

**SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, APRIL 10, 2023 3:00 P.M.**

BE IT REMEMBERED that a Special Meeting of the City Council of Jackson, Mississippi, was called by a majority of the City Council Members and notices having been placed by the Clerk of Council at 12:00 p.m. April 6, 2023 in the Clerk of Council's Office, electronic notifications to all Council Members, on the City's website and on the public bulletin board in City Hall, relative to: (1) Order authorizing the Mayor to execute the contract and related documents with Richard's Disposal, Inc. to provide Solid Waste Collection and Hauling services for a six (6) year term commencing April, 1, 2023 with four (4) one (1) year extension options. (2) Order of the City Council instructing Special Legal Counsel to immediately file a motion to dismiss, without prejudice, Cause No. 25CHI:23-CV-00103 in the Chancery Court of Hinds County, Mississippi First Judicial District before Special Judge H. David Clark II and for the legal services of John P. Scanlon and Deshun Terrell Martin to be terminated if and when said dismissal is granted. The meeting was convened in the Council Chambers located at 219 S. President Street at 3:00 p.m. on April 10, 2023 being the second Monday of said month, when and where the following things were had and done to wit:

Present: Council Members: Ashby Foote, Council President, Ward 1; Angelique Lee, Council Vice President, Ward 2; Kenneth I. Stokes, Ward 3; Brian Grizzell, Ward 4; Vernon Hartley, Ward 5; Aaron Banks, Ward 6 and Virgi Lindsay, Ward 7. Directors: Mayor Chokwe Antar Lumumba, Shanekia Mosley-Jordan, Clerk of the Council, Sabrina Shelby, Chief Deputy Clerk of Council and Catoria Martin, City Attorney.

Absent: None.

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

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

ORDER OF THE CITY COUNCIL INSTRUCTING SPECIAL LEGAL COUNSEL TO IMMEDIATELY FILE A MOTION TO DISMISS, WITHOUT PREJUDICE, CAUSE NO. 25CH1:23-CV-00103 IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI FIRST JUDICIAL DISTRICT BEFORE SPECIAL JUDGE H. DAVID CLARK II AND FOR THE LEGAL SERVICES OF JOHN P. SCANLON AND DESHUN TERRELL MARTIN TO BE TERMINATED IF AND WHEN SAID DISMISSAL IS GRANTED.

WHEREAS, on February 1, 2023 a Complaint was filed by the Jackson City Council for Declaratory Judgment against Mayor Chokwe A. Lumumba in his official capacity as Mayor of the City of Jackson, citing his failure to negotiate with Vendors 2 and 3 in the October 2021 Request for Proposals for solid waste collection and hauling services; and

WHEREAS, Mayor Lumumba did send letters on March 7, 2023 to all three vendors, a copy of which is attached to this Order and made a part of these minutes; and

WHEREAS, Mayor Lumumba received responses from all three vendors who participated in the Request for Proposal process; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Jackson to file a motion to dismiss without prejudice said complaint in the Chancery Court of Hinds County, Mississippi First Judicial District before Judge H. David Clark II.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Jackson, Mississippi, that the special legal counsel shall (1) immediately file a motion to dismiss, without prejudice, the lawsuit styled The City Council of Jackson, Mississippi vs Chokwe A. Lumumba, In His Official Capacity as Mayor of the City of Jackson, Cause No. 25CH1:23-CV-00103 in the Chancery Court of Hinds County, First Judicial District, with such filing made no later than the regular close of business on April 11, 2023; and (2) execute all documents necessary to dismiss said complaint.

IT IS FINALLY ORDERED that the legal services of John P. Scanlon and Deshun Terrell Martin be terminated if and when said dismissal is granted.



March 7, 2023

By Mail and Email
Mr. Dan Brazil
FCC Environmental Services, LLC
9172 Ley Road
Houston, Texas 77078
Dan.brazil@fccenvironmental.com

RE: October 2021 Request for Proposals for Solid Waste Collection Services Update Information

Dear Mr. Brazil:

I am requesting your responses on two important questions related to the October 2021 Request for Proposals for Solid Waste Collection Services. I am seeking this information for the purpose of assistance in charting a path forward on the best solution for providing Jackson residents with affordable, dependable solid waste collection. I am also seeking the same information from the other two vendors who responded to the RFP.

The first request is that you state whether you will honor the prices for twice per week collection both with and without a garbage cart and the related services that you provided in your response to the October 2021 RFP.

The second request is that you state, based on your best judgment, whether your prices for twice per week collection both with and without a garbage cart and the related services would decrease, remain the same, or increase if you were responding to an RFP from the City of Jackson within the next six months.

Because time is of the essence in making my decision about how to proceed, I ask that you provide your responses to me within seven days of the date of this letter.

Sincerely,


Chokwe A. Lurnumba, Mayor

SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, APRIL 10, 2023 3:00 P.M.

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Office of the Mayor
Chokwe Anor Lumumba, Mayor



219 South President Street
Post Office Box 7
Jackson, Mississippi 39205-0017
Telephone: 601-960-1104
Facsimile: 601-960-2193

March 7, 2023

By Mail and Email

Mr. Alvin Richard
Richard's Disposal, Inc.
11600 Old Gentilly Road
New Orleans, Louisiana 70129
Richalvn18@aol.com

RE: October 2021 Request for Proposals for Solid Waste Collection Services Update Information

Dear Mr. Richard:

I am requesting your responses on two important questions related to the October 2021 Request for Proposals for Solid Waste Collection Services. I am seeking this information for the purpose of assistance in charting a path forward on the best solution for providing Jackson residents with affordable, dependable solid waste collection. I am also seeking the same information from the other two vendors who responded to the RFP.

The first request is that you state whether you will honor the prices for twice per week collection both with and without a garbage cart and the related services that you provided in your response to the October 2021 RFP.

The second request is that you state, based on your best judgment, whether your prices for twice per week collection both with and without a garbage cart and the related services would decrease, remain the same, or increase if you were responding to an RFP from the City of Jackson within the next six months.

Because time is of the essence in making my decision about how to proceed, I ask that you provide your responses to me within seven days of the date of this letter.

Sincerely,

Handwritten signature of Chokwe A. Lumumba in black ink.

Chokwe A. Lumumba, Mayor

cc: Deidra Jones, Richard's Disposal, Inc., 11600 Old Gentilly Road, New Orleans, LA 70129;



March 10, 2023

Mr. Chokwe A. Lumumba, Mayor
219 South President Street
Jackson, Mississippi 39205

RE: October 2021 Request for Proposals for Solid Waste Collection Services Update Information

Mr. Mayor:

In response to your letter dated March 7, 2023 please find below the responses to the two important questions related to the October 2021 Request for Proposals for Solid Waste Collection Services.

1. State whether you will honor the prices for twice per week collection both with and without a garbage cart and the related services that you provided in your response to the October 2021 RFP.

A: FCC Environmental Services, LLC cannot honor the pricing given in our response from October 2021. We are willing to look at negotiating the price to align with current market conditions that have changed significantly since we responded to this RFP.

2. State, based on your best judgement, whether your prices for twice per week collection both with and without a garbage cart and the related services would decrease, remain the same, or increase if you were responding to an RFP from the City of Jackson within the next six months.

A: FCC Environmental Services, LLC pricing would increase if responding to a new RFP within the next six months. As an industry, the major cost factors such as trucks, labor, fuel and interest expenses continue to rise and have risen substantially since October 2021.

Regards,

Handwritten signature of Dan Brazil in black ink.

Dan Brazil
Chief Operating Officer
832.404.2597
dan.brazil@fccenvironmental.com



4635 Gulfstarr Dr. Ste 100-A
Destin, FL 32541
Bshaw2@wm.com
(404) 803-2796

March 10, 2023

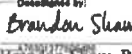
VIA E-MAIL
Chokwe Lumumba
Jackson City Hall
219 S. President Street
Jackson, MS 39201

Re: October 2021 Request for Proposal for Solid Waste Collections

Dear Mayor Lumumba:

Thank you for your letter dated March 7, 2023 addressed to David Holloway and Buford Clark. We appreciate your continued interest in working with Waste Management of Mississippi, Inc. We respond to your letter as follows:

1. It is our view that the 2021 RFP for the City of Jackson Solid Waste Collection is no longer in effect as a result of your decision to reject WM's proposal and engage Richard's Disposal, Inc.
2. We will be happy to participate in any new RFP process as required by Mississippi law for solid waste collection contracts.

Sincerely,

Brandon Shaw, President
Waste Management of Mississippi, Inc.

cc: Ashby Foote (via email)
Angelique C. Lee (via email)
Kenneth I. Stokes (via email)
Brian C. Grizzell (via email)
Vernon W. Hartley, Sr. (via email)
Aaron Banks (via email)
Virgi Lindsay (via email)

RICHARD'S DISPOSAL, INC.

Phone: (504) 241-2142 11600 Old Gentilly Road Fax: (504) 244-9799
New Orleans, LA 70129

March 13, 2003

By Email
Mayor Chokwe A. Lumumba
219 South President Street
Jackson, Mississippi 39205
calumumba@jacksonms.gov

RE: October 2021 Request for Proposal for Solid Waste Collection Services Update Information

Dear Mayor Lumumba:

In response to the first question posed in your March 7, 2023 letter, Richard's Disposal, Inc. ("RDI") submits the following:

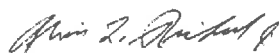
RDI will honor the prices for twice-per-week collections with and without garbage carts and related services provided in its response to the City of Jackson's October 2021 Request for Proposals for Solid Waste Collection Services ("2021 RFP"). RDI will also honor the prices for services quoted in response to the other options in the 2021 RFP.

In response to your second question, RDI states as follows:

The current state of the market would cause an increase in the prices for the services described in the 2021 RFP.

In further response to your letter, RDI wishes to clearly state that it does not waive any rights it has as the successful proposer responding to the 2021 RFP. In fact, RDI expressly reserves any and all rights that it has under the 2021 RFP.

Sincerely,



Alvin L. Richard Jr.

Cc: Deidra.jones@richardsdisposal.com

ggreen@walkergrouppc.com

Council Member Grizzell moved adoption; Vice President Lee seconded.

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

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

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

There came for consideration Agenda Item No. 1:

ORDER AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS WITH RICHARD’S DISPOSAL, INC. TO PROVIDE SOLID WASTE COLLECTION AND HAULING SERVICES FOR A SIX (6) YEAR TERM COMMENCING APRIL 10, 2023 WITH FOUR (4) ONE (1) YEAR EXTENSION OPTIONS. Said item was pulled by the Administration.

President Foote recognized Council Member Banks who moved, seconded by Council Member Hartley to add an item to the agenda on an emergency basis, Discussion: Future Garbage Collection. After a discussion Council Members Banks and Hartley withdrew their motion and second.

There were no reports/announcements provided during the meeting.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Regular Council Meeting at 10:00 a.m. on April 11, 2023. At 3:11 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Mesley-Jordan
CLERK OF COUNCIL

APPROVED:

Stokes, 5/9/2023
COUNCIL PRESIDENT DATE

Chubb
MAYOR

ATTEST:

Angeles Harris
CITY CLERK
