

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 and §25-41-13, notice is hereby given that a Special Meeting of the Mayor and Board of Aldermen of the City of Southaven shall be held on Tuesday, the 12th day of September, 2017 at 11:30 a.m. in the Boardroom of Southaven City Hall, located at 8710 Northwest Drive, Southaven, Mississippi. Some City of Southaven Board Members may participate by teleconference.

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

1. Resolution to Award Church Road Overlay Project
2. Special Event Permit
3. Contract Amendment with Green King

This Special Meeting of the Mayor and Board of Aldermen is hereby called by the Mayor, Darren Musselwhite, on this, the 6th day of September, 2017.

A handwritten signature in black ink, appearing to read "Darren Musselwhite".

Darren Musselwhite, Mayor

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MINUTES OF THE SPECIAL CALLED MEETING OF SEPTEMBER 12, 2017 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 12th day of September, 2017 at eleven-thirty o'clock (11:30) a.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Ronnie Hale	Alderman, Ward 2
George Payne (By Teleconference)	Alderman, Ward 3
John Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Absent were:

Joel Gallagher	Alderman, Ward 4
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Also present were Mayor Musselwhite, Andrea Mullen, City Clerk and Nick Manley, City Attorney. Approximately fifteen (15) 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 Hale.

RESOLUTION TO AWARD CHURCH ROAD OVERLAY PROJECT

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

Mr. Cordell stated that the City received two bids and his recommendation is to accept the lowest and best bid from APAC in the amount of \$462,421.50. There was an \$80,000 dollar difference between the two bids received. After hearing from Mr. Cordell, the Board of Alderman considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN AWARDING BID FOR CHURCH ROAD OVERLAY

WHEREAS, pursuant to Mississippi Code 31-7-13, the City of Southaven ("City") advertised to receive bids for the Church Road Overlay Project("Project"); and,

WHEREAS, the bids were received on September 8, 2017 at City Hall at 10:00 a.m.; and

WHEREAS, the City's Engineer has reviewed the pricing and bids along with the qualifications, responsibility and other information which is responsive to the Request for Bids to determine which bid is the lowest and best; and

WHEREAS, after review of the bids, APAC-TN ("APAC") was the low bid in the amount of Four Hundred Sixty Two Thousand, Four Hundred Twenty One Dollars and 50/100 (\$462,421.50); and

NOW THEREFORE, be it resolved as follows:

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1. Based on the review of the specifications whereby the City advertised for the Project, the City hereby awards the bid to APAC in the amount of \$462,421.50 for the Project.

2. Further the City makes the award in the amount of \$462,421.50 to APAC contingent upon MDOT concurrence.

3. The City hereby waives the informality of APAC's bid by its inadvertently indicating that it is a Disadvantaged Business Enterprise ("DBE") by checking the associated box; however, APAC does have a DBE, Riverside Traffic Systems, as a sub-contractor which is consistent with the bid specifications and such informality does not violate a mandatory statutory provisions; the irregularity does not destroy the competitive character of the bid; the irregularity has no effect as to the amount of the bid; and the irregularity does not give APAC an advantage or benefit over the other bidders. Furthermore, as the Mississippi Supreme Court has noted when the discretion is exercised by a Board for awarding bids, the courts will not interfere. *Parker Bros. v. Crawford*, 219 Miss. 199, 209, 68 So.2d 281 (1953).

4. The Mayor and/or his designee are authorized to execute all documents and purchase orders and other documentation required by MDOT or any other entity and take any and all action in order to effectuate the intent of this Resolution.

Following the reading of the foregoing resolution, Alderman Flores made the motion to adopt the Resolution and Alderman Brooks seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES (BY TELECONFERENCE)
Alderman Joel Gallagher	voted: ABSENT
Alderman Ronnie Hale	voted: YES
Alderman Raymond Flores	voted: YES
Alderman John Wheeler	voted: YES

RESOLVED AND DONE, this 12th day of September, 2017.

SPECIAL EVENT PERMIT

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite explained that Tanger Outlets is requesting to have a food truck on site for an event on September 16, 2017. Tanger has requested to bring in food trucks throughout the year for different events. Mayor Musselwhite stressed that he continues to remind them that the city is still waiting on restaurants and they understand that he is not happy that there are not any restaurants there after they promised them. Mayor Musselwhite explained that Tanger will have to complete an application for each request and go through a process of approvals with the City Clerk's Office, Planning and Development, Police Department, and Fire Department before it will ever come before the Board of Alderman for approval. After some discussion regarding permits, transient vendors, and sales tax requirements, Alderman Flores made the motion to approve the application. Motion was seconded by Alderman Brooks.

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES (By Teleconference)
Alderman Gallagher	ABSENT
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 12th day of September, 2017.

CONTRACT AMENDMENT WITH GREEN KING

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite stated that Mrs. Choat-Cook inquired about the Wildflower Program where MDOT will plant wildflowers that grow naturally along the sides of the road. Mayor Musselwhite explained that this amendment will allow for Green King to spray herbicides to kill vegetation south of Goodman to Church Road that will prepare the ground for the planting wildflower seeds. Mrs. Choat-Cook explained that four (4) applications will be needed and the price is \$950.00 per application. Alderman Flores made the motion to approve the amendment and allow Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Hale.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 12th day of September, 2017.

A copy of the contract is attached to these minutes.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously, September 12, 2017 at 11:55 a.m.

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Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk

(Seal)

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RESOLUTION OF CITY OF SOUTHAVEN AWARDING BID FOR CHURCH ROAD OVERLAY

WHEREAS, pursuant to Mississippi Code 31-7-13, the City of Southaven ("City") advertised to receive bids for the Church Road Overlay Project("Project"); and,

WHEREAS, the bids were received on September 8, 2017 at City Hall at 10:00 a.m.; and

WHEREAS, the City's Engineer has reviewed the pricing and bids along with the qualifications, responsibility and other information which is responsive to the Request for Bids to determine which bid is the lowest and best; and

WHEREAS, after review of the bids, APAC-TN ("APAC") was the low bid in the amount of Four Hundred Sixty Two Thousand, Four Hundred Twenty One Dollars and 50/100 (\$462,421.50); and

NOW THEREFORE, be it resolved as follows:

1. Based on the review of the specifications whereby the City advertised for the Project, the City hereby awards the bid to APAC in the amount of \$462,421.50 for the Project.

2. Further the City makes the award in the amount of \$462,421.50 to APAC contingent upon MDOT concurrence.

3. The City hereby waives the informality of APAC's bid by its inadvertently indicating that it is a Disadvantaged Business Enterprise ("DBE") by checking the associated box; however, APAC does have a DBE, Riverside Traffic Systems, as a sub-contractor which is consistent with the bid specifications and such informality does not violate a mandatory statutory provisions; the irregularity does not destroy the competitive character of the bid; the irregularity has no effect as to the amount of the bid; and the irregularity does not give APAC an advantage or benefit over the other bidders. Furthermore, as the Mississippi Supreme Court has noted when the discretion is exercised by a Board for awarding bids, the courts will not interfere. *Parker Bros. v. Crawford*, 219 Miss. 199, 209, 68 So.2d 281 (1953).

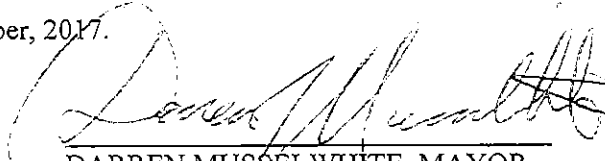
4. The Mayor and/or his designee are authorized to execute all documents and purchase orders and other documentation required by MDOT or any other entity and take any and all action in order to effectuate the intent of this Resolution.

Following the reading of the foregoing resolution, Alderman Flores made the motion to adopt the Resolution and Alderman Brooks seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES (BY TELECONFERENCE)
Alderman Joel Gallagher	voted: ABSENT
Alderman Ronnie Hale	voted: YES
Alderman Raymond Flores	voted: YES
Alderman John Wheeler	voted: YES

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RESOLVED AND DONE, this 12th day of September, 2017.



DARREN MUSSELWHITE, MAYOR

ATTEST:


CITY CLERK



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SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF SOUTHAVEN AND GREEN KING SPRAY SERVICES, LLC

RECITALS

WHEREAS, Section 69-19-9 of the Mississippi Code Annotated (1972) requires that any person engaging in professional services, including but not limited to "weed control work" shall obtain a license from the Mississippi Department of Agriculture; and

WHEREAS, the CITY OF SOUTHAVEN ("CITY") desires to maintain the appearance of its property by preventing and eradicating weeds; and

WHEREAS, the CITY previously on May 31, 2016, entered into an Agreement with Green King Spray Services, LLC ("CONTRACTOR") to provide spraying professional services for the CITY as the CONTRACTOR has the required license and insurance required by the Mississippi Code and as provided the qualifications to the CITY; and

WHEREAS, the CITY previously amended the Agreement with CONTRACTOR on September 5, 2017 for additional services; and

WHEREAS, the parties hereto desire to further amend the terms and conditions of the Agreement by adding additional services as set forth in CONTRACTOR'S proposal attached hereto as Exhibit A; and

NOW, THEREFORE, in consideration of the mutual promises, covenants, benefits and obligations set forth in this Agreement, the parties agree to amend the Agreement as follows:

1. In addition to the services provided by CONTRACTOR for the Agreement dated May 31, 2016 and the First Amendment to the Agreement dated September 5, 2017, at the

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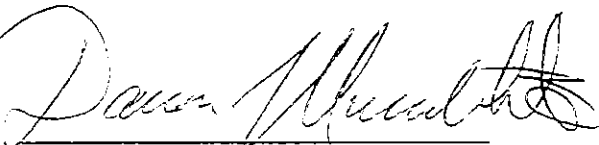
CITY's request, CONTRACTOR shall spray 294,000 square feet of ground between Church Road and Goodman Road Median. The CITY shall provide the chemicals and water and CONTRACTOR shall supply the labor for the spraying. The price per application shall be Nine Hundred Fifty Dollars and 00/100 (\$950.00).

2. In all other respects, terms, and conditions, the Agreement dated May 31, 2016 and First Amendment dated September 5, 2017 between the parties shall remain in full force and effect.

In Witness thereof, the Parties have entered this Agreement after being duly authorized to do so, this the 12th day of September, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

GREEN KING SPRAY SERVICES, LLC



Darren Musselwhite, Mayor



Greg Drumwright