 2020; and

WHEREAS, the ADA renovation cost for the compliant bidder building construction work is \$340,000.00, inclusive of Alternate No. 1; and

WHEREAS, the ADA renovation cost for the building is determined to be \$340,000.00 and the consulting fee for the project is calculated by the State of Mississippi log fee formula with

renovation work additional multiplier fee in the amount of \$29,688.00 plus additional amounts of \$2,000.00 for reimbursable items and \$1,800.00 for hazardous materials design services amendment for a total amount of \$33,488.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute an amendment to the contract with Baker LPA Group, LLP for architectural and engineering services for ADA Renovations at the Arts Center of Mississippi, City Project No. 17B7003.701, increasing the total contract amount by \$15,568.00 to \$33,488.00.

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

President Banks recognized **Charles Williams, Director of Public Works**, who provided a brief overview of said item.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF JACKSON AND HEMPHILL CONSTRUCTION COMPANY, INC., FOR THE JH FEWELL INFLUENT PUMP STATION PEDESTRIAN BRIDGE REPLACEMENT PROJECT, CITY PROJECT NUMBER 19B0103.904 SRF# DWI-L250008-02.

WHEREAS, the City of Jackson entered into a construction contract with Hemphill Construction Company, Inc., on August 4, 2020 for the JH Fewell Influent Pump Station Pedestrian Bridge Replacement Project in an amount not to exceed \$1,997,636.00; and

WHEREAS, the City of Jackson issued a notice to proceed for Hemphill Construction Company, Inc., to start work on November 2, 2020; and

WHEREAS, Hemphill Construction Company, Inc., was given one hundred and eighty (180) calendar days to complete the work from the issuance of the notice to proceed; and

WHEREAS, the City of Jackson has discovered additional construction work needed at JH Fewell to complete the project; and

WHEREAS, Hemphill Construction Company, has provided a quote for the additional work in an amount of \$118,275.19 increasing the original contract from \$1,997,636.00 to \$2,115,911.19; and

WHEREAS, the additional cost will cover expenses for:

1. Replace pile bent No. 1 with an 8'X 8' Spread Footing at Station 0+00
2. Install Pile Bent No. 10 at Station 7+52
3. Additional Crush Stone
4. Utility Pole Repair
5. Raw Water Pump #5 Switchgear Repair

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Change Order No. 1 to the Construction Contract with Hemphill Construction Company, Inc., for the JH Fewell Influent Pump Station Pedestrian Bridge Replacement Project, City Project Number 19B0103.904, SRF# DWI-L250008-02 increasing original bid cost from \$118,275.19 to \$2,115,911.19.

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

President Banks recognized Charles Williams, Director of Public Works, who provided a brief overview of said item.

Thereafter, President Banks called for a vote on said item:

Yeas – Banks, Foote, Lee, Lindsay, and Tillman.
Nays – Stokes.
Absent – Stamps.

Note: Council Member Tillman left the meeting.

ORDER AUTHORIZING PAYMENT TO HINDS COUNTY FOR THE HINDS COUNTY LPA ROAD RESURFACING PROJECT, PROJECT NO. STP-0025-00(077) LPA/107056-700998.

WHEREAS, the Hinds County Board of Supervisors requested assistance with the match for the Hinds County LPA Road Resurfacing Project the City of Jackson; and

WHEREAS, the 1% Sales Tax Commission agreed to fund an amount not to exceed \$1,085,058.82 to assist with the matching funds; and

WHEREAS, the road resurfacing work included Robinson Road and Woodrow Wilson Avenue; and

WHEREAS, Hinds County has requested the matching funds in the amount of \$1,085,058.28; and

WHEREAS, the Department of Public Works recommends payment to Hinds County for the Hinds County LPA Road Resurfacing Project not to exceed \$1,085,058.82.

IT IS, THEREFORE, ORDERED that the City Council is authorized to provide payment to Hinds County in an amount not to exceed \$1,085,058.82 for the Hinds County LPA Road Resurfacing Project, Project No. STP-0025-00(077) LPA/107056-700998.

Council Member Tillman moved adoption; Council Member Lindsay seconded.

Yeas – Banks, Foote, Lee, Lindsay and Stokes.
Nays – None.
Absent – Stamps and Tillman.

Note: Council Member Tillman returned to the meeting.

ORDER ACCEPTING THE BID OF FORDICE CONSTRUCTION COMPANY FOR THE WOODWAY DRIVE BRIDGE REPLACEMENT PROJECT.

WHEREAS, on November 10, 2020, the City of Jackson received three sealed bids for the Woodway Drive Bridge Replacement Project; and

WHEREAS, the bid received from Fordice Construction Company in the amount of \$390,671.00, was the lowest and best bid received and met specifications; and

WHEREAS, the Department of Public Works recommends that the City accept the bid of Fordice Construction Company as the lowest and best bid.

IT IS, THEREFORE, ORDERED that the bid of Fordice Construction Company in the amount of \$390,671.00, is accepted in accordance with the City's Advertisement for Bidders; said

bid and the specifications are placed on file with the Public Works Department, Engineering Division, Room 424 at 200 S. President Street and the City Clerk, Jackson, Mississippi.

Council Member Lee moved adoption; **Council Member Lindsay** seconded.

President Banks recognized **Council Member Foote** who moved, **Council Member Tillman** seconded, to amend said order changing "Hathorn" to "Hawthorn" throughout said item. The motion prevailed by the following votes:

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.
Nays – None.
Absent – Stamps.

President Banks recognized **Charles Williams, Director of Public Works**, who provided a brief overview of said item.

Thereafter, **President Banks** called for the vote on the Order, as amended:

ORDER ACCEPTING THE BID OF HEMPHILL CONSTRUCTION COMPANY, INC., FOR THE HAWTHORN DRIVE BRIDGE REPLACEMENT PROJECT.

WHEREAS, on November 10, 2020, the City of Jackson received one sealed bid for the Hawthorn Drive Bridge Replacement Project; and

WHEREAS, the bid received from Hemphill Construction Company, Inc., in the amount of \$528,353.40, was the lowest and best bid received and met specifications; and

WHEREAS, the Department of Public Works recommends that the City accept the bid of Hemphill Construction Company, Inc., as the lowest and best bid.

IT IS, THEREFORE, ORDERED that the bid of Hemphill Construction Company, Inc., in the amount of \$528,353.40, is accepted in accordance with the City's Advertisement for Bidders; said bid and the specifications are placed on file with the Public Works Department, Engineering Division, Room 424 at 200 S. President Street and the City Clerk, Jackson, Mississippi.

IT IS, FURTHER, ORDERED that the Mayor execute a contract with Hemphill Construction Company, Inc., for the Hawthorn Drive Bridge Replacement in amount not to exceed \$528,353.40.

Yeas – Banks, Foote, Lee, Lindsay and Tillman.
Nays – Stokes.
Absent – Stamps:

ORDER AUTHORIZING THE CITY OF JACKSON TO ENTER INTO A MUTUAL AID AGREEMENT WITH OTHER WATER AND WASTEWATER UTILITIES THROUGH THE RURAL WATER EMERGENCY ASSISTANCE COOPERATIVE.

WHEREAS, the 2021 Winter Storm Emergency has demonstrated a need for the Department of Public Works to have a readily available source of emergency assistance that can augment its own maintenance and operations staff in the event of an emergency; and

WHEREAS, the Mississippi Public Service Commission has provided the City with information about the Rural Water Emergency Assistance Cooperative administered by the Mississippi Rural Water Association, Inc.; and

WHEREAS, the Rural Water Emergency Assistance Cooperative is collective of water/wastewater utilities throughout the state who have executed mutual aid agreements; and

WHEREAS, the Rural Water Emergency Assistance Cooperative Agreement (Agreement) is a mutual aid agreement to provide a program whereby water/wastewater utilities sustaining physical damage from natural or man-made disasters in the state of Mississippi can obtain emergency assistance, in the form of personnel, equipment, materials, and other associated services necessary to protect the health and welfare of the utilities' customers; and

WHEREAS, the Agreement is entered into with the Mississippi Rural Water Association, Inc., which is a non-profit association organized and operating under the laws of the State of Mississippi and Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, the Agreement does not obligate the City to provide assistance through the Mississippi Rural Water Association, Inc. to another utility that is participating in the cooperative; and

WHEREAS, the Agreement does not obligate the Mississippi Rural Water Association, Inc. to any or all assistance request by the City; and

WHEREAS, the Agreement is non-exclusive and the City may enter other mutual aid agreements provided that the other mutual aid agreements are not inconsistent with the City's duties under the Agreement and provided that the City provides a copy of the other mutual aid agreement to the Mississippi Rural Water Association, Inc.; and

WHEREAS, the Agreement may be terminated by either the City or Mississippi Rural Water Association, Inc. by giving writing notice to the other party solely at the option of either Mississippi Rural Water Association or the City; and

WHEREAS, there is no cost to become a member of the Rural Water Emergency Assistance Cooperative.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a Rural Water Emergency Assistance Cooperative Application and a Rural Water Emergency Assistance Cooperative Agreement, and submit said Application, Agreement, and any other documents necessary to the Mississippi Rural Water Association, Inc. to allow the City of Jackson to participate in the Rural Water Emergency Assistance Cooperative.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.
Nays – None.
Absent – Stamps.

ORDER RATIFYING A CONTRACT WITH PDT LOGISTICS LLC FOR DEBRIS REMOVAL NECESSITATED BY THE WINTER ICE STORM DISASTER WHICH THE GOVERNING AUTHORITIES DECLARED AN EMERGENCY ON FEBRUARY 22, 2021.

WHEREAS, on or about February 22, 2021, the Mayor and Council declared the existence of a local emergency as a result an ice storm that occurred in the City of Jackson; and

WHEREAS, pursuant to Section 33-15-17 (b) of the Mississippi Code of 1972, as amended, the City of Jackson possess the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to victims of such disaster; and

WHEREAS, furthermore, pursuant to Section 33-15-17 (b), the City of Jackson is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, and the incurring of obligations; and

WHEREAS, pursuant to Section 33-15-17 (c), the City of Jackson possesses the power and authority to appropriate and expend funds and make contracts for emergency management purposes, which includes the collecting and removal of debris left from the ice storm event; and

WHEREAS, the Mayor and the authorized representative of PDT Logistics LLC have executed a contract for the removal of debris caused by the winter storm, which is attached hereto; and

WHEREAS, the scope of work for the contract includes debris removal and basic labor to remove limbs and other debris from the street and yards of individual dwellings; hauling, and removal of debris from the site for legal disposal; and

WHEREAS, payment will be based on the number of cubic yards of material disposed at a cost of \$90.00 per cubic yard, which per yard price is based on an estimated maximum quantity of 3000 cubic yards; and

WHEREAS, the total contract amount shall not exceed \$250,000.00.

IT IS THEREFORE ORDERED that the contract with PDT Logistics LLC in an amount not to exceed \$250,000.00 without further authorization of the governing authorities for debris removal necessitated by the 2021 winter storm is ratified.

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

President Banks recognized **Charles Williams, Director of Public Works**, who provided a brief overview of said item.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.
Nays – None.
Absent – Stamps.

ORDER AUTHORIZING THE FULL AND FINAL SETTLEMENT OF ALL CLAIMS IN THE MATTER OF “WAYNE E. FERRELL, JR.; AND TOMBIGBEE COURT, LLC VS. CITY OF JACKSON, ET AL.” IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI; Cause No.: G2015-1162.

WHEREAS, on October 14, 2016, Plaintiffs filed an Amended Complaint naming the City of Jackson, Mississippi as one of the defendants, alleging breach of contract, conspiracy, and a violation of City Ordinance in the case styled, “Wayne Ferrell, Jr.; and Tombigbee Court, LLC v. City of Jackson, et al.”, In the Chancery Court of the First Judicial District of Hinds County, Mississippi, Cause No. G2015-1162; and

WHEREAS, on July 8, 2020, the parties participated in a status conference with the Judge and, the parties, through counsel, discussed settlement of this matter and have reached a proposed agreement to settle the aforementioned lawsuit styled “WAYNE E. FERRELL, JR.; AND TOMBIGBEE COURT, LLC VS. CITY OF JACKSON, ET AL.” IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI; Cause No.: G2015-1162; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiffs and their attorney Chuck McCray, in return for a complete release of the City and Entry of an Agreed Order of Dismissal with prejudice; and

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

WHEREAS, based on the economic value to the City and without admitting any liability, it is in the best interest of the City of Jackson, Mississippi that the City of Jackson resolve this matter and settle the claims by leasing to Plaintiffs two metered parking spaces and two subsequently developed parking spaces, on Congress Street, for a period not to exceed five years; and

WHEREAS, the agreement between the City and the Plaintiffs shall specify that the City will not be responsible for the enforcement of said parking spaces; and

WHEREAS, the agreement between the City and the Plaintiffs shall specify that the grant of four parking spaces for a period of five years, on Congress Street to Plaintiffs, is not transferable nor renewable.

NOW, THEREFORE, IT IS HEREBY ORDERED, by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi, in an effort to settlement this matter and release the City from any and all liability, grant to Plaintiffs two metered parking spaces and two subsequently developed parking spaces, on Congress Street, for a period not to exceed five years.

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

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI IN SUPPORT OF AND TO HONOR LANIER HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM UPON CAPTURING THE 4A STATE CHAMPIONSHIP TITLE.

WHEREAS, the City Council of Jackson, Mississippi, in its tradition, highly commends those in our community who represent positive and noteworthy achievements of youth; and

WHEREAS, *Head Coach Lawrence Mardis “Bo” Clark*, assisted by *Interim Head Coach Jonas James, Jr.*; *Assistant Coaches Rafael Anderson* and *Ronald Cox* provide concrete and direct leadership for the talented group of young men of the historical Lanier High School Boys Varsity Basketball Team; principal, *Dr. Valeria Bradley*, assures the entire well-being of the school; and

WHEREAS, son of Lawrence and Phoebe Gross Clark, *Coach Clark* was born in Chicago, IL; his education was acquired in the schools of Jackson Public School District; Hinds Community College and Tougaloo College where he was an “All American Scholar;” he is recognized for both football and basketball; and

WHEREAS, his career tenure includes: Manager, Municipal Art Gallery for the City of Jackson; Art teacher, Assistant and Head Coach, Chastain Middle and Siwell Middle Schools; at Murrah High School, he led the 9th grade team to City Championship; and

WHEREAS, Basketball Team members: *Tobias Dawkins-Brickhouse, Michael Brown, Rodney Burrell, Damaurian Edwards, Cameron Foster, Gregory Franklin, Sacario Hamilton, Shamar Moffett, Corterrious Shaw, Nicholas Turner, Joshua Washington* well executed techniques that garnered this feat.

THEREFORE, BE IT RESOLVED, that the City Council of Jackson, Mississippi supports and honors *Head Coach Lawrence Mardis “Bo” Clark; Interim Head Coach Jonas James, Jr.; Assistant Coaches Rafael Anderson* and *Ronald Cox; Principal, Dr. Valeria Bradley* and the illustrious *Boys Varsity Basketball Team of Lanier High School* upon its capture of 4A State Basketball Championship title.

SO RESOLVED, this the 16th day of March, 2021.

Council Member Stokes moved adoption; Council Member Tillman seconded.

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.

Nays – None.

Absent – Stamps.

There came on for consideration Agenda Item No. 32:

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI, AND HINDS COUNTY, MISSISSIPPI, TO PROVIDE FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO HINDS COUNTY, MISSISSIPPI, TO ENGAGE DEPUTIES OF THE SHERIFF OF HINDS COUNTY TO ASSIST WITH PUBLIC SAFETY ACTIVITIES WITHIN THE CITY OF JACKSON, MISSISSIPPI. President Banks stated said item will be tabled until the next Regular Council Meeting held on March 30, 2021 at 10:00 a.m. at the request of Council Member Stokes.

There came on for Discussion, Agenda Item No. 34:

DISCUSSION: CCID: President Banks recognized Mayor Chokwe Lumumba, who expressed the need to appoint a Council Member to the CCID Board.

There came on for Discussion, Agenda Item No. 35:

DISCUSSION: CASA GRANDE: President Banks recognized Jordan Hillman, Director of Planning and Development, who gave Council an overview of the Casa Grande demolition project.

There came on for Discussion, Agenda Item No. 36:

DISCUSSION: LANE CHAPEL CHRISTIAN METHODIST EPISCOPAL CHURCH: President Banks recognized Council Member Stokes, who expressed concerns with cleaning the burned buildings and trash behind the establishment.

There came on for Discussion, Agenda Item No. 37:

DISCUSSION: 1013 CARVER STREET: President Banks recognized Council Member Stokes, who expressed concerns nightclubs operating illegally and residents are complaining.

There came on for Discussion, Agenda Item No. 38:

DISCUSSION: POLICE MISCONDUCT (REAL TIME CRIME CENTER): President Banks stated said item will be discussed in Executive Session.

The following reports/announcements were provided during the meeting:

Mayor Chokwe Antar Lumumba announced the following:

- Citizens are encouraged to visit the City of Jackson’s website at www.jacksonms.gov to sign up for Code Red in order to receive critical notices.
- Municipal Clerk’s Department will be open during the following time for Absentee Voting for the Primary Election:
 - Monday – Friday 8:00 a.m. – 5:00 p.m. deadline April 2, 2021

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, MARCH 16, 2021 10:00 A.M.

- o Saturday, March 27, 2021 – 8:00 a.m. – 12:00 noon
- o Saturday, April 3, 2021 – 8:00 a.m. – 12:00 noon
- COPS meeting will be held as follows (via Zoom):
 - o Precinct 1 – 1st Thursday
 - o Precinct 2 – 2nd Thursday
 - o Precinct 3 – 3rd Thursday
 - o Precinct 4 – 4th Thursday
- Encouraged all citizens to contact Constituents Service for any questions or concerns regarding the COPS meetings at 601-960-1084.

President Banks stated that Agenda Item No. 8, 29 and Personnel Matters needed to be discussed in Executive Session.

Council Member Lindsay moved, seconded by **Council Member Tillman** to go into Closed Session to discuss going into Executive Session regarding Agenda Item No. 8, 29 and Personnel Matters. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.
Nays – None.
Absent – Stamps.

President Banks announced to the public that the Council was in Closed Session to discuss going into Executive Session.

In Closed Session, **Council Member Lindsay** moved, seconded by **Council Member Tillman**, to go into Executive Session to discuss Agenda Item No. 8, 29 and Personnel Matters. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee, Lindsay, Stokes and Tillman.
Nays – None.
Absent – Stamps.

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

Yeas – Banks, Foote, Lee, Lindsay and Tillman.
Nays – None.
Absent – Stamps and Stokes.

President Banks stated that the Council voted to come out of Executive Session and action had been taken. During Executive Session, the Council took action on Agenda Item No. 8 and 29:

ORDER AUTHORIZING THE MAYOR TO RETAIN THE LAW FIRMS: WINSTON J THOMPSON III, PLLC, HAWKINS LAW, P.C. AND LIGHTFOOT, FRANKLIN & WHITE, L.L.C. TO PURSUE CLAIMS RELATED TO THE ILLEGAL DUMPING OF WASTE INTO THE CITY OF JACKSON’S SEWER SYSTEM.

WHEREAS, the governing authorities for the City of Jackson are aware that Gold Coast Commodities Inc., Partridge-Sibley Industrial Services, Inc., PSI-GA LLC, and Walker Environmental Services were the subject of investigations by state and federal authorities pertaining to the dumping and disposal of waste products contrary to state or federal law; and

WHEREAS, the City of Jackson may have suffered harm as a result of the activities of Gold Coast Commodities Inc., Partridge-Sibley Industrial Services, Inc., PSI-GA LLC, and Walker Environmental Services conduct; and

WHEREAS, the City of Jackson believes that the best interest of the municipality would be served by retaining counsel to investigate and pursue claims related to the illegal dumping of waste in the City of Jackson's sewer system; and

WHEREAS, Winston Thompson is a local attorney in the City of Jackson, Mississippi and officer in the firm of Winston J. Thompson, III PLLC whose principal office address is 626 North State Street, Ste. 303, Jackson Mississippi;

WHEREAS, John F. Hawkins is a local attorney and officer in the firm of Hawkins Law P.C., whose principal office address is 308 East Pearl Street, Ste. 102, Jackson, Mississippi according to the Mississippi Secretary of State; and

WHEREAS, Lightfoot Franklin and White LLC, is a limited liability company organized in the state of Alabama with an address of 400 20th Street, Birmingham AL according to the Alabama Secretary of State; and

WHEREAS, the Mayor recommends that the aforementioned firms be retained to investigate and pursue claims against Gold Coast Commodities Inc., Partridge-Sibley Industrial Services, Inc., PSI-GA LLC, and Walker Environmental Services, any officers, agents, affiliates, or employees for harm caused by its illegal activities which have been the subject of state and federal investigation and prosecution; and

WHEREAS, the Mayor and firms collectively entered into contract negotiations; and

WHEREAS, the firms are amenable to investigating and pursuing the claims on a contingency fee basis;

WHEREAS, the firms collectively will be paid a fee of 25% from the *net* recovery obtained and will advance expenses for travel, court reporter fees, depositions, postage, filing fees and other costs associated with the investigation and prosecution of the claim; and

WHEREAS, net recovery is defined to mean the total or gross recovery obtained less the expenses incurred; and

WHEREAS, gross recovery includes cash recovery and the fair market value of software, material or services received as part of the settlement; and

WHEREAS, the expenses will be reimbursed from the gross recovery obtained; and

WHEREAS, expenses will not be reimbursed if there is no recovery; and

WHEREAS, if the City terminates the agreement in good faith, dismisses or ceases to prosecute the lawsuit, the City will be required to reimburse the firms for expenses and pay the firms for time expended on the lawsuit at the standard hourly rate of the firms;

WHEREAS, the standard hourly rate of Lightfoot Franklin and White LLC is \$705.00; and

WHEREAS, the standard hourly rate of Hawkins Law P.C. is \$400.00; and

WHEREAS, the standard hourly rate of Winston J. Thompson, III PLLC is \$400.00;

WHEREAS, the best interest of the City of Jackson would be served by retaining the firms and entering into a contract providing for the collective investigation pursuit and prosecution of the claims;

IT IS THEREFORE ORDERED that the Mayor shall be authorized to execute a contingency fee agreement with WINSTON J THOMPSON III, PLLC, HAWKINS LAW, P.C. AND LIGHTFOOT, FRANKLIN & WHITE LLC for the purposes stated in this order.

Council Member Lindsay moved adoption; Council Member Tillman seconded.

Yeas – Foote, Lee, Lindsay and Tillman.

Nays – Banks and Stokes.

Absent – Stamps.

Note: Council Member Stokes left the meeting.

**ORDER AUTHORIZING THE MAYOR TO SETTLE THE CITY’S CLAIMS
IN *City of Jackson, Mississippi vs. Jaxon Energy, LLC, et al.*, CIVIL ACTION
NO. 3:20-cv-280 HTW-LRA, IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI.**

WHEREAS, the City of Jackson, Mississippi’s Department of Public Works installed a 4-inch water main line at the facility of Jaxon Energy, LLC, which was located in the 400 block of Industrial Drive in the City of Jackson; and

WHEREAS, Jaxon Energy, LLC used the water main to supply water to a hydrogen reformer; and

WHEREAS, beginning from May of 2018 when the hydrogen reformer went to service, during the 266 days of its operation, Jaxon Energy, LLC failed to pay for any of the water used; and

WHEREAS, on March 31, 2020, the Council of the City of Jackson authorized the Mayor to retain William M. Quinn II and his law firm McRaney Montagnet Quin & Noble, PLLC and Merrida Coxwell and his firm, Coxwell & Associates, PLLC (collectively, “Outside Counsel”) to pursue legal action against Jaxon Energy, LLC for the misappropriation of water and other resources from the City of Jackson; and

WHEREAS, Outside Counsel agreed to compensation on a contingency fee basis, wherein they agreed accept as full compensation 30% of the amount recovered, plus expenses; and

WHEREAS, Outside Counsel filed the lawsuit styled *City of Jackson, Mississippi vs. Jaxon Energy, LLC, et al.*, Civil Action No. 3:20-cv-280 HTW-LRA, in the United States District Court for the Southern District of Mississippi; and

WHEREAS, after the filing of the lawsuit, Outside Counsel participated in mediation conducted by the United States Magistrate Judge assigned to the case on October 22, 2020; and

WHEREAS, during the mediation, based on the information received by Outside Counsel, they were able to calculate the amount of water sales lost by the City in the amount of \$41,429.50; and

WHEREAS, at the conclusion of the mediation, Jaxon Energy, LLC proposed to pay \$62,000.00 as full and final settlement of all of the City of Jackson’s claims arising from the operation of the hydrogen reformer owned and operated by it in the 400 block of Industrial Drive; and

WHEREAS, Outside Counsel recommends that the governing authorities of the City of Jackson accept this settlement.

IT IS, THEREFORE, ORDERED that the counsel for the City of Jackson in the case styled *City of Jackson, Mississippi vs. Jaxon Energy, LLC, et al.*, Civil Action No. 3:20-cv-280 HTW-LRA, in the United States District Court for the Southern District of Mississippi is authorized to settle all claims asserted by the City against Jaxon Energy, LLC and the other defendants in that case for the amount of \$62,000.00.

Council Member Lindsay moved adoption; Council Member Tillman seconded.

Yeas – Banks, Foote, Lee, Lindsay, and Tillman.

Nays – None.

Absent – Stamps and Stokes.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the Special Council Meeting at 10:00 a.m. on March 19, 2021. At 1:21 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Masley-Jordan
CLERK OF COUNCIL

APPROVED:

Chris L. L. 5/17/2021
MAYOR DATE

ATTEST:

Anaela Hanes
CITY CLERK
