

#1.1

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, December 15, 2015, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Travis Beard, Nettie Y. Davis, Buddy Palmer and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council. Councilman Mike Bryan was absent.

The invocation was led by Councilman Willie Jennings, followed by the Pledge of Allegiance led by Councilman Markel Whittington.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Palmer called the regular City Council meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to confirm the agenda and agenda order as presented.

4. **PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by City Council members:

... Councilwoman Nettie Davis – Announced that SremmFest will be in the city this next weekend to present a music festival featuring various activities for the young people. A concert will be held at the BancorpSouth Arena on Saturday night at 7:00 p.m. A celebrity basketball tournament is scheduled at the St. Paul’s Christian Life Center on Friday night beginning at 7:00 p.m. Councilwoman Davis urged everyone to come out and support this group which includes two local young men who are coming home to give back to their community.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

... Councilman Lynn Bryan sent his wife a "Happy Birthday" greeting.

... Councilman Willie Jennings wished all the employees of the City of Tupelo a Merry Christmas and Happy New Year.

IN THE MATTER OF MAYOR'S REPORT

Following are excerpts from Mayor Jason Shelton's report to the Council:

... Followed up on Councilwoman Davis' remarks regarding the SremmFest music festival scheduled for the weekend. The two local young men have been a part of this group and have made good on the national level in the R & B music genre. Some confusion has arisen in the social media concerning the group's activities, and Mayor Shelton stated that the basketball tournament originally scheduled to be held at the Tupelo High School gymnasium would still be held at another venue. An event had already been scheduled at the gymnasium causing the confusion and various rumors. Mayor Shelton stated he certainly recommended this group to the City of Tupelo and was very proud to have them appear here.

... Next Mayor Shelton expressed appreciation to those responsible for the Christmas performance of the North Mississippi Symphony Orchestra. The Mayor said at least 500 patrons were in attendance for this wonderful seasonal event.

... The Mayor reminded everyone of the Sgt. Gale Stauffer Commemoration service to be held on December 23 at 2:30 p.m. at the Link Center.

... Lastly, Mayor Shelton offered best wishes to everyone for a very Merry Christmas and a Happy New Year. He said 2015 had been a very good year in Tupelo and the economy is going strong with many new businesses opening. Tupelo is optimistic that this trend will continue.

5. **PUBLIC AGENDA**

(No items)

6. **ACTION AGENDA**

(No items)

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

7. **ROUTINE AGENDA**

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL MEETING

Upon a motion by Councilman Beard, seconded by Councilman Jennings, the council voted unanimously of those present to approve the minutes of the regular City Council meeting of Tuesday, December 1, 2015.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members L. Bryan, Beard, Palmer, and Jennings:

- Check Nos. 321333 through 321722 (Pool Cash Fund)
- Electronic transfers as shown on the face of the docket.
- Invoices as shown on the face of the docket.
- Requests made by AFLAC to reimburse employees under Flex-One Plan as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE RE-APPOINTMENT TO TUPELO PUBLIC SCHOOL DISTRICT BOARD

Mayor Shelton had recommended to the City Council that Mr. Rob Hudson be re-appointed to the Tupelo Public School District Board for another term. Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously of those present to approve the re-appointment of Mr. Hudson to this Board. A copy of his bio is attached to these minutes as **APPENDIX A**.

IN THE MATTER OF REVIEW/REJECT BID FOR PUBLIC BUILDING IMPROVEMENTS PROJECT #DIP-355 (KELLEX SEATING RE-ROOF)

Following the receipt and opening of bids on the Public Building Improvements Project #DIP-355 – Kellex Seating Re-roof), Engineering Solutions, Inc., engineers for the project, checked and tabulated the bids. This review revealed that Ganger Property Management of New Albany, Mississippi, had submitted the lowest base bid in the amount of \$305,075.00. This bid was approximately 21% above the budgeted amount for the project. After discussions with both City of Tupelo officials and Kellex Industries, ESI is recommending that this bid be rejected and the project be re-bid with proposed cost saving modifications.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

Upon a motion by Councilman Whittington and a second by Councilman L. Bryan, the council voted unanimously of those present to take the advice of the engineering firm and reject this bid. The project will be re-bid with proposed cost savings modifications. A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX B.**

IN THE MATTER OF REVIEW/AWARD BID FOR THERON NICHOLS FEMA 361 COMMUNITY SAFE ROOM

Bids for the City of Tupelo, Theron Nichols FEMA 361 Community Safe Room project, were received November 19, 2015. The apparent low bidder is CIG Contractors, Inc., with a base bid of \$1,222,000.00. JBHM Architecture, engineering firm for this project, has recommended that this bid be accepted.

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously of those present to accept the bid of CIG Contractors, Inc., in the amount of \$1,222,000.00 for the project. A copy of the bid package is attached to these minutes and made a part hereof as **APPENDIX C.**

IN THE MATTER OF REVIEW/AWARD BID FOR LEE ACRES FEMA 361 COMMUNITY SAFE ROOM

Bids for the City of Tupelo, Lee Acres FEMA 361 Community Safe Room project, were received November 19, 2015. The apparent low bidder is Century Construction with a base bid of \$1,233,000.00. JBHM Architecture, engineering firm for this project, has recommended that this bid be accepted.

Upon a motion by Councilman Beard, seconded by Councilman Whittington, the council voted unanimously of those present to accept the bid of Century Construction in the amount of \$1,233,000.00 for the project. A copy of the bid package is attached hereto and made a part of these minutes as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION APPROVING SHADY OAKS SUBDIVISION DEVELOPMENT AGREEMENT PURSUANT TO CITY OF TUPELO DEVELOPMENT CODE SECTION

Upon a motion by Councilman Whittington and a second by Councilman Beard, the council unanimously of those present to approve a Resolution Approving Shady Oaks Subdivision Development Agreement Pursuant to City of Tupelo Development Code Section. Utility Properties has applied to the Department of Development Services to build a subdivision named Shady Oaks Subdivision – Phase I. The Tupelo Development Code requires a final plat to be filed prior to the commencement of construction.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

The final course of asphalt will be performed after the substantial completion of the subdivision, and Section 12.10.20 of the City Development Code allows the developer and the city to enter into an agreement to assure the fulfillment of certain conditions or requirements, i.e., the final course of asphalt to be completed after filing of the plat. The Resolution authorizes the Mayor to execute a Real Estate Development Agreement with Utley Properties on behalf of the City of Tupelo relative to all required public and private improvements, payment of fees, required securities, certification of insurance and any conditions placed on approval of the preliminary plat.

An executed copy of the Resolution, with the Real Estate Development Agreement attached as Exhibit A, is attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION APPROVING
PURCHASE OF REAL PROPERTY FOR RIGHT-OF-WAY PURPOSES BY
TUPELO MAJOR THOROUGHFARE PROGRAM ON SOUTH THOMAS
STREET/HIGHWAY 6 INTERCHANGE PROJECT

Upon a motion by Councilwoman Davis, seconded by Councilman L. Bryan, the council voted unanimously of those present to approve a Resolution Authorizing Purchase of Real Property for Right-of-Way Purposes by the Tupelo Major Thoroughfare Program on South Thomas/Highway 6 Interchange Project. The final project of Phase V City of Tupelo Major Thoroughfare Program, i.e., the interchange with U. S. Highway 6 and improvements of Thomas Street from the proposed interchange north to Cliff Gookin Boulevard, previously was approved by the Tupelo City Council. All easements and rights-of-way have been obtained with the exception of about a one-half acre tract owned by DES, LLC. Negotiations have been concluded with the owner and he is willing to sell property for the appraised value of \$1,500.00.

An executed copy of the Resolution authorizing purchase of this property is attached to these minutes as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION AUTHORIZING
MAYOR TO ENTER INTO LOCAL AGREEMENT WITH TUPELO PUBLIC
SCHOOL DISTRICT REGARDING SAFE ROUTES TO SCHOOLS THOMAS
STREET PROJECT

The City of Tupelo in collaboration with the Tupelo Public School District has been granted funding through the Safe Routes to School grant program from the Mississippi Department of Transportation, administrator of this Federal aid grant funding for the State of Mississippi. The project is more particularly described as "Tupelo Safe Routes to School – Phase II (Thomas Street School) Federal Aid Project

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

No. SRSP-0430-00 (020) LPA/106689-401000". The Safe Grant to School grant program requires an interlocal agreement be entered into between the governmental units, i.e., the City of Tupelo, Mississippi, and the Tupelo Public School District.

Upon a motion by Councilman Whittington and a second by Councilwoman Davis, the council voted unanimously to approve a Resolution Authorizing Mayor to Enter into an Interlocal Agreement between the City of Tupelo, Mississippi, and the Tupelo Public School District for the Safe Routes to School Project. An executed copy of this Resolution with a copy of the Interlocal Cooperative Agreement Between City of Tupelo, Mississippi and Tupelo Public School District attached as Exhibit A is made a part of these minutes as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS ADJUDICATING COST AND ASSESSING LIENS AGAINST REAL PROPERTY

Upon a motion by Councilman Beard, seconded by Councilman L. Bryan, the council voted unanimously of those present to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which these the properties were adjudicated to be a menace to public health and safety. Subsequently, in accordance with Miss. Code Annotated, Section 21-19-11, as amended, the City of Tupelo proceeded to have these structures demolished.

Properties against which these Resolutions of Assessment Liens are enrolled include: Richard & Jennifer Moore, 1243 Hankins Street, Tupelo, Mississippi; Marvin Jones, P. O. Box 871, Tupelo, Mississippi (property demolished located at 601 North Spring Street, Tupelo, Mississippi).

IN THE MATTER OF REVIEW/APPROVE AMENDMENT TO AGREEMENT FOR ENGINEERING SERVICES BETWEEN CITY OF TUPELO AND COOK COGGIN ENGINEERS

Johnny Timmons, Manager, Tupelo Water and Light Department, had submitted an Amendment to Agreement for Engineering Services between the City of Tupelo and Cook Coggin Engineers for the City Council's consideration and approval.

Said amendment is spelled out as follows:

Tupelo Wastewater Treatment Plant – Nutrient Removal (SRF Loan #C280885-04)
Increase Special Services allowance that can be reimbursed under SRF to use a portion of the available contingencies for development of the Major Source "Baseline Operating Permit" for Storm Water Pollution Prevention

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

Upon a motion by Councilwoman Davis and a second by Councilman Beard, the council voted unanimously of those present to approve this Amendment to Agreement for Engineering Services, SRF C280885-04. An executed copy of this document is attached to these minutes as **APPENDIX H.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR TUPELO WATER AND LIGHT DEPARTMENT

Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously of those present to award the following bid for the Tupelo Water and Light Department as recommended by Manager Johnny Timmons:

Bid No. 1395WL – Uniforms to the low qualified bid submitted by Unifirst Corporation as indicated on the attached bid tabulation.

A copy of the complete bid package is attached to these minutes and incorporated herein as **APPENDIX I.**

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 2 AND FINAL SUMMARY FOR SRF FY13 SEWER SYSTEM IMPROVEMENTS – AREA 2 NORTH – INDIAN HILLS

Johnny Timmons, Manager of the Tupelo Water and Light Department, had submitted for the City Council's consideration the following:

Tupelo SRF FY13 Sewer System Improvements – Area 2 North – Indian Hills – Change Order No. 2 & Final Summary – This change order shows a net deduct in the amount of \$95,381.33 due to actual materials used. This brings the final contract amount to \$479,190.24.

Councilman L. Bryan moved to approve this change order and final summary; the motion was seconded by Councilman Whittington and unanimously approved by a vote of those present. A copy of same is attached to these minutes and made a part hereof as **APPENDIX J.**

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 3 AND FINAL SUMMARY FOR SRF FY13 SEWER SYSTEM IMPROVEMENTS – AREA 3 – AUBURN

Upon a motion by Councilwoman Davis and a second by Councilman Beard, the council voted unanimously of those present to approve the following change order and final summary as submitted by Johnny Timmons, Manager of the Tupelo Water and

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

Light Department:

Tupelo SRF FY13 Sewer System Improvements – Area 3 – Auburn – Change Order No. 3 & Final Summary. This change order shows a net deduct in the amount of \$56,116.16 due to actual materials used. Therefore, the final contract amount is \$1,901,099.84.

A copy of the Change Order No. 3 & Final Summary is attached hereto as **APPENDIX K.**

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 3 FOR WASTEWATER TREATMENT PLANT – NUTRIENT REMOVAL

Johnny Timmons, Manager of the Tupelo Water and Light Department, had submitted the following change order for the water treatment plant – nutrient removal project:

Change Order No. 3 – This change order results in a net increase of \$3,137.00 and a time extension of thirty (30) days. This will bring the revised contract amount to \$2,985,467.00 and the revised contract completion date to January 6, 2016.

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously of those present to approve this change order, a copy being attached to these minutes and made a part hereof as **APPENDIX L**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TRAFFIC COMMITTEE MEETING

Upon a motion by Councilman L. Bryan and a second by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Traffic Committee meeting of December 8, 2015, a copy being attached hereto as **APPENDIX M.**

8. **STUDY AGENDA**

(NO ITEMS)

9. **EXECUTIVE SESSION**

(NONE)

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
DECEMBER 15, 2015

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilwoman Davis and a second by Councilman Beard, the council voted unanimously of those present to adjourn the regular meeting at 6:25 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR