

# Minutes, City of Southaven, Southaven, Mississippi

## CITY OF SOUTHAVEN

*Top of Mississippi*

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Southaven, MS 38671



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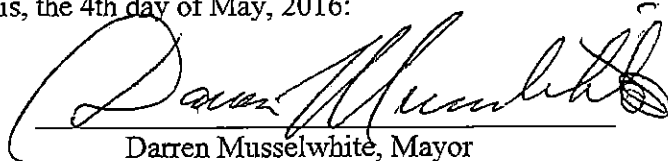
### NOTICE OF SPECIAL CALLED MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

In accordance with Mississippi Code Annotated §21-3-21, notice is hereby given that a Special Meeting of the Mayor and Board of Aldermen of the City of Southaven shall be held on Friday, the 6th day of May, 2016 at 9:00 AM in the Boardroom of Southaven City Hall, located at 8710 Northwest Drive, Southaven, Mississippi.

The subject matters of business (Agenda) to be acted upon at this Special Meeting are as follows, to-wit:

1. Rubbish RFP and Contract

This Special Meeting of the Mayor and Board of Aldermen is hereby called by the Mayor, Darren Musselwhite, on this, the 4th day of May, 2016:

  
Darren Musselwhite, Mayor

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 4<sup>th</sup> day of May, 2016.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES:



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## MINUTES OF THE SPECIAL CALLED MEETING OF May 6, 2016 OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

**BE IT REMEMBERED** that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in a Special Session on the 6th day of May, 2016 at nine o'clock (9:00) a.m. at City Hall.

**Present were:**

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Shirley Kite	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher (By Teleconference)	Alderman, Ward 4
Scott Ferguson	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk and Nick Manley, City Attorney. Approximately twenty (20) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Flores led in prayer, followed by the Pledge of Allegiance led by Alderman Ferguson.

### RUBBISH RFP AND CONTRACT

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley explained that the Board of Alderman previously issued a motion to allow for proposals for the rubbish contract. The contract with Waste Pro and the contract allows for the initial three (3) year term, 2012-2015, with an automatic extension for additional one (1) year extension, 2015-2016. Upon further review, the contract with Waste Pro can be extended for additional one year terms from 2016-2017 and 2017-2018. Mr. Manley explained that state law prohibits a rubbish contract to go beyond six (6) years, allowing the contract to go from 2012 to 2018. With this being said, the City has the option to extend the contract with WastePro and repeal the previous order seeking proposals for rubbish, if the board chooses. Mr. Manley added that it is the goal in 2018 for the contracts for garbage and rubbish would be up for renewal at the same time. Mayor Musselwhite added that there is some benefit with putting sanitation and rubbish together from an operational and cost stand point. After consideration, the Board considered the following Resolution:

### RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI REPEALING ORDER FOR REQUEST FOR RUBBISH PROPOSALS

**WHEREAS**, pursuant to Mississippi Code 21-17-5, the governing authorities of the City of Southaven ("City") have the care, management and control of the

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City affairs, along with the power to adopt any orders, resolutions or ordinances and the power to alter, modify and repeal such orders, resolutions or ordinances; and

**WHEREAS**, on April 5, 2016, the City governing authorities previously authorized for the City to seek Request for Proposals for a rubbish contract; and

**WHEREAS**, the Request for Rubbish Proposals was advertised on April 26, 2016 and May 3, 2016, in the *Desoto Times-Tribune* and the responses are due on May 13, 2016; and

**WHEREAS**, the City's current contract with Waste Pro was advertised and awarded in 2012 pursuant to Mississippi Code 31-7-13(r); and

**WHEREAS**, based on further review and research of the contract dated June 29, 2012 with Waste Pro, the City, pursuant to Section 4.1 of the contract, finds that the contract may be extended for additional years beyond June 30, 2016, but may not be extended beyond (6) years from 2012 in accordance Mississippi Code 17-17-5; and

**WHEREAS**, section 4.1 of the Waste Pro contract specifically states that "[t]he initial (3) year term of this Contract may be automatically extended for additional one (1) year terms thereafter unless one party gives written notice to the other party not to extend at least sixty (60) days prior to the expiration of the then current term;" and

**WHEREAS**, section 3.3 of the Waste Pro contract also allows and contemplates that the contract can be extended by noting that "the Base Annual Rate shall be adjusted upward or downward on a non-cumulative basis and beginning on the fourth anniversary date of this Contract and for each anniversary date thereafter, the then current Base Annual Rate shall be adjusted upward or downward on a cumulative basis to reflect changes in the cost of operations, as reflected by fluctuations in the Consumer Price Index (CPI)..." and

**WHEREAS**, pursuant to Section 4.1 of the contract with Waste Pro, the contract was previously extended until June 30, 2016, and all other terms of the original contract, which were not modified, remained in full force and effect; and

**WHEREAS**, the City desires to continue its contractual relationship with Waste Pro pursuant to the terms of the contract; and

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**WHEREAS**, the City notes that Waste Pro has not increased its prices for the previous four (4) years and the current Waste Pro contract would only allow for a Consumer Price Index ("CPI") increase and the City has concerns about potential increased costs and inefficiencies as it relates to its current Request for Proposals; and

**WHEREAS**, the City desires to seek request for proposals and combine its garbage and rubbish contract in 2018 as the City believes that it will receive better pricing when the services are combined; and

**WHEREAS**, the City recognizes that not only does the City have the contractual right to extend Waste Pro's contract, but also the legal right pursuant to Mississippi Code 17-17-5 and 21-17-5; and

**WHEREAS**, the City notes that Waste Pro is familiar with the current routes and procedures of the City and based on efficiency and convenience for its citizens as it relates to the City's obligation and desire to provide consistent and affordable rubbish collection, the City, at this juncture, desires to continue its contract with Waste Pro; and

**WHEREAS**, as previously noted the City desires to combine the services for garbage and rubbish in 2018 and does not desire to enter into a twenty-two month short-term rubbish contract with another contractor so that such contract will correspond with the expiration of City's garbage contract, as the City finds that a twenty-two month rubbish contract would potentially be expensive, drain resources of City workers as it relates to the transition, inefficient and inconvenient for its citizens, along with the City's desire to not constantly change rubbish contractors; and

**WHEREAS**, the City's Request for Proposals allow for the City to reject any and all proposals, including at any time during the selection process; and

**WHEREAS**, the City, out of fairness and in an attempt to prevent unnecessary expense and use of resources by the City and potential other proposers, does not desire for other proposers to proceed with completing the Request for Proposal when the City has the contractual option and legal right to extend the current contract with Waste Pro; and

**WHEREAS**, at this juncture, while the City has had potential proposers request the specifications for the

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Request for Proposals, the City has not received any responses to its Request for Proposals; and

**WHEREAS**, the City is allowed to issue addendums as part of its Request for Proposals; and

**NOW, THEREFORE, BE IT ORDERED AND RESOLVED** by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. Based upon the legal authority provided to the City as set forth above, along with the reasoning as stated above, the City hereby repeals its previous order for the seeking of Request for Rubbish Proposals.
2. Pursuant to Sections 3.3 and 4.1 of the contract with Waste Pro along with the authority set forth in Mississippi Code Section 17-17-5, the City desires to extend its contract with waste pro for an additional year with such final contract extension being brought back to the board for final approval.
3. The City Clerk and/or City Public Works Director are authorized to take any and all actions, including, but not limited to, the issuing of an addendum to the Request for Proposals, which effectuate the intent and purpose of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Brooks and seconded by Alderman Ferguson. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman William Brooks	yes
Alderman Kristian Kelly	yes
Alderman Shirley Kite	yes
Alderman George Payne	yes
Alderman Joel Gallagher (By Teleconference)	yes
Alderman Scott Ferguson	yes
Alderman Raymond Flores	yes

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 6<sup>th</sup> day of May, 2016.

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## APPROVAL OF CHERRY BLOSSOM DRAINAGE PROJECT

Dan Cordell, City Consulting Engineer, presented this item to the Board.

Mr. Cordell stated that this project is related to a problem discovered last year along Cherry Blossom Drive where the road is unraveling due to a lack of drainage on the side of the road. Mr. Cordell stated that he spoke with a contractor and requested quotes last year prior to having term bids under contract. Mr. Cordell explained that this is a budgeted drainage maintenance project and requested board approval of the contract with Trey Construction in the amount of \$29,944.25.

Alderman Flores made the motion to approve the contract with Trey Construction. Motion was seconded by Alderman Kite.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Kite	YES
Alderman Payne	YES
Alderman Gallagher (By Teleconference)	YES
Alderman Ferguson	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 6<sup>th</sup> day of May, 2016.

## EXECUTIVE SESSION

No Executive Session

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Payne to adjourn. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously, May 6, 2016 at 9:16 p.m.

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Darren Musselwhite,  
Mayor

\_\_\_\_\_  
Andrea Mullen,  
City Clerk

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