

BE IT REMEMBERED that a Special Meeting of the City Council of Jackson, Mississippi, was called by a majority of the City Council Members and notices having been placed by the Clerk of Council at 3:15 p.m. on Friday, August 6, 2021 in the Clerk of Council's Office, electronic notifications to all Council Members', on the City's website and on the public bulletin board in City Hall, relative to: (1) Order authorizing the mayor to execute the contract and related documents with FCC Environmental Services, LLC to provide solid waste collection and hauling services for a six (6) year term commencing October 1, 2021 with four (4) one (1) year extension options.(2) Order authorizing the Mayor to execute change request number 4 to the agreement with Mythics, Inc., which will provide for a four-month extension of support for oracle customer care & billing (CC&B) utility billing software. (3) Order reinstating order temporarily suspending sections of the Jackson City Council's regular meeting agenda concerning public comments and the proclamations, special presentations, commendations, and resolutions honoring individuals, businesses, groups or organizations, and setting capacity limitations for council chambers. The meeting was convened in the Council Chambers located at 219 S. President Street at 2:30 p.m. on Monday, August 9, 2021 being the second Monday of said month, when and where the following things were had and done to wit:

Present: Council Members: Virgi Lindsay, Ward 7, Council President; Angelique Lee, Ward 2, Vice-President; Ashby Foote, Ward 1; Kenneth Stokes, Ward 3; Brian Grizzell, Ward 4; Vernon Hartley, Ward5; Aaron Banks, Ward 6
Directors: Chokwe Antar Lumumba, Mayor, Safiya Omari, Chief of Staff; Shanekia Mosley-Jordan, Clerk of the Council; Constance White, Chief Deputy Clerk of Council and James Anderson, Deputy City Attorney.

Absent: None.

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

President Lindsay requested that Agenda Item No. 3 and 2 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER REINSTATING ORDER TEMPORARILY SUSPENDING SECTIONS OF THE JACKSON CITY COUNCIL'S REGULAR MEETING AGENDA CONCERNING PUBLIC COMMENTS AND THE PROCLAMATIONS, SPECIAL PRESENTATIONS, COMMENDATIONS, AND RESOLUTIONS HONORING INDIVIDUALS, BUSINESSES, GROUPS OR ORGANIZATIONS, AND SETTING CAPACITY LIMITATIONS FOR COUNCIL CHAMBERS.

WHEREAS, the Jackson City Council adopted an ordinance which governs the order of its business, which is codified at Section 2-64 of the City of Jackson Code of Ordinances; and

WHEREAS, the Jackson City Council also adopted an ordinance which governs public comments, which is codified at Section 2-71(c) of the City of Jackson Code of Ordinance; and

WHEREAS, both the Mississippi Department of Health, and the United States White House have urged that certain emergency measures be implemented in the wake of the COVID-19 spread; and

WHEREAS, the emergency measures recommended include, but are not limited to, social distancing; and

WHEREAS, the Jackson City Council recognizes that part of ordinances codified at Section 2-64 and Section 2-71 (c) of the City of Jackson Code of Ordinances are not compatible with the implementation of the recommended measures; and

WHEREAS, in *Gannett River States Pub. Corp., Inc. v. City of Jackson*, the Mississippi Supreme Court opined that a municipality is not required to allow public comment (*See 866 So. 2d 462, 469* (Miss. 2004)); and

WHEREAS, the Jackson City Council desired to strike a balance between carrying on the public's business while minimizing risk and exposure to COVID-19 for all, and entered an "Order Temporarily Suspending Sections of the Jackson City Council's Regular Meeting Agenda Concerning Public Comments and The Proclamations, Special Presentations, Commendations, And Resolutions Honoring Individuals, Businesses, Groups or Organizations, And Setting Capacity Limitations for Council Chambers"; and

WHEREAS, on May 25, 2021, the Jackson City Council deemed it appropriate to rescind said Order; and

WHEREAS, with the rise of Covid-19 cases in Hinds County, Mississippi, particularly the City of Jackson, Mississippi, the Jackson City Council has determined that, to preserve the safety, health, and welfare of City employees and citizens during this wave of Covid-19 and its variants, it is necessary to reinstate a temporary suspension of sections of the Jackson City Council's Regular Meeting Agenda concerning public comments and the proclamations, special presentations, commendations, and resolution honoring individuals, businesses, groups or organizations, and setting capacity limitations for council chambers.

NOW, THEREFORE, IT IS HEREBY ORDERED that the July 7, 2020 "Order Reinstating the Temporary Suspension of Sections of the Jackson City Council Regular Meeting Agenda Concerning Public Comments, Proclamations, Special Presentations, Commendations, and Resolutions Honoring Individuals, Businesses, Groups, or Organizations" is hereby reinstated in its entirety.

IT IS FURTHER ORDERED that capacity limitations for Council Chambers during any meeting and/or hearing of any kind is limited to a total of twenty (20) City officials and/or City employees only.

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

President Lindsay recognized **Council Member Hartley** who moved; seconded by **Council Member Banks**, to amend said order adding, "**IT IS FURTHER ORDERED** that public comments shall be limited to a total of five (5) such instances per council meeting and done virtually – on a first-come, first-serve basis as determined by the Clerk of the Council per Section 2-71 of the City of Jackson Code of Ordinances". The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.
Nays – None.
Absent – Stokes.

Thereafter, **President Lindsay** called for a vote on said Order as amended:

ORDER REINSTATING ORDER TEMPORARILY SUSPENDING SECTIONS OF THE JACKSON CITY COUNCIL'S REGULAR MEETING AGENDA CONCERNING PUBLIC COMMENTS AND THE PROCLAMATIONS, SPECIAL PRESENTATIONS, COMMENDATIONS, AND RESOLUTIONS HONORING INDIVIDUALS, BUSINESSES, GROUPS OR ORGANIZATIONS, AND SETTING CAPACITY LIMITATIONS FOR COUNCIL CHAMBERS.

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WHEREAS, both the Mississippi Department of Health, and the United States White House have urged that certain emergency measures be implemented in the wake of the COVID-19 spread; and

WHEREAS, the emergency measures recommended include, but are not limited to, social distancing; and

WHEREAS, the Jackson City Council recognizes that part of ordinances codified at Section 2-64 and Section 2-71 (c) of the City of Jackson Code of Ordinances are not compatible with the implementation of the recommended measures; and

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IT IS FURTHER ORDERED that public comments shall be limited to a total of five (5) such instances per council meeting and done virtually – on a first-come, first-serve basis as determined by the Clerk of the Council per Section 2-71 of the City of Jackson Code of Ordinances.

IT IS FURTHER ORDERED that capacity limitations for Council Chambers during any meeting and/or hearing of any kind is limited to a total of twenty (20) City officials and/or City employees only.

Yeas – Banks, Foote, Grizzell, Hartley, Lee, and Lindsay.

Nays – None.

Absent – Stokes.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE REQUEST NUMBER 4 TO THE AGREEMENT WITH MYTHICS, INC., WHICH WILL PROVIDE FOR A FOUR-MONTH EXTENSION OF SUPPORT FOR ORACLE CUSTOMER CARE & BILLING (CC&B) UTILITY BILLING SOFTWARE.

WHEREAS, in December 2020, the City entered into Change Request 3 with Mythics, Inc., whose principal business address is Town Center of Virginia Beach, 4525 Main Street, Suite 1500, Virginia Beach, Virginia 23462, to provide the services and the software licenses necessary to upgrade CC&B version 2.5 to C2M version 2.7 as a change request to the agreement to migrate CC&B to Oracle Cloud Infrastructure for a cost not to exceed \$8,656,196.65; and

WHEREAS, the implementation plan for the upgrade from CC&B to C2M contemplated assistance from Mueller in migrating clean data for billing from the Mueller meter data management system to C2M; and

WHEREAS, the existing contract with Mueller only requires Mueller to provide two years of the City's data within thirty (30) days of termination of the agreement with Mueller and does not require Mueller to cooperate in migrating data from the Mueller meter data management system to C2M; and

WHEREAS, Mueller refused to cooperate with Mythics, Inc. and the City in migrating and confirming the accuracy of the City's data; and

WHEREAS, Mythics, Inc. has presented the City and the City's Project Manager, The PREO Group LLC with a plan to migrate data which involves reading data from manual reads and the Mueller AMI meters directly into CC&B for a period of time, thereby bypassing Mueller's meter data management system and ensuring the accuracy of the data collected; and

WHEREAS, as part of this revised implementation plan, Mythics, Inc. and the City will need to maintain CC&B in service for an additional four months; and

WHEREAS, this extension of the managed services provided by Mythics, Inc. to the City will remain the same as that provided in Change Request Number 2 and the cost of those services will remain the same, which amounts to an amount not to exceed \$288,576.00 for the four-month extension; and

WHEREAS, the Water-Sewer Business Administration division and the City's Project Manager, The PREO Group recommends that the City authorize this change request in order to continue forward with the upgrade to the City's Utility Billing System.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Change Request Number 4 to the agreement with Mythics, Inc., which will provide for a four-month extension of support for Oracle Customer Care & Billing (CC&B) utility billing software in an amount not to exceed \$288,576.00.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS WITH FCC ENVIRONMENTAL SERVICES, LLC TO PROVIDE SOLID WASTE COLLECTION AND HAULING SERVICES FOR A SIX (6) YEAR TERM COMMENCING OCTOBER 1, 2021 WITH FOUR (4) ONE (1) YEAR EXTENSION OPTIONS.

WHEREAS, the current contract for solid waste collections, and hauling services expires on September 30, 2021; and

WHEREAS, on March 25, 2021, the City requested proposals for solid waste collection and hauling services, with various options; and

WHEREAS, in response to said solicitation, on May 11, 2021, the City received proposals from: (1) Waste Management of Mississippi, Inc., (2) FCC Environmental Services, LLC, and (3) Richard's Disposal; and

WHEREAS, an Evaluation Committee consisting of City of Jackson employees reviewed the proposals submitted and recommended to the Mayor for his consideration FCC Environmental Services, LLC has having submitted the best proposal; and

WHEREAS, the Mayor, based on the recommendation of the Evaluation Committee and his own consideration of the proposals, determined to negotiate with FCC Environmental Services, LLC as the best proposal; and

WHEREAS, the Mayor designated certain City employees to negotiate on behalf of the City of Jackson; and

WHEREAS, at the conclusion of the negotiations, FCC Environmental Services, LLC proposed to provide solid waste collection and hauling services consistent with the request for proposals, once each week, the purchase of and delivery to each sanitation customer of a 96-gallon trash cart, and four (4) crews consisting of a pickup, trailer, driver, and hopper to provide litter pickup, beautification services, and the pickup and collection of up to 100 trash receptacles placed at locations throughout the City and designated by the City for a cost of \$16.90 per customer per month, based on 53,869 customers, which is a total annual cost of \$10,924,633.20; and

WHEREAS, FCC Environmental Services, LLC also proposed to collect garbage from City facilities at a cost of \$200.00 per haul and to provide roll-off containers for special events at a cost of \$245.00 per haul; and

WHEREAS, the cost of the services under the proposed contract are indexed annually, beginning on October 1, 2023, either up or down, on the United States Bureau of Labor Statistics All Urban Consumers, Southern Region, Consumer Price Index; and

WHEREAS, the initial term of the contract will be for six (6) years with four (4) one-year extension options, each at the sole discretion of the City.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract and related documents with FCC Environmental Services, LLC to provide solid waste collection and hauling services consistent with the terms set forth in this order, with the Request for Proposals, and FCC's Proposal, once each week, at a cost of \$16.90 per customer per month based on 53,869 customers, which is a total annual cost \$10,924,633.20, for an initial term of six (6) years commencing on October 1, 2021, with four (4) one-year extension options, each such option being at the sole discretion of the City.

Vice President Lee moved adoption; **Council Member Grizzell** seconded.

President Lindsay recognized **Dan Brazil, Representative of FCC Environment LLC**, who provided a brief overview of said item.

After a thorough discussion, **President Lindsay** called for a vote on said item:

Yeas –Lindsay, Lee, and Grizzell.
Nay –Banks, Foote, Hartley and Stokes.
Absent – None.

Note: Said item failed due to a lack of a majority vote.

Note: **Council Member Stokes** joined the meeting during the discussion.

There were no reports/announcements provided during the meeting.

SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, AUGUST 9, 2021 2:30 P.M.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Special Council Meeting at 2:00 p.m. on August 13, 2021. At 3:41 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Mosley-Spencer
CLERK OF COUNCIL

APPROVED:

Charles L. ..., 10/5/2021
MAYOR DATE

ATTEST:

Angela Harris
CITY CLERK
