SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, SEPTEMBER 16, 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 September 16, 2013 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President; Melvin Priester, Jr., Vice President; De'Keither Stamps, Ward 4; Quentin Whitwell, Ward 1 and Margaret Barrett-Simon, Ward 7. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk; Beatrice Byrd, Deputy City Clerk; Toya Martin, Deputy City Clerk and Pieter Teeuwissen, City Attorney.

Absent: Council Members: LaRita Cooper-Stokes, Ward 3 and Tony Yarber, Ward 6.

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

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ORDER APPROVING CLAIMS NUMBERED 17132 TO 17384, APPEARING AT PAGES 2659 TO 2699 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF $5,388,108.62 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 17132 to 17384, appearing at pages 2659 to 2699, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of $5,388,108.62 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**
09 TIF BOND FUND $407,000	6,909.00
2005 G O REFUNDED B&I $20,960	234,287.50
2008 GO STREET CONSTRUCTION FD	23,841.26
2012 G.O. NOTE-CAPITAL PROJECT	3,753.40
AMERICORP CAPITAL CITY REBUILD	387.00
CAPITAL CITY REVENUE FUND	62,748.36
EARLY CHILDHOOD (DAYCARE)	7,633.40
EMPLOYEES GROUP INSURANCE FUND	1,436.60
FIRE PROTECTION	506,678.79
G O PUB IMP CONS BD 2003 ($20M)	402,927.38
GENERAL FUND	1,505,552.60
LANDFILL/SANITATION FUND	257,323.48
MADISON SEWAGE DISP OP & MAINT	49.48
MEMA-DOMESTIC PREPARDNSS EQUIP	5,319.50
P E G ACCESS-PROGRAMMING FUND	446.21
PARKS & RECR. FUND	46,843.63
REPAIR & REPLACEMENT FUND	4,000.00
STATE TORT CLAIMS FUND	4,359.00
TECHNOLOGY FUND	474,958.95
TITLE III AGING PROGRAMS	689.63
TRANSPORTATION FUND	105,891.09

VEHICLE POOL FUND	101,399.33
WATER/SEWER CAPITAL IMPR FUND	766,062.91
WATER/SEWER CONST FD 1999-$35M	66,106.00
WATER/SEWER CONST FD 2002-$50M	11,505.00
WATER/SEWER OP & MAINT FUND	724,278.62
WATER/SEWER REVENUE FUND	62,370.14
WATER SEWR REFD B&I 2005 $27,180	350.00

TOTAL $5,388,108.62

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

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 Whitwell**.

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

Yeas- Barrett-Simon, Priester, Tillman and Whitwell.
Nays- Stamps.
Absent- Cooper-Stokes and Yarber.

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ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 17132 TO 17384 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 17132 to 17384 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of $5,259.25 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:

FROM	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		31,955.99
PARKS & RECR.		20,488.57
LANDFILL FUND		4,727.69
SENIOR AIDES		8,250.36
WATER/SEWER OPER. & MAINT		32,654.18
PAYROLL FUND	5,259.25	
EARLY CHILDHOOD		2,688.91
TITLE III AGING PROGAMS		2,609.38
	TOTAL	**$103,375.08**

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE PARHAM BRIDGES CATCH-22 FOUNDATION AND THE CITY OF JACKSON, MISSISSIPPI, TO ALLOW THE PARHAM BRIDGES CATCH-22 FOUNDATION TO INSTALL AND DONATE CERTAIN LANDSCAPING, AMENITIES AND OTHER IMPROVEMENTS TO PARHAM BRIDGES PARK AND PARHAM BRIDGES TENNIS CENTER.

WHEREAS, Parham Bridges Park ("Park") is owned by the City of Jackson, Mississippi ("City") and managed by the Department of Parks and Recreation ("Department"); and

WHEREAS, Parham Bridges Tennis Center ("Center") is owned by the City and managed by Overkil Tennis, Inc. ("Overkil"); and

WHEREAS, The Parham Bridges Catch-22 Foundation, Inc. ("Foundation") desires to improve the existing Park and Center through a series of physical improvements to the land and existing structures; and

WHEREAS, the Foundation will accomplish said improvements and provide the installation of certain landscaping, amenities and improvements to the Park and Center at no cost to the City; provide the equipment and products needed to fully install the landscaping, amenities and improvements to the Park and Center at no cost to the City; and contract with the professionals needed to install the landscaping, amenities and improvements to the Park and Center at no cost to the City; and

WHEREAS, the Foundation will comply with all City policies and regulations governing the installation of the landscaping, amenities and improvements to the Park and Center; consult with the City on all purchases regarding the equipment and products needed for the installation of the landscaping, amenities and improvements to the Park and Center; and coordinate with the City on the timing and installation of the landscaping, amenities and improvements to the Park and Center; and

WHEREAS, the Foundation will convey ownership of all physical improvements to the land upon completion of the installation of all landscaping, amenities and improvements to the Park and Center.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a memorandum of understanding between the Foundation and the City which sets forth the responsibilities of both parties as to the installation of landscaping, amenities and improvements to the Park and Center donated by the Foundation to the City.

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

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

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Council Member Whitwell left the meeting at 4:19 p.m.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR $1,148,451 OF HOME INVESTMENT PARTNERSHIPS AGREEMENT AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY FOR THE ADMINISTRATION OF SAID PROGRAM.

WHEREAS, on August 1, 2011, the City Council adopted an Order, recorded in Minute Book 5Z, Pages 345 & 346, authorizing the Mayor to submit to the Department of Housing and Urban Development (HUD) the City of Jackson's 2011 Annual Action Plan of the Consolidated Plan; and

WHEREAS, in a letter dated September 21, 2011, HUD notified the City of Jackson of its disapproval of the HOME portion of the 2011 Annual Action Plan, and subsequently, on October 14, 2011, HUD approved the City of Jackson's 2011 Annual Action Plan of the Consolidated Plan with the exception of the HOME portion.

WHEREAS, on September 6, 2013, HUD notified the City of Jackson of its conditional approval of the 2011 Home Investment Partnerships Program (HOME) portion.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute with HUD a Grant Agreement in the amount of $1,148,451 of HOME Investment Partnerships funds for Program Year 2011.

IT IS FURTHER ORDERED that the Mayor be authorized to execute any and all other documents necessary for the administration of said program of the City's FY 2011 Annual Action Plan.

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

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

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Council Member Whitwell returned to the meeting at 4:25 p.m.

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ORDER AUTHORIZING THE CITY OF JACKSON TO SETTLE ALL CLAIMS INCURRED IN THE MATTER STYLED AS BASIL THORNTON VS. CITY OF JACKSON, ET AL.; CIVIL ACTION NO. 251-06-626CIV.

WHEREAS, on June 20, 2006, the Plaintiff filed a Complaint in the matter of *Basil Thornton vs. City of Jackson, et al;* Hinds County Circuit Court; and

WHEREAS, this matter having come on for trial before the Court beginning on November 2, 2009, and the Court having heard and considered the testimony and evidence presented by the parties and having entered its Final Judgment in this matter on May 5, 2010 finding against the City, and assessing damages in the amount of $375,000.00; and

WHEREAS, the City of Jackson appealed the lower court's decision to the Supreme Court on June 4, 2010, and on December 6, 2011 the Supreme Court issued its decision affirmed in part, reversed and remanded in part. The Supreme Court ordered that the case be re-tried on the matter of apportionment of liability; and

WHEREAS, the City of Jackson has spent taxpayer funds and resources in the defense of this matter and it is in the best interest of the City of Jackson to settle the matter and not expend additional funds; and

WHEREAS, based on judicial economy and without admitting any liability, the Office of the City Attorney is recommending that the City fully and finally settle this matter with the Plaintiff and his attorney in return for a complete release of the City from any and all liability; and

WHEREAS, it is in the best interest of the City of Jackson, Mississippi that the City of Jackson settle this matter in the amount of $197,500.00.

NOW, THEREFORE, IT IS HEREBY ORDERED, by the City Council for the City of Jackson, Mississippi that the City of Jackson pay the sum of $197,500.00 to *Basil Thornton* and his attorney, J. Christopher Klotz and in return for a complete release of the City from any and all liability.

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

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

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ORDER AUTHORIZING THE CITY OF JACKSON TO SETTLE ALL CLAIMS INCURRED IN THAT CERTAIN MATTER STYLED, AS "MARY A. WILSON VS. EDDIE L. GALLOWAY AND THE CITY OF JACKSON, MISSISSIPPI" Hinds County Circuit Court Civil Action NO. 251-12-144 CIV.

WHEREAS, on February 27, 2012, the Plaintiffs filed a Complaint in the matter styled "MARY A. WILSON VS. EDDIE L. GALLOWAY AND THE CITY OF JACKSON, MISSISSIPPI", Hinds Circuit Court Cause No. 251-12-144 CIV; and

WHEREAS, the Plaintiff and the City having reached a proposed settlement; and

WHEREAS, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiffs and their attorney Valorri C. Jones in return for a complete release of the City and Galloway and Entry of an Agreed Order of Dismissal; and

WHEREAS, such Settlement Agreement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi; and

WHEREAS, it is in the best interest of the City of Jackson, Mississippi that the City of Jackson resolve this matter in an amount not to exceed $12,500.00.

NOW, THEREFORE, IT IS HEREBY ORDERED, by the City Council of the City of Jackson, Mississippi, that City of Jackson, Mississippi pay a total sum not to exceed $12,500 to MARY A. WILSON and her attorney Valorri Jones in return for a complete release of the City from any and all liability.

SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, SEPTEMBER 16, 2013 4:00 P.M.

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

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

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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, September 24, 2013 and at 4:28 p.m., the Council stood adjourned.

ATTEST:

CITY CLERK

APPROVED:

MAYOR

10/16/13
DATE

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