

**SPECIAL MEETING OF THE CITY COUNCIL
THURSDAY, AUGUST 19, 2021 2:30 P.M.**

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 1:52 p.m. on Wednesday, August 18, 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. The meeting was convened in the Council Chambers located at 219 S. President Street at 2:30 p.m. on Thursday, August 19, 2021 being the third Thursday 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 (via teleconference); Ashby Foote, Ward 1; Kenneth Stokes, Ward 3; Brian Grizzell, Ward 4; Vernon Hartley, Ward 5 and 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 Monica Allen, Interim City Attorney.

Absent: None.

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

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, a previous Order was presented to this City Council on August 9, 2021 to award the contract for Solid Waste Collection to FCC Environmental Services, LLC, which this Council failed to pass on a vote of 3 in favor and 4 opposed; and

WHEREAS, FCC Environmental Services, LLC has presented an amended pricing proposal to the Mayor that reduces the cost of the collection services to \$16.08 per household per month, based on 53,869 customers, which totals \$10,394,562.24, while continuing 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

WHEREAS, the Request for Proposals requested monthly assistance with the cleanup of illegal dumping; and

WHEREAS, FCC Environmental Services, LLC originally proposed to assist weekly by providing a rear end loader collection truck on Saturday, but as a cost savings measure now proposed to provide the truck monthly, which is consistent with the Request for Proposals; and

WHEREAS, FCC Environmental Services, LLC originally intended to provide collection services using 18 routes, which would optimize the number of employees that would be retained from the existing contract, FCC Environmental Services, LLC is now proposing to provide collection services using 17 routes, which will reduce cost by eliminating one rear end loader collection truck, a driver, and two hoppers; and

WHEREAS, FCC Environmental Services, LLC continues to propose 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 \$16.08 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.

IT IS FURTHER ORDERED that the contract will provide that FCC Environmental Services, LLC will be compensated at a rate of \$200.00 per haul to collect garbage from City facilities as designated by the City and will be compensated at a rate of \$245.00 per haul to provide roll-off containers for special events as requested by the City.

IT IS FURTHER ORDERED that the contract will provide that the cost of the services under the contract will be 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.

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

President Lindsay recognized **Louis Wright, Chief Administrative Officer** and **Marlin King, Public Works Director**, 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 majority vote.

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President Lindsay recognized **Council Member Stokes** who moved to amend said item to accept the second lowest bidder on a 2-day pick up. **Terry Williamson, Legal Counsel** and **James Anderson, City Attorney** who stated that the previous item has already been voted on and should be reconsider.

Note: Said item failed due to a lack of a second.

President Lindsay recognized **Council Member Banks** who moved, seconded by **Council Member Grizzell** to add an item to the agenda on an emergency basis, order of the city council of the City of Jackson, Mississippi authorizing the retention of Phelps Dunbar, LLP to provide professional services to assist in an investigation related to the appropriation of municipal funds for proper municipal services. The motion prevailed by the following vote:

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

There came on as the Emergency Agenda Item: ORDER OF THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI AUTHORIZING THE RETENTION OF PHELPS DUNBAR, LLP TO PROVIDE PROFESSIONAL SERVICES TO ASSIST IN AN INVESTIGATION RELATED TO THE APPROPRIATION OF MUNICIPAL FUNDS FOR PROPER MUNICIPAL SERVICES. Hearing no objections, the Clerk read the following:

ORDER OF THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI AUTHORIZING THE RETENTION OF PHELPS DUNBAR, LLP TO PROVIDE PROFESSIONAL SERVICES TO ASSIST IN AN INVESTIGATION RELATED TO THE APPROPRIATION OF MUNICIPAL FUNDS FOR PROPER MUNICIPAL SERVICES.

WHEREAS, on August 17, 2021, the City Council of Jackson, Mississippi (City Council) passed an Order to invoke an investigation related to the appropriation of municipal funds for proper municipal purposes pursuant to Section 21-8-27 of the Mississippi Code Annotated (1972), as amended and Section 2-137 of the Jackson Code of Ordinances; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Jackson to operate in complete transparency; thereby, retaining the independent legal counsel of Phelps Dunbar LLP (Phelps Dunbar); and

WHEREAS, the governing authorities have determined that such representation by assigned counsel from Phelps Dunbar shall be limited to the City of Jackson, and shall not interfere with the official capacity of other investigating entities; and

WHEREAS, the attorneys with Phelps Dunbar are highly experienced with the subject matter involved in this investigation, and have agreed to perform services for the City at an hourly rate between \$165.00 and \$325.00 per hour, based on the skill and experience of the assigned counsel or staff for the charge tasked; and

WHEREAS, Phelps Dunbar will provide legal services related to this investigation for a period beginning at the passage of this Order by the City Council and execution of the Engagement Letter reflecting the same, and terminating on December 31, 2021, unless this agreement is extended through formal action of the city council; and

IT IS, THEREFORE, ORDERED that the firm of Phelps Dunbar LLP is retained as the independent legal counsel of the City of Jackson, at an hourly rate between \$165.00 and \$325.00 per hour based upon the skill and experience of the assigned counsel or staff, for the task of providing required services to assist in the declared August 17, 2021 investigation invoked by the City Council.

BE IT FURTHER ORDERED that the attorney’s fees and other expenses, including but not limited to expert witness fees, copying, faxes, filing fees, courier charges, travel expenses of

attorneys, telephone calls, and other disbursements customarily charged to clients shall be subject to approval by the City Council of Jackson, Mississippi.

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

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

Nay – None.

Absent – None.

President Lindsay recognized **Council Member Banks** who moved, seconded by **Council Member Hartley** to add a discussion item to the agenda on an emergency basis, discussion in regards to ARPA funds. The motion prevailed by the following vote:

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

Nay – None.

Absent – None.

There came on as the Emergency Agenda Item: DISCUSSION: ARPA FUNDS: Hearing no objections, the following was discussed:

DISCUSSION: ARPA FUNDS: President Lindsay recognized **Council Member Banks** who expressed concerns regarding the use of ARPA funds. **President Lindsay** recognized **Ricardo Callender, Senior Managing Consultant, PFM Financial Advisors LLC**, who provided an expert opinion of options for ARPA fund usage.

There were no reports/announcements provided during the meeting.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Regular Council Meeting at 10:00 a.m. on August 31, 2021. At 3:20 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia McLean-Jordan
CLERK OF COUNCIL

APPROVED:

<u>Wes Banks</u>	, 3/29/22
COUNCIL MEMBER	DATE
<u>Angela Lee</u>	, 3/29/22
COUNCIL MEMBER	DATE
<u>Phil Foote</u>	, 3/29/22
COUNCIL MEMBER	DATE
<u>Wes Banks</u>	, 3/29/22
COUNCIL MEMBER	DATE

ATTEST:

Angela Harris
CITY CLERK
