

**SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, DECEMBER 9, 2013 4:00 P.M.**

BE IT REMEMBERED that a Special Council Meeting of the City Council of Jackson, Mississippi, was convened in the Council Chambers in City Hall at 4:00 p.m. on December 9, 2013, being the second Monday of said month, when and where the following things were had and done to wit:

- Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester Jr., Vice-President, Ward 2; Quentin Whitwell, Ward 1; Tony Yarber, Ward 6 and Margaret Barrett-Simon, Ward 7. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk; and Gail Lowery, City Attorney.
- Absent: Council Member: LaRita Cooper-Stokes, Ward 3 and De'Keither Stamps, Ward 4.

The meeting was called to order by **President Charles Tillman**.

ORDER APPROVING CLAIMS NUMBERED 2569 TO 2727, APPEARING AT PAGES 411 TO 438 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$1,575,263.66 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 2569 to 2727, appearing at pages 411 to 438, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$1,575,263.66 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 |
|----------------------------------|---|
| AMERICORP CAPITAL CITY REBUILD | \$ 162.00 |
| CAPITAL CITY REVENUE FUND | 105.00 |
| CAPITOL STREET 2-WAY PROJECT | 376,507.62 |
| DISABILITY RELIEF FUND | 56,223.97 |
| EARLY CHILDHOOD (DAYCARE) | 9,864.24 |
| EMPLOYEES GROUP INSURANCE FUND | 148,650.81 |
| G O PUB IMP CONS BD 2003 (\$20M) | 1,770.51 |
| GENERAL FUND | 723,156.67 |
| LANDFILL/SANITATION FUND | 80,530.71 |
| PARKS & RECR. FUND | 5,109.38 |
| RESURFACING – REPAIR & REPL. FD | 6,379.97 |
| STATE TORT CLAIMS FUND | 5,000.00 |
| TECHNOLOGY FUND | 1,540.15 |
| TRANSPORTATION FUND | 94,914.20 |
| WATER/SEWER CONST FD 1999-\$35M | 101.05 |
| WATER/SEWER CONST FD 2002- \$50M | 31,200.00 |
| WATER/SEWER OP & MAINT FUND | 29,861.38 |
| WATER/SEWER REVENUE FUND | 4,186.00 |
| TOTAL | 1,575,263.66 |

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

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President Tillman recognized Lee Unger, the City's Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **Council Member Priester**.

Thereafter, **President Tillman** called for a final vote:

Yeas- Barrett-Simon, Priester, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Cooper-Stokes and Stamps.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 2569 TO 2727 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 2569 to 2727 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$125,609.73, 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:

| <u>FROM</u> | <u>TO ACCOUNTS PAYABLE FUND</u> | <u>TO PAYROLL FUND</u> |
|----------------------------|---|--------------------------------|
| GENERAL FUND | | 38,600.29 |
| PARKS & RECR. | | 22,338.63 |
| LANDFILL FUND | | 3,965.73 |
| SENIOR AIDES | | 7,351.36 |
| WATER/SEWER OPER. & MAINT. | | 34,920.49 |
| EARLY CHILDHOOD | | 2,583.56 |
| TITLE III AGING PROGRAMS | | 2,494.23 |
| TOTAL | | <u>\$112,254.29</u> |

Council Member Barrett-Simon moved adoption; **Council Member Priester** seconded.

President Tillman recognized Lee Unger, the City's Director of Administration, who provided a brief explanation regarding payroll issues at the request of **Council Member Priester**.

Thereafter, **President Tillman** called for a final vote:

Yeas- Barrett-Simon, Priester, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Cooper-Stokes and Stamps.

There came on for consideration Agenda Item No. 3:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE AUTHORIZING DIRECT APPROPRIATION OF FUNDS TO PROVIDE COMPENSATION FOR POLICE COVERAGE AND TRAFFIC CONTROL AT STATE EVENTS WITHIN THE CITY LIMITS, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 4:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE FOR A DEED ADJUSTMENT OF PROPERTY LOCATED ALONG LAKELAND DRIVE, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 5:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE AMENDING SECTION 21-23-3, MISSISSIPPI CODE (1972), RELATED TO THE APPOINTMENT OF MUNICIPAL JUDGES, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 6:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF A PROPOSED LEGISLATIVE INITIATIVE FOR STATE MAINTENANCE OF FORMER U.S. HIGHWAY 49 BETWEEN I-55 AND I-220, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 7:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE PROVIDING FOR THE EXPANSION OF COOPERATIVES, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 8:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE AMENDING SECTION 37-7-203, MISSISSIPPI CODE (1972), RELATED TO SCHOOL BOARD OF TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 9:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE AUTHORIZING DIRECT APPROPRIATION OF REVENUE DERIVED FROM STATE GAS TAX COLLECTIONS WITHIN THE CITY OF JACKSON, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 10:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE AMENDING SECTION 43-11-1, ET SEQ. OF THE MISSISSIPPI CODE (1972), RELATED TO THE LICENSURE OF PERSONAL CARE HOMES, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

There came on for consideration Agenda Item No. 11:

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF PROPOSED LEGISLATIVE INITIATIVE PROVIDING FOR NOTICE TO LOCAL LAW ENFORCEMENT UPON THE RELEASE OF OFFENDERS AND AUTHORIZING DIRECT APPROPRIATION OF FUNDS FOR OFFENDER RE-ENTRY AND SECOND CHANCE PROGRAMS, TO BE CONSIDERED DURING THE 2014 SESSION OF THE MISSISSIPPI LEGISLATURE. Said item was referred to the Legislative Committee.

President Tillman, presiding, took the following vote to allow consideration of an Agenda Item which had not been submitted to the City Clerk by the agenda deadline of 3:00 P.M., Wednesday, December 4, 2013.

Council Member Priester moved, seconded by **Council Member Yarber**, to consider the item on an emergency basis. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Priester, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Cooper-Stokes and Stamps.

President Tillman recognized Willie Bell, Interim Director of Public Works, who provided a brief explanation of said item.

ORDER AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT #1 TO THE CONTRACT OF EUTAW CONSTRUCTION COMPANY, INC. FOR THE CAPITOL STREET IMPROVEMENTS PROJECT, FEDERAL AID PROJECT NUMBER TCSP-8312-00(001) LPA/106058-801000, CITY PROJECT NUMBER 10B4004-701, SUBJECT TO THE APPROVAL OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION.

WHEREAS, on April 2, 2013, the City of Jackson accepted the base bid of Eutaw Construction Company, Inc. in the amount of \$5,567,183.53 to construct the Capitol Street Improvements Project; and

WHEREAS, during the planned removal of a section of asphalt, brick, and concrete pavement between Farish and Lamar Streets, the contractor and consultant engineer discovered that additional paving and soils above what was originally planned would have to be removed because the soils were unsuitable for constructing a new asphalt surface; and

WHEREAS, after additional soil testing determined that the available pay items already in the contract would not be sufficient to stabilize the soil, the consultant engineer recommended adding crushed stone and related items to the contract; and

WHEREAS, Supplemental Agreement #1 would increase the contract cost by \$218,420.68 to \$5,785,604.21; and

WHEREAS, the Mississippi Department of Transportation must approve of supplemental Agreement #1 prior to execution by the City.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Supplemental Agreement #1 to Contract of Eutaw Construction Company, Inc. for the Fortification Street Improvements Project, Federal Aid Project Number TCSP-8312-00(001) LPA/106058-801000, City Project Number 10B4004-701, increasing the contract amount by \$218,420.68 to a total Contract amount of \$5,785,604.21.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

President Tillman recognized Mark Beyea of Neel-Schaffer who provided a status update on the Capitol Street Project.

Further discussion was held on the matter, and thereafter, **President Tillman** called for a final vote:

Yeas- Barrett-Simon, Priester, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Cooper-Stokes and Stamps.

President Tillman, presiding, took the following vote to allow consideration of an Agenda Item which had not been submitted to the City Clerk by the agenda deadline of 3:00 P.M., Wednesday, December 4, 2013.

Council Member Yarber moved, seconded by **Council Member Barrett-Simon**, to consider the item on an emergency basis. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Priester, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Cooper-Stokes and Stamps.

ORDER AUTHORIZING THE MAYOR TO EXECUTE QUANTITY ADJUSTMENT #2 TO THE CONTRACT OF HEMPHILL CONSTRUCTION COMPANY, INC. FOR THE FORTIFICATION STREET IMPROVEMENTS PROJECT, FEDERAL AID PROJECT NUMBER STP-7285-00(002)LPA 105325801000, CITY PROJECT NUMBER 31501, SUBJECT TO THE APPROVAL OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION.

WHEREAS, on April 17, 2012, the City of Jackson accepted the bid of Hemphill Construction Company, Inc. in the amount of \$8,998,961.00 to construct the Fortification Street Improvements Project; and

WHEREAS, on August 2012, the City approved Supplemental Agreement #1, which called for substituting one type of soil for a better type of soil for the same unit price resulting in no increase or decrease to the contract amount or time; and

WHEREAS, on September 24, 2013 the City approved Supplemental Agreement #2 and Quantity Adjustment #1, which increased the contract amount by \$36,998.00 and added 5 calendar days to allow for the replacement of a failed storm drain culvert near Farish Street and the installation of a decorative safety fencing near Quinn Street; and

WHEREAS, during construction of utility lines west of Jefferson Street, the contractor encountered far more Yazoo clay than was anticipated during project design, resulting in an overrun of dirt excavation, fill dirt and asphalt; and

WHEREAS, the final month's worth of work on the project, the final asphalt surface and permanent striping, must be completed when temperatures are above 50 degrees, which is highly unlikely during typical winter weather months of December, January and February; and

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WHEREAS, the Public Works staff, the contractor, the consultant engineer team, and the Mississippi Department of Transportation have met and determined that a quantity adjustment and contract time extension are necessary to complete the project and provide the contractor the time necessary for final paving during warm; and

WHEREAS, Quantity Adjustment #2, which would add additional asphalt and dirt quantities to the project, would increase the contract cost by \$1,983,072.99; and

WHEREAS, the Mississippi Department of Transportation must approve of Quantity Adjustment #2 prior to execution by the City.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Quantity Adjustment #2 to the contract of Hemphill Construction Company, Inc. for the Fortification Street Improvements Project, Federal Aid Project Number STP-7285-00(002)LPA105325-801000, City Project Number 31501, increasing the contract amount by \$1,983,072.99 to a total contract amount of \$11,019,031.99.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

A thorough discussion was held on the matter. Thereafter, **President Tillman** called for a final vote:

Yeas- Barrett-Simon, Priester, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Cooper-Stokes and Stamps.

President Tillman, presiding, took the following vote to allow consideration of an Agenda Item which had not been submitted to the City Clerk by the agenda deadline of 3:00 P.M., Wednesday, December 4, 2013.

Council Member Barrett-Simon moved, seconded by **Council Member Yarber**, to consider the item on an emergency basis. The motion prevailed by the following vote:

Yeas-Barrett-Simon, Priester, Tillman, Whitwell and Yarber.

Nays-None.

Absent-Cooper-Stokes and Stamps.

President Tillman recognized Anitra Eubanks from the City Attorney's Office who provided a brief explanation regarding recent voting precincts changes.

**ORDINANCE AMENDING VOTER PRECINCT DESIGNATION
ORDINANCE APPROVED BY THE JACKSON CITY COUNCIL ON
FEBRUARY 11, 2013, BY CHANGING THE POLLING PLACE FOR
CITY VOTING PRECINCT 17 IN HINDS COUNTY DISTRICT 2, WARD
7, FROM ST. JAMES EPISCOPAL CHURCH, 3921 OAK RIDGE DRIVE,
JACKSON, MS 39216 TO PRECINCT 16 LOCATED AT WOODLAND
HILLS BAPTIST CHURCH, 3327 OLD CANTON ROAD, JACKSON, MS
39216 IN HINDS COUNTY DISTRICT 2, WARD 7.**

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WHEREAS, Section 23-15-557 of the Mississippi Code Annotated (1972), as amended, authorizes the governing authorities of a municipality within the State of Mississippi in their discretion to divide the municipality into a sufficient number of voting precincts of such size and location as is necessary with the same number of polling places necessary to accommodate the electorate; and

WHEREAS, the Jackson City Council approved its voter precinct designation ordinance on February 11, 2013, pursuant to the provisions of Section 21-8-7(4)(c) of the Mississippi Code Annotated (1972), as amended; and

WHEREAS, on August 19, 2013, the Hinds County, Mississippi (“Hinds County”), Election Commissioners requested and the Hinds County Board of Supervisors voted to consider merging the polling place for precinct 17 in Hinds County District 2 located at St. James Episcopal Church, 3921 Oak Ridge Dive, Jackson, Mississippi, 39216 with the polling place for precinct 16 currently located at Woodland Hills Baptist Church, 3327 Old Canton Road, Jackson, MS 39216 in Hinds County District 2; and

WHEREAS, the governing authorities for the City of Jackson believe that approval of this Ordinance is necessary to ensure uniformity of precincts and polling places in the County of Hinds and for ease of voting by the electorate.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jackson that:

Section 1. The polling place for precinct 17 in Hinds County District 2, Ward 7 located at St. James Episcopal Church, 3921 Oak Ridge Dive, Jackson, Mississippi, 39216 be merged with the polling place for precinct 16 currently located at Woodland Hills Baptist Church, 3327 Old Canton Road, Jackson, MS 39216 in Hinds County District 2, and any other necessary measures be taken to effect changes consistent with the purpose of this Ordinance.

Section 2. The six-day waiting period, as required by Jackson City Code Section 2-65, is hereby waived and this Ordinance shall be available for expedited consideration upon introduction.

Section 3. This Ordinance shall become effective thirty days after passage and publication.

Council Member Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

Yeas-Barrett-Simon, Priestler, Tillman, Whitwell and Yarber.

Nays-None.

Absent-Cooper-Stokes and Stamps.

President Tillman recognized **Mayor Chokwe Lumumba** who acknowledged Vanessa Henderson, Manager of Economic and Planning, who provided the Council with a status update on the City’s Annual Housing Plan.

Council Member Barrett-Simon left the meeting at 5:05 p.m.

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President Tillman recognized **James Anderson**, Special Assistant to the City Attorney, who suggested the need for an Executive Session to discuss Litigation. **Council Member Priester** moved and **Council Member Yarber** seconded to consider going into Executive Session. The motion prevailed by the following vote:

Yeas-Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent-Barrett-Simon, Cooper-Stokes and Stamps.

Council Member Yarber moved and **Council Member Priester** seconded to go into Executive Session . The motion prevailed by the following vote:

Yeas-Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent-Barrett-Simon, Cooper-Stokes and Stamps.

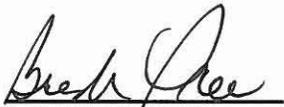
An announcement was made to the public that the Council voted to go into Executive Session to discuss Litigation.

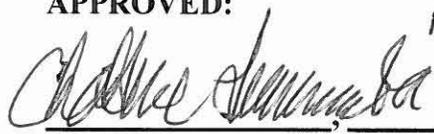
Council Member Priester moved, and **Council Member Yarber** seconded, that the Council come out of Executive Session. The motion prevailed by the following vote:

Yeas-Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent-Barrett-Simon, Cooper-Stokes and Stamps.

President Tillman announced that the Council voted to come out of Executive Session and that no action had been taken.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Meeting to be held at 6:00 p.m. on Tuesday, December 17, 2013; and at 5:13 p.m., the Council stood adjourned.

ATTEST:

CITY CLERK

APPROVED:

MAYOR 12-30-13
DATE
