

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 December 21, 2021, being the third Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Virgi Lindsay, Council President, Ward 7; Ashby Foote, Ward 1; Brian Grizzell, Ward 4 (via teleconference); 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 Catoria Martin, City Attorney.

Absent: Angelique Lee, Vice-President, Ward 2 and Kenneth Stokes, Ward 3.

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

The invocation was offered by **Reverend Robert P. Mosley, Jr. of New Stranger's Home**.

The following individual(s) provided public comments during the meeting:

- **Tia Cheatham Williams** who expressed concerns regarding a leaking water meter and water bills at her child care facility, TLC Childcare and Development Center.

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

ORDER GRANTING REIMAGINE PREP'S REQUEST TO ERECT A SECOND GROUND SIGN WITHIN A SUD ZONE WHICH ONLY ALLOWS ONE GROUND SIGN PER STREET FRONTAGE.

There was no representation from the Applicant.

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

ORDER DENYING REIMAGINE PREP'S REQUEST FOR A SIGN VARIANCE TO ERECT A SECOND GROUND SIGN WITHIN A SUD ZONE WHICH ONLY ALLOWS ONE GROUND SIGN PER STREET FRONTAGE.

There was no opposition from the public.

President Lindsay requested that Agenda Item No. 29 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER GRANTING REIMAGINE PREP'S REQUEST TO ERECT A SECOND GROUND SIGN WITHIN A SUD ZONE WHICH ONLY ALLOWS ONE GROUND SIGN PER STREET FRONTAGE.

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

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

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

WHEREAS, said variance application shall also demonstrate that:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
2. The literal interpretation of the provisions of the Sign Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Sign Ordinance;
3. The special conditions and circumstances do not result from actions of the applicant; and
4. Granting the variance requested will not confer upon the applicant any special privilege that is denied by the Sign Ordinance to other similar lands, structures, or buildings in the same district.

WHEREAS, Reimagine Prep, the applicant herein, has requested a variance from the Sign Ordinance regulations to erect a second ground sign within a SUD zone which only allows one ground sign per street frontage; and

WHEREAS, in accordance with the Applicant's request, the second sign will be ground-mounted, with an overall height of 6 feet.

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

IT IS, THEREFORE, ORDERED that Reimagine Prep is hereby granted a variance from the Sign Ordinance regulations to erect a second ground sign within a SUD zone which only allows one ground sign per street frontage, it is determined that the parties in interest and the general citizenry first had their opportunity to be heard and that the applicant has met the necessary criteria for the requested variance.

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

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

* * * * *

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND XQUISITE LAWCARE, LLC, TO DEMOLISH STRUCTURE FOUNDATION, STEPS, AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS; AND REMEDY CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATED SECTION 21-19-11 FOR CASE #2017-1214 – 2105 HICKORY DRIVE – \$8,350.00.

WHEREAS, on April 24, 2018, the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety, and welfare pursuant to Section 21-19-11 of the Mississippi Code following an administrative hearing held on May 9, 2017 for Case #2017-1214 located in Ward 3 of the City of Jackson; and

WHEREAS, on October 19, 2021, the Department of Planning and Development, Community Improvement Division, issued a quote packet for various demolition projects in the City of Jackson, Mississippi; and

WHEREAS, on November 3, 2021, contractors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety, and welfare submitted quotes in response to the October 19, 2021 request; and

WHEREAS, Xquisite Lawncare, LLC through its representative, Steven Jones, submitted the lowest and best quote of \$8,350.00 to demolish structure, foundation, steps, driveway and/or cut grass, weeds, shrubbery, fence line, bushes, and saplings; remove trash, debris, tires, crates, appliances, building materials, furniture, and fallen tree parts; clean curbside; and remedy conditions constituting a menace to public health and welfare for the parcel located at 2105 Hickory Drive; and

WHEREAS, Xquisite Lawncare, LLC has a principal office address of 1737 Brecon Drive Jackson, Mississippi 39211.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with Xquisite Lawncare, LLC to demolish structure, foundation, steps, driveway and/or cut vegetation and remedy conditions on the property located at 2105 Hickory Drive deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$8,350.00 shall be paid to Xquisite Lawncare, LLC for the services provided from funds budgeted for the Division.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND LOVE TRUCKING CO INC., TO DEMOLISH STRUCTURE FOUNDATION, STEPS, AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS; AND REMEDY CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATED SECTION 21-19-11 FOR CASE #2018-1393 – 220 PRINCETON STREET – \$6,882.00.

WHEREAS, on December 18, 2018, the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety, and welfare pursuant to Section 21-19-11 of the Mississippi Code following an administrative hearing held on September 25, 2018 for Case #2018-1393 located in Ward 5 of the City of Jackson; and

WHEREAS, on October 19, 2021, the Department of Planning and Development, Community Improvement Division, issued a quote packet for various demolition projects; and

WHEREAS, on November 3, 2021, contractors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety, and welfare submitted quotes in response to the October 19, 2021 request; and

WHEREAS, Love Trucking Co. Inc., through its representative, Dennis Love, submitted the lowest and best quote of \$6,882.00 to demolish structure, foundation, steps, driveway and/or cut grass, weeds, shrubbery, fence line, bushes, and saplings; remove trash, debris, tires, crates, appliances, building materials, furniture, and fallen tree parts; clean curbside; and remedy conditions constituting a menace to public health and welfare for the parcel located at 220 Princeton Street; and

WHEREAS, Love Trucking Co. Inc., has a principal office address of 761 Woodlake Drive Jackson, Mississippi 39206.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with love trucking co inc., to demolish structure, foundation, steps, driveway and/or cut vegetation and remedy conditions on the property located at 220 Princeton Street deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$6,882.00 shall be paid to Love Trucking Co. Inc., for the services provided from funds budgeted for the Division.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND LOVE TRUCKING CO. INC., TO DEMOLISH STRUCTURE FOUNDATION, STEPS, AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS; AND REMEDY CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATED SECTION 21-19-11 FOR CASE #2019-1270 – 3830 SKYLINE DRIVE – \$5,648.00.

WHEREAS, on August 20, 2019, the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety, and welfare pursuant to Section 21-19-11 of the Mississippi Code following an administrative hearing held on July 30, 2019 for Case #2019-1270 located in Ward 3 of the City of Jackson; and

WHEREAS, on October 19, 2021, the Department of Planning and Development, Community Improvement Division, issued a quote packet for various demolition projects; and

WHEREAS, on November 3, 2021, contractors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety, and welfare submitted quotes in response to the October 19, 2021 request; and

WHEREAS, Love Trucking Co. Inc., through its representative, Dennis Love, submitted the lowest and best quote of \$5,648.00 to demolish structure, foundation, steps, driveway and/or cut grass, weeds, shrubbery, fence line, bushes, and saplings; remove trash, debris, tires, crates, appliances, building materials, furniture, and fallen tree parts; clean curbside; and remedy conditions constituting a menace to public health and welfare for the parcel located at 3830 Skyline Drive; and

WHEREAS, Love Trucking Co., Inc., has a principal office address of 761 Woodlake Drive Jackson, Mississippi 39206.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with Love Trucking Co. Inc., to demolish structure, foundation, steps, driveway and/or cut vegetation and remedy conditions on the property located at 3830 skyline drive deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$5,648.00 shall be paid to Love Trucking Co. Inc., for the services provided from funds budgeted for the Division.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND LOVE TRUCKING CO. INC., TO DEMOLISH STRUCTURE FOUNDATION, STEPS, AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS; AND REMEDY CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATED SECTION 21-19-11 FOR CASE #2019-1429 – 1668 SMALLWOOD STREET –\$6,481.00.

WHEREAS, on October 29, 2019, the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety, and welfare pursuant to Section 21-19-11 of the Mississippi Code following an administrative hearing held on October 8, 2019 for Case #2019-1429 located in Ward 6 of the City of Jackson; and

WHEREAS, on October 19, 2021, the Department of Planning and Development, Community Improvement Division, issued a quote packet for various demolition projects; and

WHEREAS, on November 3, 2021, contractors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety, and welfare submitted quotes in response to the October 19, 2021 request; and

WHEREAS, Love Trucking Co. Inc., through its representative, Dennis Love, submitted the lowest and best quote of \$6,481.00 to demolish structure, foundation, steps, driveway and/or cut grass, weeds, shrubbery, fence line, bushes, and saplings; remove trash, debris, tires, crates, appliances, building materials, furniture, and fallen tree parts; clean curbside; and remedy conditions constituting a menace to public health and welfare for the parcel located at 1668 Smallwood Street; and

WHEREAS, Love Trucking Co. Inc., has a principal office address of 761 Woodlake Drive Jackson, Mississippi 39206.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with Love Trucking Co. Inc., to demolish structure, foundation, steps, driveway and/or cut vegetation and remedy conditions on the property located at 1668 Smallwood Street deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$6,481.00 shall be paid to Love Trucking Co. Inc., for the services provided from funds budgeted for the Division.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND K L TRUCKING LLC TO DEMOLISH STRUCTURE FOUNDATION, STEPS, AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS; AND REMEDY CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE

TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATED SECTION 21-19-11 FOR CASE #2019-1472 – 3710 ROBINSON ROAD – \$9,000.00.

WHEREAS, on November 26, 2019, the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety, and welfare pursuant to Section 21-19-11 of the Mississippi Code following an administrative hearing held on November 5, 2019 for Case #2019-1472 located in Ward 5 of the City of Jackson; and

WHEREAS, on October 19, 2021, the Department of Planning and Development, Community Improvement Division, issued a quote packet for various demolition projects; and

WHEREAS, on November 3, 2021, contractors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety, and welfare submitted quotes in response to the October 19, 2021 request; and

WHEREAS, K L Trucking LLC through its representative, Kimara Salter, submitted the lowest and best quote of \$9,000.00 to demolish structure, foundation, steps, driveway and/or cut grass, weeds, shrubbery, fence line, bushes, and saplings; remove trash, debris, tires, crates, appliances, building materials, furniture, and fallen tree parts; clean curbside; and remedy conditions constituting a menace to public health and welfare for the parcel located at 3710 Robinson Road; and

WHEREAS, K L Trucking LLC has a principal office address of 714 Warren Hill Place Brandon, Mississippi 39042.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with, K L Trucking LLC to demolish structure, foundation, steps, driveway and/or cut vegetation and remedy conditions on the property located at 3710 Robinson Road deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$9,000.00 shall be paid to, K L Trucking LLC for the services provided from funds budgeted for the Division.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND XQUISITE LAWCARE LLC TO DEMOLISH STRUCTURE FOUNDATION, STEPS, AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS; AND REMEDY CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATED SECTION 21-19-11 FOR CASE #2020-1021 – 257 SOUTH DENVER STREET –\$8,350.00.

WHEREAS, on March 3, 2020, the Jackson City Council approved a resolution declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety, and welfare pursuant to Section 21-19-11 of the Mississippi Code following an administrative hearing held on February 11, 2020 for Case #2020-1021 located in Ward 5 of the City of Jackson; and

WHEREAS, on October 19, 2021, the Department of Planning and Development, Community Improvement Division, issued a quote packet for various demolition projects; and

WHEREAS, on November 3, 2021, contractors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety, and welfare submitted quotes in response to the October 19, 2021 request; and

WHEREAS, Xquisite Lawncare LLC through its representative, Steven Jones, submitted the lowest and best quote of \$8,350.00 to demolish structure, foundation, steps, driveway and/or cut grass, weeds, shrubbery, fence line, bushes, and saplings; remove trash, debris, tires, crates, appliances, building materials, furniture, and fallen tree parts; clean curbside; and remedy conditions constituting a menace to public health and welfare for the parcel located at 257 South Denver Street; and

WHEREAS, Xquisite Lawncare LLC has a principal office address of 1737 Brecon Drive Jackson, Mississippi 39211.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with Xquisite Lawncare LLC to demolish structure, foundation, steps, driveway and/or cut vegetation and remedy conditions on the property located at 257 South Denver Street deemed to be a menace to public health, safety, and welfare.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed \$8,350.00 shall be paid to Xquisite Lawncare LLC for the services provided from funds budgeted for the Division.

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

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

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND UNITY CLEANUP & REMOVAL LLC DEMOLISH STRUCTURE FOUNDATION, STEPS AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS, AND REMEDY CONDITIONS THAT CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ON PARCEL 73-26 LOCATED AT 147 49 WEST COHEA STREET - \$3,799.00.

WHEREAS, the City of Jackson requested and received 147-49 West Cohea Street from the State of Mississippi to further municipal purposes; and

WHEREAS, said property must be maintained and conditions that constitute a menace to public health, safety and welfare remedied; and

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

WHEREAS, Unity Cleanup & Removal LLC appeared next on the rotation list and has agreed to cut the grass and weeds, remove trash and debris, and otherwise remedy conditions for Case 2020-1258 located at 147-49 W Cohea Street for \$3,799.00; and

WHEREAS, Unity Cleanup & Removal LLC has a principal office address of 536 Eastview Street, Jackson Mississippi 39209; and

WHEREAS, it is in the best interest of the City, and the citizens of Jackson that the Property be maintained.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with Unity Cleanup & Removal LLC to cut grass and weeds, remove trash and debris, and otherwise remedy conditions for Case 2020-1258 located at 147-49 West Cohea Street, Parcel 73-26, for an amount not to exceed \$3,799.00.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND UNITY CLEANUP & REMOVAL LLC DEMOLISH STRUCTURE FOUNDATION, STEPS AND DRIVEWAY; CUT GRASS AND WEEDS; REMOVE TRASH AND DEBRIS, AND REMEDY CONDITIONS THAT CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ON PARCEL 73-22 LOCATED AT 137 WEST COHEA STREET - \$2,299.00.

WHEREAS, the City of Jackson requested and received 137 West Cohea Street from the State of Mississippi to further municipal purposes; and

WHEREAS, said property must be maintained and conditions that constitute a menace to public health, safety and welfare remedied; and

WHEREAS, on October 19, 2021, the Department of Planning and Development, Community Improvement Division, issued a quote packet for various projects; and

WHEREAS, on November 3, 2021, contractors performing services related to the remedying of conditions on property adjudicated to be a menace to public health, safety, and welfare submitted quotes in response to the October 19, 2021 request; and

WHEREAS, Unity Cleanup & Removal LLC submitted the lowest and best quote of \$2,299.00 to cut grass and weeds, remove trash and debris, and otherwise remedy conditions for Case 2020-1259 located at 137 West Cohea Street; and

WHEREAS, Unity Cleanup & Removal LLC has a principal office address of 536 Eastview Street Jackson, Mississippi 39209; and

WHEREAS, it is in the best interest of the City, and the citizens of Jackson that the Property be maintained.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract with Unity Cleanup & Removal LLC to cut grass and weeds, remove trash and debris, and otherwise remedy conditions for Case #2020-1259 located at 137 West Cohea Street, Parcel 73-22 for an amount not to exceed \$2,299.00.

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

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

There came on for Introduction Agenda Item No. 13:

ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORARY RENAMING A PORTION OF REVEREND DR. MARTIN L. KING, JR. DRIVE FROM MAPLE STREET TO WATSON STREET IN HONOR OF MR. ROBERT “ROB JAY” JEUITT. **President Lindsay** stated that said item was referred to the Public Property Renaming and Special Recognitions Ad-Hoc Committee at the request of **Council Member Stokes**.

ORDINANCE AMENDING SECTION 2-76 OF THE JACKSON CODE OF ORDINANCES GOVERNING REVIEW AND APPROVAL OF THE MINUTES OF THE CITY COUNCIL.

V E T O

WHEREAS, Section 2-76 of the Jackson Code of Ordinances establishes the procedures for the review and approval of the minutes of the City Council; and

WHEREAS, by Ordinance adopted on September 10, 1991, the City Council authorized the Mayor to review the municipal minutes presented by the City Clerk and sign the minutes as his act of approval of such minutes. If the mayor is absent from a meeting, the minutes shall be approved by signature of a majority of all councilmembers; and

WHEREAS, Mississippi Code Annotated, § 21-15-33, provides, in part:

The minutes of every municipality must be adopted and approved by a majority of all the members of the governing body of the municipality at the next regular meeting or within thirty (30) days of the meeting thereof, whichever occurs first. Upon such approval, said minutes shall have the legal effect of being valid from and after the date of the meeting. The governing body may by ordinance designate that the minutes be approved by the mayor.

WHEREAS, it is recommended that Section 2-76 of the Jackson Code of Ordinances be amended to comply with Mississippi Code Annotated, § 21-15-33.

THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Section 2-76 of the Code of Ordinances of the City of Jackson, Mississippi, is hereby deleted and replaced to read as follows:

Pursuant to Mississippi Code Annotated, § 21-15-33, the minutes must be adopted and approved by a majority of the City Council at the next regular meeting or within thirty (30) days of the meeting thereof, whichever occurs first. Upon approval by a majority of the City Council, the Council President is authorized to execute the municipal minutes as presented by the Clerk of Council. In the absence of the Council President, the Council Vice-President is authorized to execute the municipal minutes presented by the Clerk of Council.

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 Banks moved adoption; **President Lindsay** seconded.

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

Nays – None.

Absent – Lee and Stokes.

V E T O

President Lindsay requested Agenda Item No. 39 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

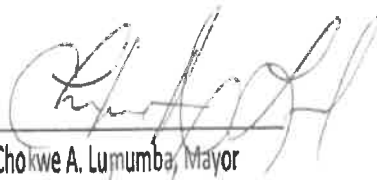
ORDER AUTHORIZING THE MAYOR TO EXECUTE SERVICE ADDENDUM NO. 2 TO THE MASTER UTILITY SERVICES AGREEMENT WITH SUSTAINABILITY PARTNERS LLC FOR STORMWATER PUMPING SERVICES AT THE SAVANNA STREET WASTEWATER TREATMENT PLANT.

WHEREAS, the City of Jackson entered into a Master Utility Services Agreement with Sustainability Partners, LLC, a Delaware limited liability corporation with its principal business

**Mayor's Veto and Objection
to the Ordinance Amending Section 2-76 of the Jackson Code of Ordinances
Governing Review and Approval of the Minutes of the City Council**

On Tuesday, December 21, 2021, in a Special Meeting of the City Council of Jackson, Mississippi, the City Council amended Section 2-76 of the Jackson Code of Ordinances Governing Review and Approval of the Minutes of the City Council by excluding the Mayor's review and signature from the process. The Ordinance as amended effectively precludes the Mayor's statutory right to veto Council actions. Accordingly, the proclamation violates the separation of powers as stated in the Mississippi Constitution Article I, Section 2.

Therefore, I, Chokwe A. Lumumba, Mayor of the City of Jackson, do hereby veto the City Council's amendment to Section 2-76 of the Jackson Code of Ordinances Governing Review and Approval of the Minutes of the City Council.


Chokwe A. Lumumba, Mayor

4/14/22
Date

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, DECEMBER 21, 2021 10:00 A.M.**

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address as 3133 W. Fry Road, Suite 101, Chandler, Arizona 85226 on or about November 30, 2020; and

WHEREAS, the City of Jackson and Sustainability Partners entered into a Service Addendum to the Master Utility Services Agreement to provide water meter services and utility billing services to the City under the terms of the Addendum and the Master Utility Services Agreement; and

WHEREAS, the City of Jackson now wishes to include in the services provided storm water pumping services at the Savanna Street Wastewater Treatment Plant (WWTP); and

WHEREAS, the Savanna Street WWTP uses a 100 million gallons per day capacity (mgd) pump in its influent pump station to divert excess raw sewage flows that occur during rain events to the plant's storm cells where this raw sewage is held until they can be pumped back into the plant for treatment; and

WHEREAS, the 100 mgd pump currently installed in the Savanna Street WWTP is the original pump from the construction of the plant, has failed, and can no longer be repaired; and

WHEREAS, until the 100 mgd pump is replaced, the City pay for the rental of multiple, large bypass pumps that operate from an open pit upstream of the influent pump station to divert excess raw sewage flows that occur during rain events (wet weather flows) to the plant storm cells; and

WHEREAS, the Water-Sewer Fund currently does not have sufficient funds budgeted this fiscal year to pay for the replacement of the 100 mgd pump and appurtenances necessary for its operation nor does it have sufficient funds budgeted to pay for the rental of the temporary bypass pumps; and

WHEREAS, Sustainability Partners has proposed to provide the necessary pumping services provided by the 100 mgd pump by providing the temporary bypass pumps and the 100 mgd pump and its installation as a service under the terms of the Master Utility Service Agreements and an Addendum No. 2 thereto; and

WHEREAS, the daily usage rate for the 100 mdg pump and motor, and a 48-inch knife gate valve with handwheel are as follows:

Unit "Id #"	Description of USA Service Components (the "Units")	Daily Usage Rate
A	100 MGD Pump and Motor	\$0.477
B	48" Knife Gate Valve with Handwheel	Included in Id #A

WHEREAS, the usage rate for the pump on which the monthly payment is based is the number of connections to the City's water system per month; and

WHEREAS, at expected capacity, that number of connections is 61,225, resulting in a monthly payment of \$29,204.33; and

WHEREAS, at full capacity, that number of connections is 73,400, resulting in a monthly payment of \$35,045.19; and

WHEREAS, the minimum capacity that would be used to calculate the monthly payment, in the event that the number of connections after installation either did not equal 61,225 or there was a reduction in customers would be 58,720, resulting in a monthly payment of \$28,009.44; and

WHEREAS, Service Addendum No. 2 also includes a contingency of up to 5% of the usage rate for the scope of the work to allow for unanticipated work required during installation and a contingency of up 10% of the usage rate to allow Sustainability Partners to take advantage of any premium available from the manufacturer of the 100 mdg pump and appurtenances that result in the prioritization of its order; and

WHEREAS, the City will not be responsible for any payments under this Service Addendum No. 2 until the later of installation and operation of the 100 mgd pump and 48-inch knife gate valve or next fiscal year; and

WHEREAS, under the terms of the Master Utility Service Agreement, Sustainability Partners would be responsible for maintenance of the temporary bypass pumps and for maintenance of the 100 mgd pump and 48-inch knife gate valve; and

WHEREAS, upon termination of this Addendum, pursuant totwi the terms for the Master Utility Services Agreement, Sustainability Partners will assign the 100 mgd pump and 48-inch knife gate valve with handwheel to the City on an “AS-IS”, “WHERE-IS”, “WITH ALL FAULTS”, and “WITHOUT WARRANTY OF ANY KIND”, but receiving the rights to any existing warranties or maintenance agreements, with the City responsible for paying to Sustainability Partners the value of the remaining useful life of the 100 mgd pump and 48-inch knife gate valve as determined by a third-party selected by Sustainability Partners, subject the City’s rejection of that third-party for a reasonable basis; and

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Service Addendum No. 2 to the November 10, 2020 Master Utility Service Agreement with Sustainability Partners, LLC, consistent with the prices set forth above.

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

President Lindsay recognized **Bert Carson** and **Eric Street**, **Representative of Sustainability Partners**, who provided a brief overview of said item.

After a thorough discussion, **President Lindsay**, recognized **Council Member Banks** and **Council Member Hartley** who provided a brief overview of said item. Said was referred to the Water/Sewer Ad Hoc Committee.

ORDER APPROVING CLAIMS NUMBER 26499 to 26571 APPEARING AT PAGES 170 TO 206 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$8,721,846.68 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 26499 to 26571 appearing at pages 170 to 206, inclusive thereon in the Municipal “Docket of Claims”, in the aggregate amount of \$8,721,846.68 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	1,156,911.78
TECHNOLOGY FUND	188,045.00
PARKS & RECR. FUND	63,592.63
LANDFILL/ SANITATION FUND	1,077,152.94
FIRE PROTECTION	171.94
NCSC SENIOR AIDES	68.66
STATE TORT CLAIMS FUND	4,990.00
WATER/SEWER OP & MAINT FUND	493,931.72
WATER/SEWER CAPITAL IMPR FUND	597,017.76
KELLOGG FOUNDATION PROJECT	3,477.73

EARLY CHILDHOOD (DAYCARE)	1,058.25
HOUSING COMM DEV ACT (CDBG) FD	302,508.25
HOME PROGRAM FUND	68,369.63
H O P W A GRANT – DEPT. OF HUD	61,122.22
DPS – HOMELAND SECURITY	45,800.00
INFRASTRUCTURE BOND 2020 \$32M	675,047.68
1% INFRASTRUCTURE TAX	15,412.56
MADISON SEWAGE DISP. OP & MAINT	19.57
WATER/SEWER CAP IMP NOTE 7M	18,295.87
TRANSPORTATION FUND	749,447.29
TRANSPORTATION FUND	311,206.75
JXN CONVENTION & VISITORS BUR	117,389.48
RESURFACING – REPAIR & REPL. FD	3,681.25
09 TAX INCREMENT BD FD \$1.6M	346,849.62
2018 TIF BOND \$4.8M - EASTOVER	1,679.88
P E G ACCESS – PROGRAMMING FUND	16,896.60
WIRELESS RADIO COMMUNICATION FUND	1,193.99
HUMAN AND CULTURE GRANTS	15,435.00
MHC BLIGHT ELIMINATION PROGRAM	24,987.37
FLOODING OF 2020	477,009.15
MODERNIZATION TAX	75,441.60
ESG COVID CARES ACT	309.84
CDBG COVID CARES	3,319.32
ZOOLOGICAL PARK	1,793,671.85
AMERICAN RESCUE PLAN ACT 2021	10,333.50
LIBRARY FUND	2,517.55
TOTAL	<u>\$8,721,846.68</u>

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

President Lindsay recognized **Louis Wright, CAO, City of Jackson**, who provided a brief overview of claims at the request of **President Lindsay**.

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

Yeas – Foote, Grizzell and Lindsay.

Nays – Banks and Hartley.

Absent – Lee and Stokes.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 26499 TO 26571 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 26499 to 26571 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$117,605.71 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:

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, DECEMBER 21, 2021 10:00 A.M.**

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		2,408,701.71
PARKS & RECR FUND		87,953.66
LANDFILL FUND		19,533.15
SENIOR AIDES		1,628.99
WATER/SEWER OPER & MAINT		207,820.27
PAYROLL	117,605.71	
EARLY CHILDHOOD		22,544.55
HOUSING COMM DEV		11,664.84
TITLE III AGING PROGRAMS		5,584.36
TRANSPORTATION FUND		12,716.18
PEG ACCESS-PROGRAMMING FUND		8,565.32
ZOOLOGICAL PARK		30,550.59
TOTAL		\$2,821,178.11

President Lindsay moved adoption; **Council Member Hartley** seconded.

Yeas – Banks, Foote, Hartley and Lindsay.

Nays – Grizzell.

Absent – Lee and Stokes.

**ORDER REVISING THE FISCAL YEAR 2021-2022 PURCHASING BUDGET OF
THE DEPARTMENT OF ADMINISTRATION TO HIRE TEMP STAFF.**

WHEREAS, pursuant to Miss. Code Ann. §21-35-25, “if it affirmatively appears at any time during the current fiscal year that there is in any fund or account any sum remaining unexpended and not needed or expected to be needed for the purpose for which appropriated in said budget, then the governing authorities may, in their discretion, transfer such sum or any part thereof to any other fund or account where needed, by order entered upon their minutes”; and

WHEREAS, the Department of Administration has certain unanticipated needs and allocation in the amount of \$6,500.00 to hire temp staff; and

WHEREAS, the Fiscal Year 2021-2022 Purchasing budget needs to be revised for category changes to provide funding for said temp staff; and

WHEREAS, that there are monies available in the salaries category which have not been utilized which may be used for the funding of temp staff if the 2021-2022 budget is revised; and

WHEREAS, the Department of Administration is seeking City Council approval to move funds from the “salaries” category to the “other professional services category”; and

WHEREAS, the Department of Administration desires the Fiscal Year 2021-2022 Purchasing Budget be revised by the following entries:

<u>Fund Account</u>	<u>Debit</u>	<u>Credit</u>
001-414.10-6419	6,500.00	
001-414.10-6111		6,500.00

IT IS, THEREFORE, ORDERED that the Fiscal Year 2021-2022 budget of the Department of Administration be revised to authorize a budget transfer of \$6,500.00 from fund 001.414.10.6111 to 001.414.10.6419 to be allocated by the following entries:

<u>Fund Account</u>	<u>Debit</u>	<u>Credit</u>
001-414.10-6419	6,500.00	

001-414.10-6111

6,500.00

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER RATIFYING THE AUTHORIZATION OF THE MAYOR TO ENTER INTO A CONTRACTUAL AGREEMENT WITH CONSULTING BY LEE TO SERVE AS THE DEVELOPMENT ASSISTANCE REPRESENTATIVE FOR THE W.K. KELLOGG FOUNDATION-FUNDED PROJECT, ECONOMIC PATHWAYS TO HUMAN DIGNITY: BUILDING OCCUPATIONAL OPPORTUNITIES & ECONOMIC GROWTH (EPHD).

WHEREAS, the W.K. Kellogg Foundation awarded Economic Pathways to Human Dignity: Building Occupational Opportunities & Economic Growth (EPHD) funds to the City of Jackson to support its goals to increase employment, economic development, city and regional competitiveness, job creation, and employer engagement allowing the citizenry access to tools that will help them traverse pathways to self-sufficiency; and

WHEREAS, the W.K. Kellogg Foundation approved the EPDH project in the amount of \$1,895,000.00 for a term of April 1, 2019 through March 31, 2022, and the grant includes consultant fees for services rendered; and

WHEREAS, Mya Lee, d/b/a Consulting by Lee, as a consultant under the EPHD project, where she will coordinate conferences and festivals; facilitate between businesses and the City of Jackson administration; coordinate community engagement and networking events; assist management in developing efficient processes to promote the Incubator; identify client needs and suggest appropriate services; plan and organize networking events; update Community-based organizations, businesses, and individuals of recent updates and announcements; and respond to inquiries and concerns; and

WHEREAS, on August 1, 2021, Mya Lee started as an independent contractor for the City of Jackson, whereby she serves as a Development Assistance Representative for the W.K. Kellogg Foundation project entitled Economic Pathways to Human Dignity: Building Occupational Opportunities & Economic Growth; and

WHEREAS, the City of Jackson will compensate Mya Lee for her services as an independent contractor in an amount not to exceed \$4,062.51 a month for eight (8) months, totaling an amount not to exceed \$32,500.08 during the grant period of August 1, 2021, through March 31, 2022; and

WHEREAS, Mya Lee, d/b/a Consulting by Lee, will not perform any additional services for the City of Jackson, and she will be compensated solely from the W.K. Kellogg Foundation awarded Economic Pathways to Human Dignity: Building Occupational Opportunities & Economic Growth funds upon monthly submission of invoices to the City of Jackson; and

WHEREAS, it has been generally held through Mississippi Case Law and Attorney General Opinions that governing authorities are not "required" but "recommended" to follow competitive bid requirements in the procurement of personal or professional service contracts and pursuant to Miss. Code. Ann. § 31-7-57(2), no governing authority shall let contracts or purchase commodities or equipment except in the manner provided by law; nor shall any governing authority ratify any such contract or purchase... or pay for the same out of public funds unless such contract or purchase was made in the manner provided by law; provided however, that any vendor who, in good faith, delivers commodities or printing or performs any services under a contract to or for the governing authority, shall be entitled to recover the fair market value of such commodities, printing or services, notwithstanding some error or failure by the governing authority to follow the law, if the contract was for an object authorized by law and the vendor had no control of, participation in, or actual knowledge of the error or failure by the governing authority.

IT IS, THEREFORE, ORDERED that the ratified authorization for the Mayor to enter into a contractual agreement with Consulting by Lee for consultant services provided on W.K. Kellogg Foundation-funded project, Economic Pathways to Human Dignity: Building Occupational Opportunities & Economic Growth.

IT IS FURTHER ORDERED that Consulting by Lee will be compensated in an amount not to exceed \$32,500.08 over eight (8) months during the grant period of August 1, 2021, through March 31, 2022, upon monthly submission of invoices to the City of Jackson for payment.

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER TO AWARD THE CONTRACT FOR THE PUBLICATION OF LEGAL NOTICES OF THE CITY OF JACKSON FOR THE CALENDAR YEAR 2022.

WHEREAS, on December 7, 2021, the City received three (3) sealed bids from the Northside Sun, the Jackson Advocate and the Mississippi Link for the publication of legal notices of the City required by law to be published in the 2022 calendar year; and

WHEREAS, The Mississippi Link submitted the lowest bid, it being in the amount of \$0.04 per word for the first publication; \$0.02 per word for the second publication; and \$0.00 per word for the third publication, with a \$0.00 charge for the proof of publication; and

WHEREAS, the Council finds that The Mississippi Link satisfies the statutory requirements set forth in Section 13-3-31, Miss. Code of 1972, as amended, for newspaper printing of legal publications.

IT IS, THEREFORE, ORDERED that the bid of The Mississippi Link in the amount of \$0.04 per word for the first publication; \$0.02 per word for the second publication; and \$0.00 per word for the third publication, with a \$0.00 charge for the proof of publication be accepted as the lowest and best bid.

IT IS FURTHER ORDERED that the Municipal Clerk be authorized to publish legal notices as required by law to be published during the period January 1, 2022 through December 31, 2022, in said newspaper on an item-by-item basis as best suits the needs and convenience of the City, and in accordance with the applicable law thereto.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A FORTY-EIGHT (48) MONTH RENTAL AGREEMENT AND RELATED DOCUMENTS WITH ADVANTAGE BUSINESS SYSTEMS TO BE USED BY THE DEPARTMENT OF MUNICIPAL CLERK.

WHEREAS, the Department of Municipal Clerk desires to enter into a 48-month rental agreement for a copier and scanner; and

WHEREAS, Advantage Business Systems has agreed to provide a Konica Minolta Bizhub C650i Digital Color Copier System and Kodak S2060 Scanner with auxiliary equipment through State of Mississippi Contract #8200056217; and

WHEREAS, Advantage Business Systems Company is located at 5442 Executive Place, Jackson, MS 39206; and

WHEREAS, it is the recommendation of the Department of Municipal Clerk that this contract be approved.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute the forty-eight month rental agreement and related documents with Advantage Business Systems to rent the Konica Minolta Bizhub C650i Digital Color Copier System and Kodak S2060 Scanner with certain auxiliary equipment required to meet those special needs of the Department of Municipal Clerk as related to the functions of said division, at a cost of \$481.00 per month for the copier and scanner, plus a copy charge of \$.0085 for all (black and white) and \$.05 (color) per copy to include: labor, parts, toner, finisher with hole punch.

IT IS FURTHER ORDERED that payment for said copier and scanner rental be made from the General Fund.

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

Nays – None.

Absent – Lee and Stokes.

* * * * *

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FIRST INTERMED CORPORATION DOING BUSINESS AS MEA EMPLOYEE ASSISTANCE.

WHEREAS, Section 25-15-101 of the Mississippi code authorizes the governing board of a municipality to negotiate and secure for all or specified groups of employees and their dependents a policy or policies of insurance as well as a group contract or contracts covering hospital, medical, and/or surgical services or benefits of such employees and their dependents; and

WHEREAS, the Department of Human Resources has negotiated a contract with First Intermed Corporation which does business as MEA Employee Assistance Program to provide certain mental health, alcohol and drug counseling, and other services having an impact upon the physical and mental health of employees and their dependents; and

WHEREAS, the services to be provided by the MEA Employee Assistance Program constitutes a contract covering medical and benefits authorized to be secured by Section 25-115-101; and

WHEREAS, the terms of the contract afford each employee and covered dependents three (3) face to face sessions with a counselor or therapist; and

WHEREAS, the cost for the services will be \$2,000.00 per month for a total of \$24,000.00; and

WHEREAS, the term of the agreement will be one (1) year from the date of execution of the agreement and will renew for successive annual periods unless either party gives notice of the intent to terminate; and

WHEREAS, either the City or First Intermed Corporation doing business as MEA Employee Assistance Program can terminate the agreement with or without cause at any time by the giving of sixty (60) days advance written notice; and

WHEREAS, First Intermed Corporation doing business as MEA Employee Assistance Program will submit monthly reports to the City of Jackson on the utilization of the services, which will include the number of calls, referrals, admissions to therapy and sessions but not employee identifying information; and

WHEREAS, First Intermed Corporation doing business as MEA Employee Assistance Program is located at 308 Corporate Drive, Ridgeland, Mississippi 39157; and

WHEREAS, the best interest of the City of Jackson would be served by entering into the contract with First Intermed Corporation.

IT IS, HEREBY ORDERED that the Mayor be authorized to execute a contract with First Intermed Corporation D/B/A MEA Employee Assistance Program; and

IT IS, FURTHER ORDERED that the sum of \$2,000.00 per month may be paid to First Intermed Corporation D/B/A MEA Employee Assistance Program for the services provided; and

IT IS FURTHER ORDERED that the agreement with First Intermed Corporation dba MEA Employee Assistance Program may be renewed annually on the same terms and conditions without further order of the Jackson City Council upon recommendation of the Department of Human Resources.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT AND OTHER NECESSARY DOCUMENTS WITH UNITED HEALTHCARE SERVICES, INC. TO SERVE AS THE TPA (THIRD PARTY ADMINISTRATOR) FOR THE CITY OF JACKSON'S EMPLOYEES/RETIREES MEDICAL BENEFITS PLAN FROM JANUARY 1, 2022 TO DECEMBER 31, 2024.

WHEREAS, Section 25-15-101 of the Mississippi Code authorizes a municipality to provide health insurance coverage to specified groups of employees and their dependents on terms and conditions within their discretion; and

WHEREAS, Section 25-15-101 of the Mississippi Code also authorizes a municipality to become a self-insurer of a health plan; and

WHEREAS, Section 25-15-101 of the Mississippi Code also states that municipalities who elect to become a self-insurer must contract with a third party approved by the Commissioner of Insurance to administer the plan; and

WHEREAS, the City of Jackson has a self-funded health plan available to employees, retirees, and their dependents who elect to come within the coverage; and

WHEREAS, consistent with Section 25-15-101, the City of Jackson contracted with United Healthcare Services, Inc., to administer its self-insured plans for the 2018-2021 Plan years; and

WHEREAS, the monthly fee for administering said Plan for 2018 - 2021 was \$21.35 which includes \$13.37 pharmacy rebate credit per participant for the Medical Benefits Plan; and

WHEREAS, United Healthcare Services, Inc., sent a proposal to the Department of Human Resources proposing a monthly fee for administering the Plan for the Plan Years 2022-2024 in the amount of \$14.13, which includes a \$22.00 prescription rebate credit per participant in the Medical Benefits Plan; and

WHEREAS, on January 1, 2022 the monthly fee for administering said Plan will decrease to \$14.13 per participant resulting from the pharmacy rebate credit; and

WHEREAS, the plan coverages, and the Choice Plus network will remain the same for the Plan Years commencing on January 1, 2022 and ending December 31, 2024; and

WHEREAS, the summary of benefits coverage is as followed:

Annual Deductible

- \$400 for the individual and \$1200 for family
- The coinsurance is 75%/25%
- Preventive care is covered at 100%.
- The office visit copay-PCP is \$20
- The office visit copay at a specialist is \$30
- Telemedicine visits has a \$10 copay
- The out-of-pocket maximum is \$5000 annually

WHEREAS, the plan has a prescription drug coverage as followed:

- Tier 1-Generic \$10.00
- Tier II-Preferred Brand \$25.00
- Tier III-Non-Preferred Brand \$50.00

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a contractual agreement with United Healthcare Services Inc., to administer the self-funded health insurance plan of the City of Jackson for the period January 1, 2022 - December 31, 2024.

IT IS ALSO ORDERED that the Mayor shall be authorized to execute documents required by United Healthcare in the course of administering the self-funded plan with the exception of documents that may change the coverages afforded by the plan or result in financial changes impacting the Plan and the employees covered.

IT IS, THEREFORE, ORDERED that the fees for administering the Plan be paid.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE AWARD OF THE SUM OF \$105,000.00 TO THE GREATER JACKSON ARTS COUNCIL AND THE MAYOR’S EXECUTION OF A CONTRACT WITH THE AGENCY.

WHEREAS, Section 39-15-1 of the Mississippi Code Annotated (1972), as amended, authorizes the governing authorities of any municipality in their discretion to expend monies from the general fund to match any other funds available for the purpose of supporting the development, promotion, and coordination of the arts in the municipality; and

WHEREAS, the City of Jackson allocated funds in the budget for the Department of Human and Cultural Services to be used to match other funds available for the purpose of supporting the development, promotion, and coordination of the arts; and

WHEREAS, the Greater Jackson Arts Council has provided to the City, a budget summary for the 2022 fiscal year totaling slightly over \$735,300.00; and

WHEREAS, the agency has requested that the City support its effort to promote and coordinate the arts by awarding it funds in the amount of \$105,000.00, which shall be matched by funds from other sources in the amount of \$630,300.00; and

WHEREAS, the funds will be used to provide services to Jackson Public School students, students in Hinds County, Mississippi, neighborhood associations, artist organizations, and to provide funding or grants to established and emerging artists; and

WHEREAS, the monies will be reimbursed to the agency based upon its expenditures and upon receipt of documentation establishing its expenditures during the period October 1, 2021 through September 30, 2022; and

WHEREAS, it is in the best interest of the City of Jackson to support the agency's efforts and award the funds sought.

IT IS HEREBY ORDERED that matching funds in the amount of \$105,000.00 shall be awarded to the Greater Jackson Arts Council, and issued based on the Greater Jackson Arts Council's expenditures during the period October 1, 2021 – September 30, 2022.

IT IS FURTHER HEREBY ORDERED that the Mayor shall be authorized to execute an agreement with the Greater Jackson Arts Council for the award of said funds, as well as any and all documents related thereto.

Council Member Banks moved adoption; Council Member Hartley seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER REVISING THE FISCAL YEAR 2021/2022 BUDGET OF THE DEPARTMENT OF PARKS AND RECREATION, AUTHORIZING THE TRANSFER OF FUNDS FROM UNFILLED SALARIES ACCOUNTS TO VARIOUS ACCOUNTS TO ENSURE JACKSON ZOO UTILITIES ARE PAID.

WHEREAS, certain un-anticipated needs and allocations in the amount of \$24,687.15 must be transferred to pay lights, gas and water utilities at the Jackson Zoo; and

WHEREAS, transfer of funds is desperately needed to ensure utilities are paid for the Jackson Zoo; and

WHEREAS, the following funds are requested to be transferred to the following categories:

FROM		TO	
Fund/Account Number	Amount	Fund/Account Number	Amount
390-498.00-6111 (Unfilled Salaries)	\$24,687.15	390-498.00-6317 (Other Repair & Maintenance)	\$9,687.15
		390-498.00-6451 (Electrical & Lighting)	\$8,000.00
		390-498.00-6452 (Water)	\$5,000.00
		390-498.00-6453 (Gas)	\$2,000.00
			\$24,687.15

IT IS, THEREFORE, ORDERED that the Fiscal Year 2021/2022 Budget be revised to allow transfer of funds allocated to various Jackson Zoo categories, in the amount of \$24,687.15.

Council Member Banks moved adoption; Council Member Hartley seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER ACCEPTING THE ADJUDICATED FUNDS FROM FORFEITED AND SEIZED PROPERTY IN THE AMOUNT OF ONE HUNDRED FIFTY-EIGHT THOUSAND, SEVEN HUNDRED FORTY-THREE DOLLARS, AND THIRTY-NINE CENTS (\$158,743.39) TO THE CITY JACKSON.

WHEREAS, forfeiture and seizure funds have been adjudicated by Hinds County Court and are able to be moved from Fund 002 (Seizure and Forfeit Property-State) out of holding account Fund 078 (Narcotics Evidence Escrow).

IT IS HEREBY ORDERED that the City of Jackson is authorized to accept the adjudicated funds in the amount of one hundred fifty-eight thousand, seven hundred forty-three dollars and thirty-nine cents (\$158,743.39).

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING PAYMENT TO ANIMAL MEDICAL CENTER FOR SERVICES RENDERED.

WHEREAS, the City of Jackson Police Department has three (3) K-9 units which require regular medical care; and

WHEREAS, Animal Medical Center has provided said medical care for these canines at a cost of \$605.00; and

WHEREAS, it has been generally held through Mississippi Case Law and Attorney General Opinions that governing authorities are not “required”, but “recommended” to follow competitive bid requirements in the procurement of personal or professional service contracts and pursuant to Miss. Code. Ann. § 31-7-57(2), no governing authority shall let contracts or purchase commodities or equipment except in the manner provided by law; nor shall any governing authority ratify any such contract or purchase...or pay for the same out of public funds unless such contract or purchase was made in the manner provided by law; provided however, that any vendor who, in good faith, delivers commodities or printing or performs any services under a contract to or for the governing authority, shall be entitled to recover the fair market value of such commodities, printing or services, notwithstanding some error or failure by the governing authority to follow the law, if the contract was for an object authorized by law and the vendor had no control of, participation in, or actual knowledge of the error or failure by the governing authority; and

WHEREAS, the Jackson Police Department has sufficient funds to pay for these services in its forfeiture and seizure fund (Fund 2).

IT IS HEREBY ORDERED that the City of Jackson is authorized to pay Animal Medical Clinic \$605.00 for services rendered.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING PAYMENT TO DPS – CRIME LAB FOR SERVICES RENDERED.

WHEREAS, the City of Jackson Police Department utilizes the MS Department of Public Safety’s State Crime Lab for forensic analysis that cannot be performed in-house; and

WHEREAS, the DPS Crime Lab has performed such analysis for the Jackson Police Department at a total cost of \$1,020.00; and

WHEREAS, it has been generally held through Mississippi Case Law and Attorney General Opinions that governing authorities are not “required”, but “recommended” to follow competitive bid requirements in the procurement of personal or professional service contracts and

pursuant to Miss. Code. Ann. § 31-7-57(2), no governing authority shall let contracts or purchase commodities or equipment except in the manner provided by law; nor shall any governing authority ratify any such contract or purchase...or pay for the same out of public funds unless such contract or purchase was made in the manner provided by law; provided however, that any vendor who, in good faith, delivers commodities or printing or performs any services under a contract to or for the governing authority, shall be entitled to recover the fair market value of such commodities, printing or services, notwithstanding some error or failure by the governing authority to follow the law, if the contract was for an object authorized by law and the vendor had no control of, participation in, or actual knowledge of the error or failure by the governing authority; and

WHEREAS, the Jackson Police Department has sufficient funds budgeted in its general fund to pay for these services.

IT IS HEREBY ORDERED that the City of Jackson is authorized to pay DPS Crime Lab a total of \$1,020.00 for services rendered.

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING PAYMENT TO LIVE OAK PSYCHOLOGICAL ASSOCIATION FOR SERVICES RENDERED.

WHEREAS, City of Jackson Police Department periodically requires officers to receive psychological evaluations and care in the course of their duties; and

WHEREAS, Live Oak Psychological has provided such evaluations and care; and

WHEREAS, it has been generally held through Mississippi Case Law and Attorney General Opinions that governing authorities are not “required”, but “recommended” to follow competitive bid requirements in the procurement of personal or professional service contracts and pursuant to Miss. Code. Ann. § 31-7-57(2), no governing authority shall let contracts or purchase commodities or equipment except in the manner provided by law; nor shall any governing authority ratify any such contract or purchase...or pay for the same out of public funds unless such contract or purchase was made in the manner provided by law; provided however, that any vendor who, in good faith, delivers commodities or printing or performs any services under a contract to or for the governing authority, shall be entitled to recover the fair market value of such commodities, printing or services, notwithstanding some error or failure by the governing authority to follow the law, if the contract was for an object authorized by law and the vendor had no control of, participation in, or actual knowledge of the error or failure by the governing authority; and

WHEREAS, the current charges for care rendered by Live Oak Psychological is \$3,150.00; and

WHEREAS, the City of Jackson Police Department has budgeted for the cost of these services in its General Fund.

IT IS HEREBY ORDERED that the City of Jackson is authorized to pay Live Oak Psychological Assoc \$3,150.00 for services rendered.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT AND RELATED DOCUMENTS WITH TRANSUNION RISK AND

ALTERNATIVE DATA SOLUTIONS, INC., TO PROVIDE INVESTIGATIVE SOFTWARE TO BE USED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT, COMMUNITY IMPROVEMENT DIVISION.

WHEREAS, the Department of Planning and Development, Community Improvement Division, is in need of software that will enable the Community Improvement Division to locate property owners who are in violation of Section 21-19-11 of Mississippi Code of 1972, as amended, and the 2018 International Property Maintenance Code, as adopted by the City of Jackson; and

WHEREAS, gaining the ability to locate property owners who were previously unreachable will increase the number of code violations resolved by property owners; and

WHEREAS, on October 6, 2021, the Community Improvement Division reviewed the CLEAR Investigations software by Thompson Reuters; however, the company was unresponsive toward the request for a trial period; and

WHEREAS, on October 8, 2021, the Community Improvement Division reviewed the TLOxp software by Transunion Risk and Alternative Data Solutions, Inc. and received a trial period from November 4, 2021 through November 18, 2021; and

WHEREAS, the Community Improvement Division will only use the investigative software to improve its efficiency in serving notices to owners of dilapidated structures and other code violations, and not for personal use; and

WHEREAS, the Community Improvement Division has determined that TLOxp will provide the best value as delineated below:

Thompson Reuters CLEAR Investigations			
*unlimited searches, based on 3 year contract with 5% annual increases			
# of users	1 user	2 users	5 users
Standard	\$193/mo.	\$282/mo.	\$550/mo.
Premium	\$260/mo.	\$375/mo.	\$660/mo.

Transunion Risk and Alternative Data Solutions, Inc. (TRADS)TLOxp *unlimited users, based on 3 year subscriber agreement # of monthly transactions: 150 Monthly Fee: \$110 Overages: 40 cents per search; \$7 per comprehensive report

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute the service agreement and related documents with Transunion Risk and Alternative Data Solutions, Inc. to provide investigative software for the Department of Planning and Development, Community Improvement Division, at a cost not to exceed \$2,000.00 annually for FY 2022 through FY 2025.

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

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

ORDER AMENDING THE FEBRUARY 17, 2021, ORDER WHICH AUTHORIZED STEWPOT COMMUNITY SERVICES, INC., 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, AND AUTHORIZING THE MAYOR TO EXECUTE THE

AMENDMENT AND RELATED DOCUMENTS EXTENDING THE COMPLETION DATE TO SEPTEMBER 30, 2022.

WHEREAS, by Order entered on February 17, 2021, recorded in Minute Book 6S, Pages 532-533, the governing authorities authorized the Mayor to execute the contract and related documents with Stewpot Community Services, Inc., to prepare, prevent, and respond to the Coronavirus for Emergency Solutions Grant (ESG) in the City of Jackson; and

WHEREAS, pursuant to the contract, Stewpot Community Services, Inc. agreed to provide Rapid Re-Housing Services to citizens in the City of Jackson who are homeless, at a program cost not to exceed \$600,000.00 for eligible expenses; and

WHEREAS, as a result of the coronavirus pandemic and the eviction moratorium placed by the Center for Disease and Control Prevention, the Rapid Re-Housing Program experienced substantial challenges and delays such as an increase in homeless citizens; and

WHEREAS, the Department of Planning and Development, through its Office of Housing and Community Development, is recommending that the time for completion of the program and the amount of funding be extended to September 30, 2022, with additional funding in the amount of \$170,000.00 which will be added to the balance of the current contract; and

WHEREAS, the additional funding in the amount of \$170,000.00 will be paid with 2020 ESG CARES Act funds, with no match by the City.

IT IS, THEREFORE, ORDERED that the contract between the City of Jackson and the Stewpot Community Services, Inc. be amended to extend the contract end date to September 30, 2022, with additional funding in the amount of \$170,000.00 added to the balance of the current contract be used by Stewpot Community Services, Inc. for reimbursable eligible expenses pursuant to the 2020 ESG CARES Act guidelines; and that the Mayor is authorized to execute the amendment and related documents.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AMENDING THE FEBRUARY 17, 2021, ORDER WHICH AUTHORIZED STEWPOT COMMUNITY SERVICES, INC. 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, AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS EXTENDING THE COMPLETION DATE TO SEPTEMBER 30, 2022.

WHEREAS, by Order entered on February 17, 2021, recorded in Minute Book 6S, Pages 533-534, the governing authorities authorized the Mayor to execute the contract and related documents with Stewpot Community Services, Inc., to prepare, prevent, and respond to the Coronavirus for Emergency Solutions Grant (ESG) in the City of Jackson; and

WHEREAS, pursuant to the contract, Stewpot Community Services, Inc. agreed to provide Street Outreach Services to citizens in the City of Jackson who are homeless, at a program cost not to exceed \$77,800.00 for eligible expenses; and

WHEREAS, as a result of the coronavirus pandemic and the eviction moratorium placed by the Center for Disease and Control Prevention, the Street Outreach Program experienced substantial challenges and delays such as an increase in homeless citizens; and

WHEREAS, the Department of Planning and Development, through its Office of Housing and Community Development, is recommending that the time for completion of the program and

the amount of funding be extended to September 30, 2022, with additional funding in the amount of \$92,375.00 which will be added to the balance of the current contract; and

WHEREAS, the additional funding in the amount of \$92,375.00 will be paid with 2020 ESG CARES Act funds, with no match by the City.

IT IS, THEREFORE, ORDERED that the contract between the City of Jackson and the Stewpot Community Services, Inc. be amended to extend the contract end date to September 30, 2022, with additional funding in the amount of \$92,375.00 added to the balance of the current contract be used by Stewpot Community Services, Inc. for reimbursable eligible expenses pursuant to the 2020 ESG CARES Act guidelines; and that the Mayor is authorized to execute the amendment and related documents.

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

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

Nays – None.

Absent – Lee and Stokes.

President Lindsay requested that Agenda Item No. 35 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER REVISING THE FISCAL YEAR 2021-2022 BUDGET OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT/TRANSIT SERVICES DIVISION.

WHEREAS, the Department of Planning and Development/Transit Division is undergoing a Comprehensive Transit Plan Study of the current public transportation system; and

WHEREAS, while undergoing the Comprehensive Transit Plan Study, the Transit Services was advised that the City of Jackson needs a Bus Network System Plan, a long-range vision to reshape the current transit network that will support mobility options, enhance transportation corridors, and integrate land-use policies with a well-connected transportation system; and

WHEREAS, the Office of Transportation lacks the staffing capacity needed to implement the Bus Network System Plan; and

WHEREAS, the cost to hire a professional service provider to implement the Bus Network System Plan is approximately \$461,782.00; and

WHEREAS, the reallocation of funds will ensure that the Bus Network System Plan is properly implemented; and

WHEREAS, the Department of Planning and Development/Transit Services Division’s Fiscal Year 2021-2022 budget needs to be revised to transfer funding for the implementation of the Bus Network System Plan in this fiscal year; and

WHEREAS, the following funds would be revised as follows:

From	187.565.30.6867	(\$461,782.00)
To	187.565.30.6419	\$461,782.00

IT IS, THEREFORE, ORDERED that the Fiscal Year 2021-2022 budget for the Department of Planning and Development/Transit Services be revised in the amount of \$461,782.00 as follows:

<u>To/From</u>	<u>Fund/Account Number</u>	<u>Amount</u>
From:	187.565.30.6867	(\$461,782.00)
To:	187.565.30.6419	\$461,782.00

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 AND RELATED DOCUMENTS TO THE AGREEMENT WITH CONNETICS TRANSPORTATION GROUP TO COMPLETE AND IMPLEMENT THE BUS NETWORK PLAN FOR THE JACKSON PUBLIC TRANSPORTATION SYSTEM (JTRAN).

WHEREAS, the City of Jackson’s public transportation system needs a Bus Network Plan, a long-range vision to reshape the current transit network that will support mobility options, enhance transportation corridors, and integrate land-use policies with a well-connected transportation system; and

WHEREAS, pursuant to the Order entered on August 4, 2020, Minute Book 6R, Page 380, Connetics Transportation Group is currently conducting the Transportation Plan Study of the City’s public transit system at a total cost not to exceed \$399,576.00; and

WHEREAS, Connetics Transportation Group has the expertise and the capacity to implement the Bus Network Plan in conjunction with the Transportation Plan Study; and

WHEREAS, Connetics Transportation Group has agreed to provide the Bus Network Plan for an amount not to exceed \$461,782.00; and

WHEREAS, the Bus Network Plan will be funded by the Federal Transit Administration in the amount of \$369,425.60 (80%); and

WHEREAS, the sum of \$92,356.40 (20%) must be matched from local sources; and

WHEREAS, the local match is included in the Transit Services’ budget for FY2022 and FY2023; and

WHEREAS, the Transit Division is recommending that the Mayor be authorized to execute Supplemental Agreement No. 2 and related documents with Connetics Transportation Group to complete and implement the Bus Network Plan, beginning January 1, 2022 and expiring on December 31, 2022, for an amount not to exceed \$461,782.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Supplemental Agreement No. 2 and related documents with Connetics Transportation Group to complete and implement the Bus Network Plan beginning January 1, 2022 and expiring on December 31, 2022.

IT IS FURTHER ORDERED that the Transit Division is authorized to pay Connetics Transportation Group an amount not to exceed \$461,782.00 for the Bus Network Plan, for a total contract amount of \$891,358.00 to implement the Transportation Plan Study and the Bus Network Plan.

President Lindsay moved adoption; **Council Member Foote** seconded.

Yeas – Foote, Grizzell, Hartley and Lindsay.

Nays – Banks.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A 48-MONTH RENTAL AGREEMENT WITH ADVANTAGE BUSINESS SYSTEMS FOR A KONICA MINOLTA BIZHUB C750I COLOR COPIER TO BE USED BY THE ENGINEERING DIVISION OF THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Engineering Division of the Department of Public Works desires to enter into a 48-month rental agreement for a color copier machine; and

WHEREAS, Advantage Business Systems provided a Konica Minolta Bizhub C750i color copier through the State of Mississippi Contract #8200056217; and

WHEREAS, Advantage Business Systems has an office located in the City of Jackson; and

WHEREAS, it is the recommendation of the Department of Public Works this contract be approved.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute the necessary documents with Advantage Business Systems providing for the 48-month rental of a Konica Minolta Bizhub C750i color copier at a cost of \$355.00 per month, plus a copy charge of \$0.0073 (Black & White), \$0.059 (Color Copies) per copy to include labor, parts, toner and drum, except paper or staples.

IT IS FURTHER ORDERED that payment for said rental is made from the general fund.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER ACCEPTING THE BID OF HEMPHILL CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF THE MILL STREET TOWN CREEK BRIDGE PROJECT, FEDERAL AID PROJECT NUMBER STP-7261-00(002) LPA/108070, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY SUBJECT TO THE CONCURRENCE OF THE MISSISSIPPI TRANSPORTATION COMMISSION.

WHEREAS, the City of Jackson solicited sealed, competitive bids for the construction of the Mill Street Town Creek Bridge Project; and

WHEREAS, three bids were submitted to the City Clerk on November 23, 2021; and

WHEREAS, the bid of Hemphill Construction Company, Inc., in the amount of \$1,934,815.50 was the lowest bid received; and

WHEREAS, the Public Works Department recommends that the governing authorities deem the bid of Hemphill Construction Company, Inc. in the amount of \$1,934,815.60 for the Mill Street Town Creek Bridge Project to be the lowest and best bid; and

WHEREAS, the awarding of the bid shall be subject to the concurrence of the Mississippi Transportation Commission; and

WHEREAS, during the life of the project, it will be necessary for the Mayor to execute various no-cost documents as part of the administration and construction of the project.

IT IS, THEREFORE, ORDERED that the bid of Hemphill Construction Company, Inc. for the construction of the Mill Street Town Creek Bridge Project, Federal Aid Project Number STP-7261-00(002) LPA/108070, in the amount of \$1,934,815.60 is accepted as the lowest and best bid.

IT IS FURTHER ORDERED that the Mayor is authorized to execute and the Municipal Clerk is authorized to attest a contract with Hemphill Construction Company, Inc. for the construction of the Mill Street Town Creek Bridge Project.

IT IS FURTHER ORDERED that the Mayor be authorized to execute any and all no-cost item documents necessary for the administration and construction of the Mill Street Town Creek Bridge Project and to submit the same to MDOT as needed.

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

ORDER ACCEPTING CHANGE ORDER NO. 1/FINAL TO THE CONTRACT WITH FORDICE CONSTRUCTION COMPANY FOR THE WOODWAY DRIVE BRIDGE REPLACEMENT PROJECT AUTHORIZING FINAL PAYMENT AND AUTHORIZING PUBLICATION OF NOTICE OF COMPLETION.

WHEREAS, on March 16, 2021 the City of Jackson accepted Fordice Construction Company's bid of \$390,671.00 for the Woodway Drive Bridge Replacement Project; and

WHEREAS, the contract work involved the removal and replacement of the timber bridge structure on Woodway Drive within the City of Jackson corporate limits; and

WHEREAS, due to the collapse of the existing bridge, additional items of work and additional quantities were necessary to complete the project that resulted in the need for a change order; and

WHEREAS, this change order also adjusts quantities to their as-built quantities from the estimated quantities in the plans and specifications; and

WHEREAS, Change Order No. 1/Final increases the contract amount from \$390,671.00 to \$433,523.97; and

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

WHEREAS, the bonding company Fidelity and Deposit Company of Maryland, Attorney-in-fact, surety on performance of the said contract, has authorized release and payment of all money due under said contract; and

WHEREAS, the Department of Public Works recommends that the governing authorities accept Change Order No. 1/Final and authorize final payment in the amount of \$59,999.00 to Fordice Construction Company.

IT IS, THEREFORE ORDERED that Change Order No. 1/Final to the Contract with Fordice Construction Company for the Woodway Drive Bridge Replacement Project in the total amount of \$42,852.97 is accepted.

IT IS FURTHER ORDERED that the City is authorized to make final payment in the amount of \$59,999.00 and release all securities held to Fordice Construction Company for work completed and materials furnished under this contract and that the City Clerk is authorized to publish the Notice of Completion of the Woodway Drive Bridge Replacement Project.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION ENGINEERING AND INSPECTION SERVICES AGREEMENT WITH SOUTHERN CONSULTANTS, INC., FOR THE TERRY ROAD RESURFACING

PROJECT (INTERSTATE 20 TO MCDOWELL ROAD), FEDERAL AID PROJECT NO. STP-7286-00(006) LPA/108074.

WHEREAS, the City of Jackson received Federal FAST Act transportation funds through the Jackson MPO to resurface Terry Road between Interstate 20 and McDowell Road; and

WHEREAS, the City of Jackson selected Southern Consultants, Inc. to perform necessary construction engineering and inspection services for the project; and

WHEREAS, Southern Consultants, Inc. has provided a cost estimate of \$356,992.20 to provide construction engineering and inspection services for the project.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a construction engineering and inspection services contract with Southern Consultants, Inc. for the Terry Road resurfacing Project, Federal Aid Project No. STP-7261-00(002) LPA/108070, for an amount not to exceed \$356,992.20.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND EASEMENT BETWEEN THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER AND THE CITY OF JACKSON, MISSISSIPPI TO ALLOW FOR THE CONSTRUCTION OF A WATER DISTRIBUTION LINE ACROSS THE CITY OF JACKSON RIGHT-OF-WAY.

WHEREAS, COJ operates a water utility that provides drinking water to a building located at 764 Lakeland Drive (“Clinic Building”), which is owned by the University of Mississippi Medical Center (“UMMC”); and

WHEREAS, the main campus of UMMC is separated from the Clinic Building by Lakeland Drive, which is a public street located in right-of-way owned by the City of Jackson; and

WHEREAS, the main campus of UMMC obtains its drinking water supply from wells located on the main campus and disposes of wastewater for treatment by COJ at its main wastewater treatment plant; and

WHEREAS, COJ charges the main campus of UMMC for transportation and treatment of its wastewater based on the volume of water pumped from its well as measured by meters on the water wells; and

WHEREAS, UMMC is the state’s only academic health sciences center; and

WHEREAS, it is the mission of UMMC to improve the health and well-being of patients and the community through excellence in training of health care professionals, engagement in innovative research, and delivery of state-of-the-art health care; and

WHEREAS, UMMC desires to supply drinking water to the Clinic Building from the main campus water wells to exercise greater control over the risks associated with the disruption of the potable water supply to the Clinic Building which can negatively impact UMMC ability to achieve its mission; and

WHEREAS, UMMC’s supply of drinking water to the Clinic Building from the main campus water wells is designed to support critical health care services, train health professionals and further the academic research mission of UMMC; and

WHEREAS, UMMC represents that there is such a high demand for the medical services provided at the Clinic Building that the cancellation of appointments from disruptions in the potable water supply results rescheduling of appointments as much as four months later; and

WHEREAS, UMMC is seeking the permission of COJ in the form of this MOU and a corresponding easement to construct a water line within the COJ's right-of-way for Lakeland Drive to provide well water to the Clinic Building; and

WHEREAS, COJ deems this MOU and the accompanying easement over its right-of-way to be in its best interest because it will assist UMMC in continuing to locate certain medical services used by low-income and disadvantaged Jackson residents in the Clinic Building; and

WHEREAS, COJ further deems this MOU and the accompanying easement to be in its best interest because it will eliminate delays in low-income and disadvantaged Jackson residents receiving medical services as a result of the rescheduling of appointments that happens when appointments are canceled from the disruption of the potable water supply; and

WHEREAS, COJ and UMMC agree that the water service from the main campus to the Clinic Building will be bored beneath Lakeland Drive to avoid damage to the roadway; and

WHEREAS, under the terms of the Memorandum of Understanding, UMMC will agree to the following:

1. UMMC shall be solely responsible for the procurement of the construction necessary to install the water service line and its appurtenances (the "Water Line"), and shall solely bear the cost of the design and construction of the Water Line. Prior to beginning construction on the Water Line, UMMC shall provide COJ with a full set of the design specifications and drawings that it intends to use in the construction of the Water Line. UMMC shall not begin construction until receiving written approval of the design specifications and drawings from COJ. However, if written approval is not received within thirty (30) calendar days from submission by UMMC to COJ, COJ's written approval will be deemed granted on the 31st day. UMMC agrees to make any necessary revisions to the design specifications and drawings based on COJ's reasonable review.
2. UMMC agrees to obtain a right-of-way permit from COJ prior to commencing construction of the Water Line. UMMC agrees to obtain any additional permits reasonably required by the COJ Department of Planning and Development, Building Permit Division that COJ deems necessary to allow for appropriate monitoring and inspection of construction.
3. Upon completion of construction, UMMC shall be solely responsible for the operation and maintenance of the Water Line, and the costs associated with operation and maintenance.
4. UMMC will be solely responsible for relocating or adjusting the Water Line in the event it comes into conflict with future road or utility improvements along Lakeland Drive.
5. UMMC shall not provide water service via the Water Line to any building other than the Clinic Building without first obtaining the permission of COJ through an amendment of the MOU or a separate MOU, such permission not to be unreasonably withheld. If permission is sought by UMMC from COJ but a decision is not received within ninety (90) calendar days from the date of UMMC's request, COJ's permission will be deemed granted on the 91st day; and

WHEREAS, under the Memorandum of Agreement, the City would agree to do the following:

1. COJ agrees to prioritize and expedite its review of design specifications and drawings for the construction of the Water Line. COJ agrees to prioritize and expedite the review of the right-of-way permit application and any other building permit applications required by COJ.
2. COJ will recognize UMMC as the owner of the existing fire hydrant located at 764 Lakeland Drive – this hydrant is on UMMC property and will be supplied via UMMC water well system.

3. COJ shall provide UMMC with adequate written notice of any future road or utility improvements along Lakeland Drive, which will implicate UMMC's Responsibility described in Section 1. above; and

WHEREAS, UMMC also agrees that it will cause the contractor performing the work and that contractor's subcontractors to have the requisite workers' compensation coverage, contractor's commercial general liability insurance, and automobile liability insurance; and

WHEREAS, UMMC, its contractors, and subcontractors performing work on the project shall name the City as additional insured on those policies of insurance and provide a certificate of insurance evincing the coverages; and

WHEREAS, the City agrees to grant to UMMC an easement across its right-of-way on Lakeland Drive for the water line described as follows:

A twenty foot (20') wide "waterline" easement being situated in the Southwest 1/4 of Section 26, Township 6 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at a concrete monument which marks the southwest corner of the Veteran's Administration Hospital property as described in Deed Book 1088 at Page 421 of the Chancery records of Hinds County at Jackson, Mississippi, being further identified as having a coordinate value of North 1,028,229.081 and East 2,347,204.075 on the below referenced Coordinate System, said concrete marker being further described as being 440.38 feet East of and 3,315.29 feet South of the northeast corner of Lot 7 of Block "B" of Woodland Hills, a subdivision, the map or plat of which is recorded in Plat Book 4 at Page 40 of the Chancery Records of Hinds County at Jackson, Mississippi and being further described as being 50.00 feet left of and perpendicular to the centerline of Station 30+30.2 of Federal Aid Highway Project No. U-001-2(16); thence North 00° 19' 47" East for a distance of 989.84 feet along the Western line of the said Veteran's Administration Hospital property to a concrete monument which marks the Northwest corner thereof; thence North 31° 51' 28" West for a distance of 1,727.88 feet to a 5/8" iron pin set at the southern right of way line of Lakeland Drive, which marks the **POINT OF BEGINNING** of a 20 foot (20') wide "waterline" easement herein described being further identified as having a coordinate value of North 1,030,686.494 and East 2,346,297.774 on the below referenced Coordinate System; thence South 89° 59' 01" West for a distance of 20.76 feet along the said southern right of way line to a 5/8" iron pin set; thence leave said southern right of way line of Lakeland Drive and run North 15° 30' 28" East for a distance of 103.79 feet to a "PK" nail set on the northern right of way line of the said Lakeland Drive; thence North 89° 59' 01" East for a distance of 20.76 feet along the said northern right of way line to a "PK" nail set; thence leave said northern right of way line of Lakeland Drive and run South 15° 30' 28" West for a distance of 103.79 feet to the **POINT OF BEGINNING**, containing 0.0477 acres (2,076 square feet), more or less.

This description is based on the Mississippi State Plane Coordinate System, West Zone, NAD83(CORS96), grid values, using a combined scale factor of 0.99994113 and a grid to geodetic azimuth angle of (+) 00° 05' 15" developed at the approximate center of the property.

WHEREAS, the easement is subject to the terms of the Memorandum of Understanding being approved and shall be for the sole purpose of installing, operating and maintaining a water service line and its appurtenances beneath the surface of the right-of-way to provide water to the building whose address is 746 Lakeland Drive, and for no other purpose whatsoever.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a Memorandum of Understanding and an associated waterline easement with University of Mississippi Medical Center according to the terms set forth herein.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER APPROVING THE CONVEYANCE OF TITLE TO PARCEL # 145-27 COMMONLY REFERRED TO AS MOUNT OLIVE CEMETERY TO JACKSON STATE UNIVERSITY, A STATE-SUPPORTED INSTITUTION OF HIGHER LEARNING.

WHEREAS, Parcel # 145-27 commonly referred to as Mount Olive Cemetery was an abandoned cemetery; and

WHEREAS, the City of Jackson filed a complaint pursuant to Section 21-37-21 of the Mississippi Code seeking to acquire title to the abandoned cemetery; and

WHEREAS, a judgment awarding the City of Jackson fee simple title to the property was entered in the Hinds County Chancery Court in Cause # 25CH1:21-cv-00985; and

WHEREAS, the fee simple title awarded to the City of Jackson results in the cemetery being a public cemetery; and

WHEREAS, pursuant to Section 21-37-21 of the Mississippi Code, the governing authorities of a municipality who acquires title to an abandoned cemetery are authorized to maintain, repair, enlarge, fence, or otherwise improve the cemetery; and

WHEREAS, in 1988, the United States Department of Interior National Park Service established a Historically Black Colleges and Universities (HBCU) Preservation grant program to document, preserve, and stabilize structures on HBCU campuses; and

WHEREAS, the objective of the HBCU Preservation grant program is to repair historic structures on HBCU campuses that are listed on the National Register of Historic Places; and

WHEREAS, Mount Olive Cemetery was placed on the National Register of Historic Places in 2017 and is located on the campus of Jackson State University; and

WHEREAS, Mount Olive Cemetery was eligible for a grant from the Historically Black Colleges and Universities Preservation grant program; and

WHEREAS, Jackson State University applied for and was awarded federal monies in the amount of \$496,023.00 for the of preserving 177 headstones and 47 mausoleums and other work; and

WHEREAS, Jackson State University entered into Grant Agreement P20AP00185 with the National Park Service concerning the preservation of the structures within Mount Olive Cemetery which have significant African American historical significance; and

WHEREAS, in addition to the \$496,023.00 in federal funds, Jackson State University agreed to contribute non-federal matching contributions in the amount of \$75,042.00; and

WHEREAS, the term of the agreement became effective upon signature of the awarding official and will expire on August 30, 2023; and

WHEREAS, the National Historic Preservation Act requires Jackson State University as the grantee of Historic Preservation Funds to assume after completion of the project, the total cost of continued maintenance, repair, and administration of grant-assisted property in a manner satisfactory to the Secretary of the Interior; and

WHEREAS, in addition to assuming responsibility for the continued maintenance, repair and administration of grant-assisted property, Jackson State University must also execute a Preservation Covenant/Easement with the State Historic Preservation Officer in which the site is located or with a nonprofit preservation organization acceptable to the National Park Service; and

WHEREAS, the Preservation Covenant/Easement must be registered with the deed to the property and submitted to the National Park Service; and

WHEREAS, conveying fee simple title to Mount Olive Cemetery to Jackson State University will facilitate the maintenance, repair, and improvement contemplated by Section 21-37-21; and

WHEREAS, Section 21-17-1(10) authorizes a governing authority a municipality to provide and deliver any service or assistance authorized by federal law, rule, or regulation creating, establishing or providing for a program or activity if not prohibited by the laws of this state or in conflict with the provisions of federal law, rule, or regulation; and

WHEREAS, conveying fee simple title of Mount Olive Cemetery to Jackson State University will assist Jackson State University with meeting terms and conditions of the grant and simultaneously provides for maintenance of Mount Olive Cemetery without financial burden to the City of Jackson; and

WHEREAS, conveying fee simple title of Mount Olive Cemetery to Jackson State University serves not only the best interest of the City of Jackson, but also the State of Mississippi because it will promote preservation of the State of Mississippi's historical resources.

THEREFORE, IT IS ORDERED that fee simple title to Parcel 145-27 commonly referred to as Mount Olive Cemetery shall be conveyed to Jackson State University.

IT IS, THEREFORE, ORDERED that a deed may be executed by the Mayor and recorded in the land records of Hinds County, Mississippi concerning the conveyance.

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

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH JONES WALKER LLP, THE COCHRAN FIRM-JACKSON, & HAWKINS LAW, PLLC TO REPRESENT THE CITY IN CIVIL ACTION NO. 21-CV-663 AND 21-CV-667 MATTERS.

WHEREAS, on September 22, 2021, the City of Jackson received a Notice of Claim pursuant to Miss. Code Ann. § 11-46-11 asserting a claim for damages arising from allegations of lead poisoning; and

WHEREAS, the City of Jackson seeks legal representation from experienced attorneys with expertise and training to sufficiently protect the interest of the City of Jackson in the following lawsuits: *J.W. v. The City of Jackson, Mississippi et al*, Civil Action No. 3:21-cv-0066 and *P.R. v. The City of Jackson, Mississippi et al*, Civil Action No. 3:21-cv-00667; and

WHEREAS, Jones Walker LLP, specifically Clarence Webster III, and Kaytie M. Pickett, The Cochran Firm-Jackson, specifically Terris C. Harris, and Hawkins Law, PLLC, specifically John F. Hawkins, all have the expertise and training to protect the best interest of the City of Jackson in these lawsuits and any other matters concerning lead poisoning allegations; and

WHEREAS, it would be in the best interests of the City to enter into legal services agreements with Jones Walker LLP in an amount not to exceed \$330,000.00, The Cochran Firm-Jackson in an amount not to exceed \$100,000.00, and Hawkins Law, PLLC in an amount not to exceed \$100,000.00 to perform all duties associated with representation of the City in these matters, for a term of December 21, 2021 to December 20, 2023.

IT IS, THEREFORE, ORDERED, that the Mayor be authorized to execute an agreement with Jones Walker LLP in an amount not to exceed \$330,000.00, The Cochran Firm-Jackson in an amount not to exceed \$100,000.00, and Hawkins Law, PLLC in an amount not to exceed \$100,000.00 to represent the City in the above referenced lawsuits.

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

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

Nays – None.

Absent – Lee and Stokes.

There came in for consideration Agenda Item No. 44:

ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AUTHORIZING THE REMOVAL OF THE SANITATION CHARGES (GARBAGE COLLECTION CHARGES) FROM THE CITY OF JACKSON WATER BILLS. Said item was referred to the Water/Sewer Ad Hoc Committee.

ORDER REVIEWING AND CONTINUING STATE OF EMERGENCY.

WHEREAS, on February 18, 2020, the Jackson City Council, pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended, passed an Order Declaring the Need to Continue the State of Emergency that was issued on February 13, 2020 by Chokwe A. Lumumba, Mayor of the City of Jackson, Mississippi; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that flood waters and wide spread drainage system issues had affected several Jackson creeks, including, but not limited to: Belhaven Creek; Bogue Chitto Creek; Canney Creek; Eubanks Creek; Hanging Moss Creek; Lynch Creek; Purple Creek; Three Mile Creek; Town Creek; Travon Creek; and White Oak Creek; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that the flood waters and wide spread drainage system issues caused extensive damages to homes, business, public property, and threatened the safety of the citizens and property of the City of Jackson, Mississippi, requiring the exercise of extraordinary measures; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that all efforts should be taken to protect people and property in consideration of the health, safety, and welfare of the City’s residents and the protection of their property within the affected areas; and

WHEREAS, the Jackson City Council, on March 17, 2020; April 14, 2020; May 12, 2020, June 9, 2020, July 7, 2020, August 4, 2020, September 1, 2020, September 29, 2020, October 27, 2020, November 24, 2020, December 22, 2020, January 19, 2021, February 17, 2021, March 30, 2021, April 27, 2021, May 25, 2021, June 22, 2021, July 20, 2021, August 31, 2021, September 28, 2021, October 26, 2021 and November 23, 2021 and pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, reviewed the need for and continued the local emergency; and

WHEREAS, pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended, the Jackson City Council has again reviewed the need for continuing the local emergency and determined that the emergency should be continued.

IT IS, THEREFORE, HEREBY ORDERED that said Order Declaring the Need to Continue the Declared State of Emergency as delineated by the Jackson City Council, remains in full force and effect and shall be reviewed again in thirty (30) days in accordance with Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended.

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

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

Nays – None.

Absent – Lee and Stokes.

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 OB CURTIS WATER TREATMENT PLANT MEMBRANE FILTER SYSTEM TRAIN NO. 5 PROJECT, DWI-L250008-02.

WHEREAS, the City of Jackson entered into a construction contract with Hemphill Construction Company, Inc, on May 25, 2021 for the OB Curtis Water Treatment Plant Membrane Train No. 5 Project in an amount not to exceed \$1,618,000.00; and

WHEREAS, the City of Jackson issued a notice to proceed for Hemphill Construction Company, Inc, to start work on August 16, 2021; and

WHEREAS, Hemphill Construction Company, Inc, has requested an additional \$178,891.72 increasing the contract amount from \$1,618,000.00 to \$1,796,891.72 due to the following additions:

1. Supply membrane train valves to help operate the membrane train system: and

WHEREAS, Hemphill Construction Company, Inc, had 90 calendar days to complete the project, and has requested an additional 120 calendar days increasing the total calendar days for completion to 210 calendars.

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 OB Curtis Water Treatment Membrane Filter System Train No. 5 Project, SRF# DWI-L250008-02 increasing the contract amount by \$178,891.72 and increasing the calendar days for completion by 120 calendar days.

President Lindsay moved adoption; **Council Member Hartley** seconded.

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

Nays – None.

Absent – Lee and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL ENGINEERING AND CONSTRUCTION PHASE SERVICES AGREEMENT WITH CORNERSTONE ENGINEERING, LLC, FOR THE OB CURTIS & JH FEWELL WATER TREATMENT PLANT REHABILITATION AND WATER DISTRIBUTION PROJECTS DWI-L250008-03.

WHEREAS, the Department of Public Works desires to have Professional Engineering and Construction Phase services for the OB Curtis Water Treatment Plant & JH Fewell Water Treatment Plant Rehabilitation and Water Distribution Projects; and

WHEREAS, the Department of Public Works has identified several maintenance projects that need to be addressed at the OB Curtis WTP & JH Fewell WTP to ensure the City of Jackson stays within compliance with the Mississippi Department of Health requirements for safe drinking water; and

WHEREAS, the Department of Public Works has identified several water main projects that need to be addressed within the distribution system to ensure the City of Jackson stays within compliance with the Mississippi Department of Health requirements for safe drinking water; and

WHEREAS, the potential projects identified are listed below:

- OB Curtis WTP Conventional System Filter Plant Upgrade Project
- OB Curtis and JH Fewell WTP Chemical Feed System Automation and Equipment Upgrade Project
- OB Curtis WTP Intake Structure Rehabilitation Project
- Water Main Distribution Projects

WHEREAS, Cornerstone Engineering, LLC, a multi-disciplinary civil engineering firm located in the Jackson, Mississippi metro area submitted their firms Statement of Qualifications based on a solicitation for professional engineering services by the Department of Public Works; and

WHEREAS, Cornerstone Engineering, LLC, has submitted a proposal based on its Statement of Qualifications to provide the City of Jackson Professional Engineering Services at a cost of \$1,734,800.00 and Construction Phase Services at a cost of \$1,248,500.00 with a total not to exceed \$2,983,300.00; and

WHEREAS, the Department of Public Works recommends the City of Jackson enter into a Professional Engineering and Construction Phase Services Agreement with Cornerstone, LLC, in the amount not to exceed \$2,983,300.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a Professional Engineering and Construction Phase services agreement with Cornerstone Engineering, LLC, in an amount not to exceed \$2,983,300.00 for the OB Curtis Water Treatment Plant & JH Fewell Water Treatment Plant Rehabilitation and Water Distribution Projects.

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

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

Nays – None.

Absent – Lee and Stokes.

* * * * *

RESOLUTION AUTHORIZING THE CITY OF JACKSON TO JOIN WITH THE STATE OF MISSISSIPPI AS A PARTICIPANT IN THE MISSISSIPPI STATE-LOCAL GOVERNMENT OPIOID LITIGATION MEMORANDUM OF UNDERSTANDING.

A Resolution authorizing the City of Jackson, Mississippi (herein referred to as this “Governmental Unit” or “City of Jackson”) to join with the State of Mississippi and other local governmental units as a participant in the MISSISSIPPI STATE-LOCAL GOVERNMENT OPIOID LITIGATION MEMORANDUM OF UNDERSTANDING (the “MOU”) and any subsequent Formal Agreements necessary to implement the MOU, including but not limited to, the Subdivision Settlement Participation Form(s) in Exhibit K of the Distributor Settlement Agreement and the Janssen Settlement Agreement[1].

WHEREAS, the City of Jackson has suffered harm from the opioid epidemic; and

WHEREAS, the City of Jackson recognizes that the entire State of Mississippi has suffered harm as a result from the opioid epidemic; and

WHEREAS, the State of Mississippi has a pending action in state court, and a number of Mississippi Cities and Counties have also filed an action in re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) and the City of Jackson is a litigating participant in that action; and

WHEREAS, the State of Mississippi and lawyers representing certain various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement dollars from opioid related litigation and the anticipated initial cash value to the City of Jackson is \$823,869.00; and

WHEREAS, the Mississippi Memorandum of Understanding (the “MOU”) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds that allows for seventy percent (70%) distribution to the University of Mississippi Medical Center to create a program that meets the opioid abatement requirements, fifteen percent (15%) to the State fund, and fifteen percent (15%) to local government funds and it is anticipated that formal agreements implementing the MOU will be entered into at a future date; and

WHEREAS, participation in the MOU by a large majority of Mississippi cities and Counties will materially increase the amount of funds to Mississippi and should improve Mississippi's relative bargaining position during additional settlement negotiations; and

WHEREAS, failure to participate in the MOU will reduce funds available to the State, City of Jackson, and every other Mississippi city and County.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF JACKSON, MISSISSIPPI:

SECTION 1. That this Governmental Unit finds that participation in the MOU would be in the best interest of the Governmental Unit and its citizens in that such a plan ensures that almost all of the settlement funds go to abate and resolve the opioid epidemic.

SECTION 2. That this Governmental Unit hereby expresses its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the MOU, attached hereto as Exhibit "A."

SECTION 3. That the Mayor, or his designee, is hereby expressly authorized to execute the MOU in substantially the form contained in Exhibit "A" and any subsequent Formal Agreements necessary to implement the MOU, including but not limited to, the Subdivision Settlement Participation Form(s) in Exhibit K of the Distributor Settlement Agreement and the Janssen Settlement Agreement[2], and any other documents associated with implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the MOU and this Resolution.

SECTION 5. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

SECTION 6. The clerk of this Governmental Unit is hereby directed to furnish a certified copy of this Ordinance/Resolution to the Mississippi Attorney General

Attorney General Lynn Fitch

Mississippi Opioid Settlement

c/o Ta'Shia Gordon

Post Office Box 220
Jackson, MS 39205

SECTION 7. This Resolution shall take effect immediately upon its adoption.

EXHIBIT A

MISSISSIPPI STATE-LOCAL GOVERNMENT OPIOID
LITIGATION MEMORANDUM OF UNDERSTANDING

WHEREAS, the people of the State and its communities have been harmed by the actions and nonfeasance committed by certain entities within the Pharmaceutical Supply Chain; and,

WHEREAS, the State, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage caused by their actions and nonfeasance; and,

WHEREAS, the State, through its Attorney General, and its Local Governments share a common desire to abate and alleviate the harmful impacts throughout the State;

NOW THEREFORE, the State and its Local Governments, subject to completing formal documents effectuating the Parties' agreements, enter into this Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of Settlements described herein.

A. Definitions

As used in this MOU:

1. "The State" shall mean the State of Mississippi acting through the Attorney General.
2. "The Parties" shall mean the State and Counties and Municipalities as defined herein.
3. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the State and the Local Governments.
4. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.
5. "County" shall mean one of the 82 governmental subdivisions in the State recognized and/or established under the Mississippi Constitution of 1890 that filed a lawsuit against settling Pharmaceutical Supply Chain Participants as of August 1, 2021, or has a population greater than 10,000 individuals.
6. "Municipalities" shall mean cities, towns, or villages within the State with a population greater than 10,000 individuals and shall also include all cities and towns that filed a lawsuit against settling Pharmaceutical Supply Chain Participants as of August 1, 2021. The singular "Municipality" shall refer to a singular of the Municipalities.

7. "Pharmaceutical Supply Chain" shall mean the process and channels through which Controlled Substances are manufactured, marketed, promoted, distributed, or dispensed.
8. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
9. "Population" shall refer to published U.S. Census Bureau population estimates as of July 1, 2019, released March 2020, and shall remain unchanged during the term of this MOU. These estimates can currently be found at <https://www.census.gov>.

B. Allocation of Settlement Proceeds

1. All the Opioid Settlement Funds will be deposited into the Attorney General Contingency Fund and thereafter allocated as set forth below:
 - (a) County/Municipality Fund - 15%. The County/Municipality fund will receive 15% of all Settlement funds for the direct benefit of Mississippi Counties and Municipalities. The amounts to be distributed to each County and Municipality shall be determined by the Negotiation Class Metrics or other Metrics agreed upon, in writing, by a County and Municipality. Such funds may be spent for opioid abatement, or any purpose deemed appropriate by said County or Municipality.
 - i. A County or Municipality may receive direct payments from this fund only if it executes a timely release as part of the settlement.
 - ii. A non-litigating City or Town with a population under 10,000 shall not receive direct payments, but its payments shall instead be allocated to the County in which it is located.
 - (b) State of Mississippi - 15%. The State will receive 15% of all Opioid Funds paid to the State General Fund.
 - (c) University of Mississippi Medical Center's Center for Addiction Medicine (CAM) - 70%. The CAM will receive 70% of all Opioid Funds to establish a new multidisciplinary program through Mississippi's only academic medical center dedicated to both short-term and long-term opioid abatement. In the short-term, CAM will provide a patient-centered treatment program for patients of all ages and across the State through a continuum of inpatient, outpatient, and chronic care settings. This will include leveraging UMMC's Center for Telehealth and utilizing existing and new collaborative community partnerships to address healthcare disparities in rural Mississippi. In the long-term, CAM will become a hub for training medical professionals, including those in pharmacy, nursing, and emergency medicine, to screen, diagnose, and treat individuals

with addiction disorders. CAM will make Mississippi a nationally recognized leader in addiction research and treatment.

C. Payment of County Municipality Counsel and Litigation Expenses

The Parties anticipate that any national settlement will provide for the payment of fees and litigation expenses to counsel for certain Counties and Municipalities. All County/Municipality counsel that seeks attorneys' fees and expenses from their clients shall first seek to recover those amounts from the national settlement. Furthermore, the Parties agree to create a supplemental fee and expense fund (the "County Municipality Fee Fund" or "CMFF").

1. The CMFF shall be used to pay attorneys' fees and expenses for participating Counties/Municipalities in the State that filed opioid lawsuits on or before August 1, 2021 ("Litigating Participating Counties/Municipalities").
2. The amount of funds to be deposited in the CMFF shall be contingent upon the overall percentage of Incentive Payments awarded to the State under the national settlements and paid pursuant to the following table. In no circumstance shall the CMFF receive more than 7.5% of the net Total Cash Value received by the State, including any funds received from a national fee fund as described above. If the State does not receive at least 65% of the total available Incentive Payments, the CMFF shall be null and void, and no amounts shall be paid into it.

PERCENTAGE OF INCENTIVE PAYMENTS AWARDED	CMFF PERCENTAGE
65%	2%
70%	3%
75%	4%
80%	5%
85%	6%
90%	6.5%
95%	7%
100%	7.5%

3. The Parties further agree no counsel for any Litigating Participating County/Municipality shall recover from any national fee fund and the CMFF a combined contingency fee of more than 15% of the Total Cash Value received by their Litigating Participating County/Municipality client. If there are any funds remaining in the CMFF after payment of fees and expenses consistent with the terms of this MOU, those funds shall revert pro rata to the Litigating Participating Counties/Municipalities.

E. Amendments, Choice of Law, Venue, Consent Decree

1. The Parties agree to make such amendments as necessary to implement the intent of this MOU.
2. The Parties agree that this MOU, any amendments thereto, and any issue arising out of or related to this MOU shall be governed by and interpreted according to the laws of the State of Mississippi. Any action to enforce or interpret this MOU, or to resolve any dispute concerning it, shall be commenced and maintained only in a court of competent jurisdiction in Hinds County, Mississippi. The Parties understand and agree that, in connection with a settlement with any Pharmaceutical Supply Chain Participant, the State may file an appropriate action in a court of competent jurisdiction in Hinds County, Mississippi seeking a consent decree approving such settlement and the allocation of Opioid Funds within the State pursuant to this MOU.
3. The Parties agree that this MOU will apply to any Settlement with a Pharmaceutical Supply Chain Participant that requires State and County Municipality resolution.

F. Signatures

This MOU may be signed and executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. A signature transmitted by facsimile or electronic image shall be deemed an original signature for purposes of executing this MOU. Each person signing this MOU represents that he or she is fully authorized to enter into the terms and conditions of, and to execute, this MOU, and that all necessary approvals and conditions precedent to his or her execution have been satisfied.

FOR PLAINTIFF THE STATE OF MISSISSIPPI:

Attorney General

FOR _____:
County/Municipality

Signature

Printed Name and Title

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

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

Nays – None.

Absent – Lee and Stokes.

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There came on for Discussion, Agenda Item No. 49:

DISCUSSION: UPDATE ON ANIMAL SHELTER: **President Lindsay** recognized **Marlon King, Public Works Director**, who stated that funds from the Jackson Police Department vehicle auction would be used for repairs to the Jackson Animal Shelter.

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There came on for Discussion, Agenda Item No. 50:

DISCUSSION: FIRST RESPONDERS: President Lindsay recognized **Chief of Staff, Safiya Omari** who stated that the Administration was working with Mr. Tyrone James on how to properly offer premium pay for the first responders.

There came on for Discussion, Agenda Item No. 51:

DISCUSSION: PERSONAL CARE HOMES: President Lindsay stated that said item would be tabled until the next Regular Council Meeting to be held on January 4, 2022 at the request of **Council Member Stokes**.

There came on for Discussion, Agenda Item No. 52:

DISCUSSION: Keyshia Sanders: President Lindsay stated said item was pulled.

There came on for Discussion, Agenda Item No. 53:

DISCUSSION: Review and Continuation of Covid-19 Local Emergency: President Lindsay encouraged all citizens to get vaccinated and boosted to help slow the spread of Covid-19 and spoke on the need to keep the current Covid-19 safeguards in place.

There came on for Discussion, Agenda Item No. 54:

DISCUSSION: Pending Litigation: President Lindsay recognized **Catoria Martin, City Attorney**, who stated that said item needed to be discussed in the executive session.

There came on for Discussion, Agenda Item No. 55:

DISCUSSION: MONTHLY FINANCIAL REPORTS AS REQUIRED ACCORDING TO SECTION 21-35-13 OF THE MISSISSIPPI CODE ANNOTATED OF 1972: President Lindsay expressed that all City Council members received the monthly financial report for review.

The following reports/announcements were provided during the meeting:

- **Council Member Banks** announced the following:
 - Expressed gratitude to the Jackson State University football team for a successful football season and for the support the fans showed during the Championship game in Atlanta, Ga.
- **Chief of Staff, Safiya Omari** announced the following:
 - Wishing all citizens Merry Christmas, Happy Kwanza, and Happy Hanukkah to all the Citizens of Jackson.

President Lindsay stated that the Council needed to go into Closed Session then Executive Session to discuss "Pending Litigation."

President Lindsay recognized **Council Member Banks** who moved, seconded by **Council Member Hartley** to go into Closed Session to discuss Pending Litigation. The motion prevailed by the following vote:

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

President Lindsay announced to the public that the Council voted to go into Closed Session to discuss going into Executive Session regarding "Pending Litigation".

During Closed Session, **Council Member Banks** moved, seconded by **Council Member Hartley** to go into Executive Session to discuss pending litigation. The motion prevailed by the following vote:

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

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

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

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

President Lindsay announced to the public that the Council voted to come out of Executive Session and no action was taken.

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 January 4, 2022. At 12:01 p.m., the Council stood adjourned.

PREPARED BY:

Shanika Mosley-Bjorksten
CLERK OF COUNCIL

APPROVED:

Chad Foster, 4/14/2022
MAYOR DATE

ATTEST:

Shanika Mosley-Bjorksten
CITY CLERK