

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

December 6, 2011

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: Berlin Boyd, William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Bill Morrison, Jim Strickland and Chairman Myron Lowery. Reid Hedgepeth was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Rufus Woods, Sr. from Heaven Sent Ministries. Councilman Ford presented Pastor Woods with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of November 15, 2011 with the following motion:

MOTION: Ford
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Morrison and Chairman Lowery
Conrad, Flinn, Halbert and Strickland did not cast a vote
Hedgepeth was absent

APPROVED

- 7. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTH SIDE OF STEVE ROAD; +/-182.59 FEET WEST OF ELLSWORTH STREET, CONTAINING 12.18 ACRES AND IS CURRENTLY GOVERNED BY STEVE ROAD PLANNED DEVELOPMENT, AMENDED (P.D.06-332).** (Held from 9/6; 9/20; 11/1)

Case No. PD 06-332

Held until December 20, 2011

- 8. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF COPPER STREET AND MONROE AVENUE, EXTENDING WEST TO FLORENCE STREET AND NORTH TO TRIMBLE PLACE, CONTAINING 3.36 ACRES IN THE COMMERCIAL MIXED USE -1 (CMU – 1), COMMERCIAL MIXED USE – 3 (CMU-3) AND RESIDENTIAL URBAN -3 (RU-3) DISTRICTS.**

Case No. PD 11-317

Held until December 20, 2011

- 13. **ORDINANCE TO AMEND TITLE 6-BUSINESS LICENSES AND REGULATIONS- CHAPTER 6-88-WRECKERS AND TOWING OPERATORS, SECTION 6-88-15- PRIVATE PROPERTY TOW AUTHORIZATION FORMERLY CHAPTER 41- WRECKERS OR TOWING OPERATOR, OF THE CODE OF ORDINANCES, UP FOR S E C O N D READING.**

Ordinance No. 5431

Held to an indefinite date

- 1. **PRESENTATION OF THE HUMANITARIAN AWARD.**

MOTION: Morrison
 SECOND: Lowery

APPROVED, by unanimous voice vote

- 3. **RESOLUTION CONGRATULATING THE C-USA WOMEN’S SOCCER CHAMPION, THE LADY TIGERS OF THE UNIVERSITY OF MEMPHIS, ON THEIR OUTSTANDING SEASON.**

MOTION: W. Boyd
 SECOND: Ford

APPROVED, by unanimous voice vote

- 4. **RESOLUTION PROCLAIMING DECEMBER 5-9, 2011 AS “LEARNING WEEK”.**

MOTION: Lowery
SECOND: Ford

APPROVED, by unanimous voice

5. **RECOGNITION OF GEORGIAN HILLS SCHOOL FOOTBALL TEAM.**

MOTION: B. Boyd
SECOND: Ford

APPROVED, by unanimous voice vote

2. **PRESENTATION OF A CERTIFICATE OF RECOGNITION FOR 10-YEAR OLD JAYVON GUY WHOSE HEROISM SAVED HIS SISTER FROM AN ATTEMPTED KIDNAPPING.**

Certificate presented by Councilman Lowery

6. **RESOLUTION ACKNOWLEDGING THE ACCOMPLISHMENTS OF POLICE OFFICERS WITH THE DOWNTOWN PRECINCT.**

MOTION: B. Boyd
SECOND: Morrison

APPROVED, by unanimous voice vote

69. **RESOLUTION APPROVING THE MANAGEMENT AGREEMENT WITH OVERTON PARK CONSERVANCY TO MANAGE OVERTON PARK. THE AGREEMENT EXCLUDES THE AREAS OF THE GOLF COURSE, ZOO, BROOKS MUSEUM, LEVITT SHELL, COLLEGE OF ART, CITY FIRE STATION AND GENERAL SERVICES AND PARK SERVICES MAINTENANCE AREAS.**

MOTION: W. Boyd
SECOND: Fullilove
AYES: B. Boyd, W. Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Conrad did not cast a vote
Hedgepeth was absent

APPROVED

CONSENT AGENDA – Items 9-12, 14-17 and 18 may be acted upon by one motion: SEE PAGE 2082 FOR ROLL CALL

9. **ORDINANCE TO AMEND CHAPTER 7 – CENTER CITY AREA, ARTICLE IV, COMMON MALL AREA, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5432

APPROVED, on First reading

10. **ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III – DOGS AND CATS, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5433

APPROVED, on First reading

11. **ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III, 5, DANGEROUS/VICIOUS ANIMAL, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5434

APPROVED, on First reading

12. **ORDINANCE TO AMEND CHAPTER 15, ARTICLE I, SECTION 15-26.1, CITY OF MEMPHIS CODE OF ORDINANCES, TO LIMIT THE USE OF DUMPSTERS IN PUBLIC ALLEYS WITHIN THE DOWNTOWN SOLID WASTE COLLECTION DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5430

APPROVED, on Second reading

14. **ORDINANCE AMENDING THE WEST SIDE OF OAK STREET; +/-389' SOUTH OF TRIGG AVENUE, CONTAINING .40 ACRE IN THE SINGLE FAMILY RESIDENTIAL-6 (R-6) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 11-109
Ordinance No. 5436

APPROVED, on First reading

15. **RESOLUTION APPROVING FINAL PLAT OF ERNESTINE RIVERS DAYCARE CENTER.**

Case No. SUP 09-204

Resolution approves the final plat located on the west side of I-40, south of Oakland Ave. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

- 16. **RESOLUTION APPROVING FINAL PLAT OF VINTAGE POINT GOLF CENTER.**
Case No. SUP 11-204cc

Resolution approves the final plat located at the terminus of Big Orange Rd. and Macon Rd. Cost of the required improvements to be borne by the Developer. This action is subject to County approval.

City Engineer recommends approval

APPROVED

- 17. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. SAC 11-608
- B. Case No. SAC 11-609
- C. Case No. SUP 11-207

Public Hearing Set for December 20, 2011

- 18. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF CHERRYWOOD COVE TO JENNIFER PEARL PRESSGROVE COVE.**

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford
 SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Morrison, Strickland and Chairman Lowery
 Halbert did not cast a vote
 Hedgepeth was absent

APPROVED, with the exception of Item #13, which is held to an indefinite date

FISCAL CONSENT AGENDA – Items 76 & 77 may be acted upon by one motion:

76. RESOLUTION AMENDING THE FY 2012 OPERATING BUDGET TO ACCEPT, ESTABLISH AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF TWO MILLION, ONE HUNDRED FIFTY TWO THOUSAND, FOUR HUNDRED THIRTY SIX DOLLARS (\$2,152,436.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE I GRANT FOR ADULT FUNDS.

APPROVED

77. RESOLUTION AMENDING THE FY 2012 OPERATING BUDGET TO ACCEPT, ESTABLISH AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF ONE MILLION, SEVEN HUNDRED TWENTY THREE THOUSAND, SIX HUNDRED ELEVEN DOLLARS (\$1,723,611.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE I GRANT FOR DISLOCATED WORKER FUNDS.

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

MOTION: Conrad
SECOND: W. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Morrison, Strickland and Chairman Lowery
Halbert did not cast a vote
Hedgepeth was absent

APPROVED

MLGW FISCAL CONSENT – Items 19-27 & 30-49 may be acted upon by one motion:

19. RESOLUTION AWARDDING CONTRACT NO. 11495, JANITORIAL SERVICES, TO MASON PROFESSIONAL CLEANING SERVICES, IN THE FUNDED AMOUNT OF \$185,803.12.

APPROVED

20. RESOLUTION AWARDDING CONTRACT NO. 11516, TIRE AND TIRE REPAIR SERVICE, TO SOUTHERN TIRE MART, IN THE FUNDED AMOUNT OF \$683,138.00.

APPROVED

21. RESOLUTION APPROVING CHANGE NO. 11 TO CONTRACT NO. 10783, EMERGENCY AID AGREEMENT, WITH DILLARD SMITH CONSTRUCTION, IN THE FUNDED AMOUNT OF \$80,554.35. (THIS CHANGE COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF JUNE 13, 2011).

APPROVED

22. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11276, EMERGENCY STORM RESTORATION, WITH CITY UTILITIES OF SPRINGFIELD, MISSOURI, IN THE FUNDED AMOUNT OF \$146,949.23. (THIS CHANGE COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF APRIL 4, 2011).

APPROVED

23. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11258, GROUND MAINTENANCE, WITH BEAN AND PRINCE CONTRACTORS, INC., IN THE FUNDED AMOUNT OF \$944,943.72. (THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT VALUE IN THE AMOUNT OF \$327,191.27 DUE TO AN ERROR IN THE CALCULATION OF THE MAXIMUM CONTRACT VALUE DURING THE PREVIOUS RENEWAL (CHANGE NO. 3) DATED JANUARY 6, 2011, WHICH COVERED THE PERIOD MAY 16, 2011 TO MAY 15, 2012. THIS CHANGE ALSO RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, MAY 16, 2012 TO MAY 15, 2013, IN THE AMOUNT OF \$617,752.45, WITH NO INCREASE IN RATES DURING THE PREVIOUS YEAR).

APPROVED

24. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11416, MOBILE SWEEPING CLEANING, WITH HORIZON OF MEMPHIS, INC., IN THE FUNDED AMOUNT OF \$53,304.36. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, MARCH 1, 2012 TO FEBRUARY 28, 2013, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).

APPROVED

25. RESOLUTION APPROVING CHANGE NO. 15 TO CONTRACT NO. 10569, INTERACTIVE VOICE RESPONSE SYSTEM (IVR), WITH AVAYA, INC., IN THE FUNDED AMOUNT OF \$49,950.00, FOR A NEW CONTRACT VALUE OF \$1,264,352.63. (THIS CHANGE INCLUDES ARCHITECTURE AND DESIGN ANALYSIS, CONFIGURATION AND IMPLEMENTATION GUIDANCE, SOFTWARE DEVELOPMENT, OPERATIONAL PROCESS RECOMMENDATIONS AND ANALYSIS, AND PROJECT MANAGEMENT. THE TERM OF THE ANNUAL MAINTENANCE WILL REMAIN FOR THE PERIOD COVERING JULY 17, 2011 TO JULY 16, 2014).

APPROVED

26. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10863, BLUE PUMPKIN SOFTWARE LICENSE SUPPORT SERVICES, WITH VERINT, INC., IN THE AMOUNT OF \$188,325.00. (THIS CHANGE ADDS NEW FEATURES TO THE EXISTING SOFTWARE APPLICATIONS. \$26,100.00 FOR KEY PERFORMANCE INDICATOR AND \$162,225.00 FOR CUSTOMER FEEDBACK SOFTWARE. THE TERM OF THE ANNUAL MAINTENANCE WILL REMAIN FOR THE PERIOD AUGUST 1, 2007 TO JULY 31, 2012. THIS ALSO COVERS A CORPORATION NAME CHANGE FROM WITNESS SYSTEMS, INC., TO VERINT, INC.).**

APPROVED

27. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11070, UTILITY METER DATA APPLICATION, WITH AUTOMATED ENERGY, INC. (AEI), IN THE FUNDED AMOUNT OF \$31,000.00, FOR A NEW CONTRACT AMOUNT OF \$174,750.00. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR AN ADDITIONAL ONE-YEAR TERM TO CONTINUE TO PROVIDE THE WEB-BASED METER DATA ANALYSIS PRODUCT KNOWN AS "LOAD PROFILER" BUT MARKETED BY MLGW AS "METER INTELLIGENCE" COVERING THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2012).**

APPROVED

28. **RESOLUTION AMENDING THE RESOLUTION ADOPTED ON JUNE 17, 2010 AND APPROVED BY THE CITY COUNCIL ON JULY 20, 2010, RELATED TO CONTRACT NO. 11226, COLLECTION SERVICES, WITH CREDIT BUREAU COLLECTION SERVICES, INC., TO CORRECT THE AWARD TERM TO REFLECT A 60-MONTH TERM (AS STATED IN THE CONTRACT) RATHER THAN A ONE-YEAR PERIOD WITH AN OPTION OF FOUR ANNUAL RENEWALS. THIS CHANGE ALSO ADDS ADDITIONAL FUNDING IN THE AMOUNT OF \$1,852,662.00 TO COMPLETE THE REMAINING 48 MONTHS OF THE 60-MONTH TERM.**

Back to Committee on December 20, 2011

29. **RESOLUTION AMENDING THE RESOLUTION ADOPTED ON JUNE 17, 2010 AND APPROVED BY THE CITY COUNCIL ON JULY 20, 2010, RELATED TO CONTRACT NO. 11444, COLLECTION SERVICES, WITH THE AFFILIATED GROUP, INC., TO CORRECT THE AWARD TERM TO REFLECT A 60-MONTH TERM (AS STATED IN THE CONTRACT) RATHER THAN A ONE-YEAR PERIOD WITH AN OPTION OF FOUR ANNUAL RENEWALS. THIS CHANGE ALSO ADDS ADDITIONAL FUNDING IN THE AMOUNT OF \$1,852,662.00 TO COMPLETE THE REMAINING 48 MONTHS OF THE 60-MONTH TERM.**

Back to Committee on December 20, 2011

30. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11413, SURVEYING SERVICES, WITH BENCHMARK-OLLAR SURVEYING, IN THE FUNDED AMOUNT OF \$136,095.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS, JANUARY 19, 2012 TO JANUARY 18, 2013, AND ALSO MODIFIES THE BILLABLE RATE SCHEDULE WHICH RESULTED IN UNIT RATE ADJUSTMENTS).

APPROVED

31. RESOLUTION AWARDED CONTRACT TO SHELBY ELECTRIC COMPANY, INC. FOR A REPLACEMENT GENERATOR IN THE AMOUNT OF \$88,545.00.

APPROVED

32. RESOLUTION AWARDED CONTRACT NO. 11499, TEMPORARY SERVICE FOR GENERAL LABOR, TO PRIDESTAFF, IN THE FUNDED AMOUNT OF \$677,352.00.

APPROVED

33. RESOLUTION AWARDED CONTRACT NO. 11500, TEMPORARY SERVICE FOR CLERICAL SUPPORT, TO KELLY SERVICES, INC., IN THE FUNDED AMOUNT OF \$291,206.00.

APPROVED

34. RESOLUTION AWARDED CONTRACT NO. 11529, TEMPORARY SERVICE FOR SKILLED CRAFTSMAN, TO PRIDESTAFF, IN THE FUNDED AMOUNT OF \$82,120.80.

APPROVED

35. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11232, MEDICAL INSURANCE PLAN, WITH CIGNA INSURANCE COMPANY IN THE FUNDED AMOUNT OF \$10,988,535.00. (THIS CHANGE REFLECTS THE THIRD OF FOUR RENEWAL TERMS, JANUARY 1, 2012 TO DECEMBER 31, 2012, WITH A PREMIUM INCREASE OF 9% FROM THE PREVIOUS YEAR).

APPROVED

36. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11303, MEDICAL INSURANCE PLAN, WITH AETNA INSURANCE COMPANY, IN THE FUNDED AMOUNT OF \$1,126,188.00. (THIS CHANGE IS THE THIRD OF FOUR RENEWAL TERMS, JANUARY 1, 2012 TO DECEMBER 31, 2012, WITH A PREMIUM INCREASE OF 9.5% FROM THE PREVIOUS YEAR).

APPROVED

37. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11233, EMPLOYEE BENEFIT DENTAL PLAN, WITH DELTA DENTAL OF TENNESSEE, IN THE FUNDED AMOUNT OF \$4,750,894.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE THIRD AND FOURTH RENEWAL TERMS, JANUARY 1, 2012 TO DECEMBER 31, 2013, WITH A 14.9% INCREASE IN RATES BASED ON EXPERIENCE).**

APPROVED

38. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11465, CONTRACT SECURITY SERVICES, WITH CDA, IN THE FUNDED AMOUNT OF \$2,923,808.00. (THIS RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, JANUARY 1, 2012 TO DECEMBER 31, 2012, AND INCLUDES A \$5,000.00 INCREASE TO COVER THE EXPENSE OF HIGHER GASOLINE COSTS OVER THE PREVIOUS YEAR. THIS CHANGE ALSO INCLUDES ONE ADDITIONAL ARMED GUARD AT THREE MLGW COMMUNITY OFFICES AS WELL AS ADJUSTED OPTIONAL HOURS IN THE AMOUNT OF \$107,592.00).**

APPROVED

39. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 9943, GRAPHICS REPORTING SOFTWARE PACKAGE, WITH ALLEN SYSTEMS GROUP (ASG), INC., IN THE FUNDED AMOUNT OF \$110,372.67. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSE AND SUPPORT. THE TERM OF THE ANNUAL MAINTENANCE COVERS THE PERIOD OCTOBER 31, 2011 TO OCTOBER 30, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

40. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10640, LEGACY EXTENSION TECHNOLOGY, WITH DATADIRECT TECHNOLOGIES, IN THE FUNDED AMOUNT OF \$5,853.00, FOR A NEW CONTRACT VALUE OF \$511,647.82. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSE AND SUPPORT. THE TERM OF THE ANNUAL MAINTENANCE COVERS THE PERIOD AUGUST 17, 2011 TO AUGUST 16, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

41. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11214, INFORMATION SERVICES SUPPORT, WITH DELTA CONSULTING, IN THE FUNDED AMOUNT OF \$281,520.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, JANUARY 1, 2012 TO DECEMBER 31, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

42. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11266, INFORMATION SERVICES SUPPORT, WITH ZYCRON, IN THE FUNDED AMOUNT OF \$474,800.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, JANUARY 1, 2012 TO DECEMBER 31, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).

APPROVED

43. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11267, INFORMATION SERVICES SUPPORT, WITH STRAGISTICS TECHNOLOGY, IN THE FUNDED AMOUNT OF \$412,230.80. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, JANUARY 1, 2012 TO DECEMBER 31, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).

APPROVED

44. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11270, INFORMATION SERVICES SUPPORT, WITH COOK SYSTEMS INTERNATIONAL, IN THE FUNDED AMOUNT OF \$166,096.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, JANUARY 1, 2012 TO DECEMBER 31, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).

APPROVED

45. RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11271, INFORMATION SERVICES SUPPORT, WITH TEK SYSTEMS, IN THE FUNDED AMOUNT OF \$1,034,278.40. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, JANUARY 1, 2012 TO DECEMBER 31, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).

APPROVED

46. RESOLUTION AWARDED CONTRACT TO VENTURE TECHNOLOGIES FOR SCADA INTRUSION DETECTION SYSTEM IN THE AMOUNT OF \$63,354.01.

APPROVED

47. RESOLUTION AUTHORIZING PAYMENT OF LOUISIANA TRUNKLINE PERSONAL PROPERTY TAXES FOR THE GAS DIVISION IN THE AMOUNT OF \$121,716.34.

APPROVED

- 48. RESOLUTION AWARDING CONTRACT TO TRANSAMERICAN POWER PRODUCT C/O UTILICOR FOR STEEL TRANSMISSION POLES IN THE AMOUNT OF \$363,065.00.

APPROVED

- 49. RESOLUTION GIVING MLGW'S VICE PRESIDENT AND GENERAL COUNSEL CONTRACT AUTHORITY IN THE AMOUNT OF \$200,000.00 FOR LEGAL SETTLEMENTS.

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
 SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison and Chairman Lowery
 Strickland did not cast a vote
 Hedgepeth was absent

APPROVED, with the exception of Items 28 and 29 which will go back to Committee on December 20, 2011

CITY COUNCIL AS A RATE MAKING BOARD

- 50. RESOLUTION REQUESTING CITY COUNCIL TO CONVENE AS A RATE MAKING BODY IN A PUBLIC HEARING ON DECEMBER 6, 2011, AND TO CONSIDER AND DETERMINE REVISIONS TO TARIFFS FOR INCREASES IN WATER RATES (5.0%) EFFECTIVE WITH METERS READ ON CYCLE 1 OF THE JANUARY 2012 REVENUE MONTH ON A NON-PRORATED BASIS AND TO CONSIDER AND DETERMINE REVISIONS TO COMMERCIAL AND INDUSTRIAL GAS RATES THAT PRODUCE NO ADDITIONAL GAS REVENUE EFFECTIVE WITH METERS READ ON CYCLE 1 OF THE JANUARY 2012 REVENUE MONTH AS ADAPTED AND RECOMMENDED BY THE BOARD OF MLGW.

MOTION: Fullilove
 SECOND: B. Boyd

COUNCIL RECESS AS CITY COUNCIL AND CONVENES AS RATE - MAKING BOARD

MEETING CALLED TO ORDER AS A RATE-MAKING BOARD BY THE SERGEANT-AT-ARMS

PUBLIC HEARING RE: INCREASE IN WATER RATES OF 5.0% ON A NON-PRORATED BASIS

PRESENTATION BY: MEMPHIS LIGHT GAS & WATER

NAYS: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
 Hedgepeth was absent

FAILED

MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL BY THE SERGEANT-AT-ARMS

After a statement from Jerry Collins regarding the gas rate portion of the above item and a statement from the Council Attorney, Chairman Lowery stated that without objection we will reconsider the item for the purpose of splitting the question and voting on each separately

COUNCIL RECESS AS CITY COUNCIL AND CONVENES AS RATE – MAKING BOARD

MOTION: Morrison – Consider and determine revisions to commercial and industrial gas rates that produce no additional gas revenue effective with meters read on Cycle 1 of the January 2012 revenue month as adapted and recommended by the Board of MLGW
SECOND: W. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Morrison, Strickland, and Chairman Lowery
NAYS: Fullilove and Halbert
 Hedgepeth was absent

APPROVED, set up as Special Item #1 (Second part of Item #50)

The Council Attorney asked Chairman Lowery to read language for the record.

Chairman Lowery – Resolution requesting City Council to convene as a rate making body in a public hearing on December 6, 2011 and to consider and determine revisions to tariffs for increases in water rates (5.0%) effective with meters read on Cycle 1 of the January 2012 revenue month on a non-prorated basis.

MOTION: Fullilove – Move to get the above motion on the floor
 SECOND: B. Boyd
 NAYS: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
 Morrison, Strickland and Chairman Lowery
 Hedgepeth was absent

FAILED, set up as Special Item #2 (First part of Item #50)

Chairman Lowery stated to Jerry Collins that Item #74 which included the 5.0% rate increase has just been voted down, how you suggest we handle Item #74? After a response from Jerry Collins and the Council Attorney the following motion below was made to item #74

MOTION: Ford – Move to adjourn as a rate making board

Chairman Lowery stated that without objection, we are adjourned as rate making board

**MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL
 BY THE SERGEANT-AT-ARMS**

74. **RESOLUTION TO APPROVE THE 2012 ELECTRIC, GAS AND WATER OPERATIONS AND CAPITAL BUDGET WHICH INCLUDES AN INCREASE IN WATER RATES OF 5.0% TO BE EFFECTIVE WITH METERS READ AND CYCLE 1 OF THE JANUARY 2012 REVENUE MONTH ON A NON-PRORATED BASIS AND WHICH INCLUDES COMMERCIAL AND INDUSTRIAL GAS RATE SCHEDULE CHANGES THAT PRODUCE NO ADDITIONAL GAS REVENUE.**

Chairman Lowery recognized the following person who spoke from the audience:

Robert Covington, 925 Twinkle Town Road, Memphis, TN 38116

Attorney Wade read new language into the record that will be included as part of Item #74. Chairman Lowery stated that without objection the language will be added

MOTION: Fullilove – Take 5.0 % out for water
 SECOND: B. Boyd

NO ACTION WAS TAKEN ON THIS MOTION

MOTION: Morrison – Send Back to MLGW Board with a strong suggestion that it come back to Council without a 5.0% water increase and no raise for MLGW employees
 SECOND: Ford
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Morrison, Strickland and Chairman Lowery

NAYS: Fullilove
Hedgepeth was absent

APPROVED, Item sent back to MLGW Board. Set up as Special Item #3

51. **APPOINTMENTS**

Memphis and Shelby County Airport Authority

Appointment

James J. Keras, Jr.

Memphis and Shelby County Film and Television Commission

Appointments

Qur'an N. Folsom
Sherman Greer

Reappointments

Gale Jones Carson
Calvin Miller
Susan G. Murrmann
Ken Nelson
Herbert S. O'Mell
James Tashie
Pat Kerr Tigrett
Blanchard E. Tual
Ruby Wilson

MOTION: Collins
SECOND: Strickland
AYES: B. Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Strickland and Chairman Lowery
W. Boyd, Brown, Conrad and Morrison did not cast a vote
Hedgepeth was absent

APPROVED

52. **ORDINANCE TO AMEND MEMPHIS, TENNESSEE, CODE OF ORDINANCES TITLE 4 – PENSION AND RETIREMENT SYSTEM, SO AS TO MODIFY THE PENSION BENEFITS ALLOWABLE UNDER THE ORDINANCE, UP FOR T H I R D AND F I N A L READING.** (Held from 9/20; 10/18; 11/1)

Ordinance No. 5416

Chairman Lowery recognized the following persons who spoke from the audience:

- Deborah Godwin, 211 Brenrich Cove, Memphis, TN 38117
- Cheryl Marty, 668 Richmond, Memphis, TN 38106
- Joe Saino, 6560 Kirby Forest Cove, Memphis, TN 38119
- Michael R. Williams, 638 Jefferson Ave., Memphis, TN 38105

MOTION: Collins – Move Substitute Ordinance
 SECOND: Strickland
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
 Morrison, Strickland and Chairman Lowery
 Hedgepeth was absent

APPROVED, as amended

A five minute recess was taken at 6:07 p.m. The meeting reconvened at 6:14 p.m.

53. **ORDINANCE TO AMEND CHAPTER 23 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO ADD SECTION 23-86, WHICH SHALL REQUIRE THE USE OF HELMETS FOR PERSONAL SAFETY DURING SKATING AND OTHER ACTIVITIES WITHIN THE SKATE PARKS, UP FOR T H I R D AND F I N A L READING.**
 Ordinance No. 5423

MOTION: W. Boyd
 SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
 Strickland and Chairman Lowery
 Morrison did not cast a vote
 Hedgepeth was absent

APPROVED

54. **ORDINANCE TO FIX AND DETERMINE SALARY AND COMPENSATION OF MAYOR, PURSUANT TO HOME RULE AMENDMENTS, UP FOR T H I R D AND F I N A L READING.**
 Ordinance No. 5424

MOTION: Collins
 SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
 Strickland and Chairman Lowery
 Morrison did not cast a vote
 Hedgepeth was absent

APPROVED

55. **ORDINANCE TO FIX AND DETERMINE SALARY AND COMPENSATION OF CITY COURT JUDGES, PURSUANT TO HOME RULE AMENDMENTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5425

MOTION: Collins
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
NAYS: Brown and Conrad
Hedgepeth was absent

APPROVED

56. **ORDINANCE TO FIX AND DETERMINE SALARY AND COMPENSATION OF CITY COURT CLERK, PURSUANT TO HOME RULE AMENDMENTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5426

MOTION: Collins
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Hedgepeth was absent

APPROVED

57. **ORDINANCE TO AMEND CHAPTER 11, SECTION 11-24, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO INCREASE CITY COURT COSTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5427

MOTION: Flinn
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Collins, Conrad, Flinn, Ford, Strickland and Chairman Lowery
NAYS: Brown, Fullilove and Halbert
Morrison did not cast a vote
Hedgepeth was absent

APPROVED

58. **ORDINANCE TO AMEND CHAPTER 21, SECTION 21-159, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO INCREASE THE BOOTING FEE FOR IMMOBILIZED VEHICLES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5428

MOTION: Flinn

SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Collins, Conrad, Flinn, Ford, Halbert, Strickland and
 Chairman Lowery
 NAYS: Brown and Fullilove
 Morrison did not cast a vote
 Hedgepeth was absent

APPROVED

59. **ORDINANCE TO AMEND CHAPTER 21, ARTICLE II, SECTION 50, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO IMPOSE A DELINQUENCY FEE FOR PARKING CITATIONS THAT REMAIN UNPAID, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5429

MOTION: Flinn
 SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Strickland and
 Chairman Lowery
 Brown, Halbert and Morrison did not cast a vote
 Hedgepeth was absent

APPROVED

60. **RESOLUTION ADOPTING A REVISED DEBT MANAGEMENT POLICY.**

MOTION: Flinn
 SECOND: Ford
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
 Strickland and Chairman Lowery
 Morrison did not cast a vote
 Hedgepeth was absent

APPROVED

61. **RESOLUTION TO APPROVE CHANGES IN THE ORGANIZATIONAL STRUCTURES OF CERTAIN OPERATING DIVISIONS TO TAKE EFFECT JULY 1, 2012.**

MOTION: Flinn
 SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn Ford, Fullilove, Halbert,
 Morrison and Chairman Lowery
 Strickland recused
 Hedgepeth was absent

APPROVED

62. **RESOLUTION TO AMEND THE FISCAL YEAR 2012 BUDGET FOR CITY ATTORNEY TO APPROVE ADDITIONAL FUNDING FROM RESERVES AS A RESULT OF UNANTICIPATED CIRCUMSTANCES.**

MOTION: Flinn
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Strickland and Chairman Lowery
Morrison did not cast a vote
Hedgepeth was absent

APPROVED

63. **RESOLUTION REGARDING THE ANNUAL SUGGESTED PENSION CONTRIBUTION. (Held from 11/15)**

Held until December 20, 2011

64. **RESOLUTION APPROPRIATING \$340,000.00 FOR CIP PROJECT NUMBER IS01070, WEBSITE/INTRANET UPGRADE, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY2012 BUDGET. (Held from 11/15)**

MOTION: Strickland – Move to appropriate the \$340,000.00 to Engineering for the speed hump program
SECOND: Morrison

NO ACTION WAS TAKEN ON THIS MOTION

Friendly Amendment: Appropriate \$330,000.00 for speed humps and \$10,000.00 for the website

MOTION: Ford

Councilman Strickland did not accept Councilman Ford’s Friendly Amendment

Friendly Amendment: Allocate \$10,000.00 to Public Works for paving an alley (that belongs to the City of Memphis) for a church

MOTION: Fullilove

Councilman Strickland accepted Councilwoman Fullilove’s Friendly Amendment

MAIN MOTION: Brown – Send back to Committee

Chairman Lowery stated that without objection, this item will be sent back to Committee

APPROVED, item will be sent back to Committee on December 20, 2011

65. **RESOLUTION APPROPRIATING \$580,000.00 FOR CIP PROJECT IS01072, RADIO BANDING WHICH WAS APPROVED BY CITY COUNCIL IN FY2012 CIP BUDGET.**

MOTION: Conrad
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Collins abstained
Hedgepeth was absent

APPROVED

66. **RESOLUTION APPROPRIATING \$1,500,000.00 FOR CIP PROJECT IS01061, ORACLE RELEASE 12 UPGRADE, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY2012 CIP BUDGET.**

MOTION: Halbert – Send back to Committee on December 20, 2011

Chairman Lowery stated that without objection, this item will go back to Committee

APPROVED, item will be sent back to Committee

67. **RESOLUTION APPROPRIATING \$2,859,588.00 FOR CIP PROJECT IS01053, TREASURY SYSTEM UPGRADE, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY2012 CIP BUDGET.**

MOTION: Brown – Send back to Committee on December 20, 2011

Chairman Lowery stated that without objection, this item will go back to Committee

68. **RESOLUTION AUTHORIZING THE PURCHASE OF NATURAL GAS AT A DISCOUNT TO MARKET PRICE FROM PEAK (PUBLIC ENERGY AUTHORITY OF KENTUCKY) FOR A TERM NOT TO EXCEED EIGHT YEARS (CONTRACT NO. 11528).**

MOTION: Fullilove
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Strickland, and Chairman Lowery
Conrad and Morrison did not cast a vote
Hedgepeth was absent

APPROVED

70. **RESOLUTION INCLUDING MALLORY NEELY HOUSE, PK08027, IN THE FY '12 CAPITAL IMPROVEMENTS BUDGET. TWO COMPLYING BIDS WERE RECEIVED ON SEPTEMBER 30, 2011 FOR REROOFING RENOVATIONS TO THE MALLORY NEELY HOUSE WITH THE LOWEST AND BEST BIDDER BEING THE FIRM OF DAKOTA CORPORATION DBA JESSIE BRYANT ROOFING IN THE AMOUNT OF \$254,500.00. RESOLUTION SEEKS TO APPROPRIATE \$268,000.00 IN CONSTRUCTION FUNDS FUNDED BY G.O. BONDS GENERAL (INCLUDES \$13,500.00 CONTINGENCY).**

MOTION: W. Boyd

SECOND: Ford

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Hedgepeth was absent

APPROVED

71. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$573,000.00 FROM THE STATE OF TENNESSEE DEPARTMENT FOR OPERATING EXPENSES FOR THE FUEL CAP REPLACEMENT PROGRAM. RESOLUTION ALSO AMENDS THE FY 2012 CIP BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS AND MATCHING FUNDS IN THE AMOUNT OF \$143,250.00.**

MOTION: Morrison

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Morrison, Strickland and Chairman Lowery
Fullilove did not cast a vote
Hedgepeth was absent

APPROVED

72. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A CONSTRUCTION ALLOCATION OF \$900,070.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) FROM FLOOD CONTROL – ST, PROJECT NUMBER ST03059, TO AN EQUIPMENT ALLOCATION IN FLOOD CONTROL EMERGENCY GENERATORS, PROJECT NUMBER ST03144, FOR TWO 1500 KILOWATT TRAILER MOUNTED GENERATORS SETS AND FOR AN EQUIPMENT CONTRACT WITH CUMMINS MID-SOUTH.**

MOTION: Strickland

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Hedgepeth was absent

APPROVED

73. RESOLUTION TO EXTEND THE SITE LEASE AGREEMENT BETWEEN THE CITY OF MEMPHIS AND FCR OF TENNESSEE.

MOTION: Strickland
SECOND: Ford
AYES: B. Boyd, W. Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Conrad did not cast a vote
Hedgepeth was absent

APPROVED

75. RESOLUTION TO AMEND THE FY 2012 OPERATING BUDGET TO PROVIDE A ONE-TIME BONUS PAYOUT OF NO LESS THAN \$600.00 OR 1.5% OF ANNUAL BASE SALARY, WHICHEVER IS GREATER, TO ELIGIBLE PERMANENT EMPLOYEES.

Chairman Lowery recognized the following person who spoke from the audience:

Gordon Ginsberg, 600 Isabelle St., Memphis, TN 38122

MOTION: Morrison – Amend the resolution to add the following language – “This shall apply to all employees meeting the above eligibility requirement”
SECOND: Strickland

Chairman Lowery stated that Councilman Morrison’s amendment is on the floor as part of the main motion

MOTION: Flinn – A flat rate of \$600.00 across the board for full-time employees and \$200.00 for part-time employees
SECOND: B. Boyd

NO ACTION WAS TAKEN ON THIS MOTION

Friendly Amendment: A flat rate of \$750.00 across the board for full-time employees and \$200.00 for part-time employees

MOTION: B. Boyd

Councilman Flinn accepted Councilman B. Boyd’s Friendly Amendment

MAIN MOTION: Collins
SECOND: Morrison
AYES: B. Boyd, Brown, Collins, Ford, Fullilove, Morrison and Chairman Lowery

NAYS: W. Boyd, Conrad, Flinn, Halbert and Strickland
Hedgepeth was absent

APPROVED, as amended. Language added and \$750.00 across the board for full-time employees and \$200.00 for part-time employees

78. **RESOLUTION REQUESTING THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT PRESENT AN OUTLINE OF A PLAN THAT MESHES ECONOMIC DEVELOPMENT OPPORTUNITIES AND HOUSING ASSISTANCE TO THE RESPECTIVE COUNCIL STANDING COMMITTEE ON DECEMBER 20, 2011.**

MOTION: B. Boyd
SECOND: Fullilove
AYES: B. Boyd, W. Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Conrad did not cast a vote
Hedgepeth was absent

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of December 6, 2011 for items 48, 49, 53, 68, 75, 76, 77 and 78 only, with the following motion:

MOTION: Fullilove
SECOND: Ford
AYES: B. Boyd, W. Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland and Chairman Lowery
Brown and Conrad did not cast a vote
Hedgepeth was absent

APPROVED, set up as Special Item #4

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following person who spoke from the audience:

- Jack Armstrong, 2477 James Rd., Memphis, TN 38127
- Walter Broady, 4256 Ledbetter Cove, Memphis, TN 38109
- Patsy Whitten, 3615 Wilshire Dr., Memphis, TN 38111

ADJOURNED MEETING AT 8:50 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the

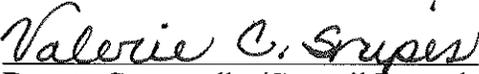
December 6, 2011

2101

Chairman.


CHAIRMAN

Attest:


Deputy Comptroller/Council Records