

Minutes of Item 39 of the  
Regular Meeting of the City Council  
City of Memphis

August 16, 2011

After the meeting was opened for the transaction of business and a quorum was declared present the Council considered the items on the agenda, including Item 39 to wit:

39. RESOLUTION AUTHORIZING A BORROWING FROM MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION TO FINANCE PYRAMID IMPROVEMENTS, LONESTAR PROPERTY ACQUISITION, AND COSTS OF ACQUISITION OF SHELBY COUNTY'S INTEREST IN THE MEMPHIS COOK CONVENTION CENTER AND REFINANCE THE COSTS OF ACQUISITION OF THE PYRAMID, REQUESTING SUCH CORPORATION TO ISSUE BONDS FOR SUCH PURPOSES, AUTHORIZING SUCH ACQUISITION, AUTHORIZING CERTAIN DEBT SERVICE RESERVE SUPPORT OF SUCH BONDS, AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE MEMPHIS ARENA USE AND OPERATING AGREEMENT BETWEEN THE CITY OF MEMPHIS, SHELBY COUNTY, THE MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY, AND HOOPS, LP; AND TO COMPLETE ALL MEASURES NECESSARY FOR THE FINANCING AND DEVELOPMENT OF THE BASS PRO /PYRAMID ARENA REDEVELOPMENT PROJECT, AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

MOTION: Hedgepeth

SECOND: Ford

AYES: Berlin Boyd, William Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison and Strickland

ABSTAIN:

NAYS: None

RECUSED: Conrad

**APPROVED**

Whereupon Flinn moved that the minutes for the foregoing items be approved on the date the matter was approved. Berlin Boyd seconded the motion. The motion was called for a vote as follows:

AYES: Berlin Boyd, William Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison and Strickland

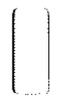
NAYS: None.

ABSTAIN: None.

RECUSED:

Conrad and Hedgepeth did not vote.

**APPROVED**

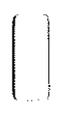


Chairman: Myron Lowery

Date: 8/16/2011

Attest:

Deputy Comptroller/Council Records



**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**August 16, 2011**

**3:30 P.M. SCHEDULED SESSION**

**3:50 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, Reid Hedgepeth, Bill Morrison, Jim Strickland and Chairman Myron Lowery

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

**INVOCATION**

The meeting was opened with prayer by Pastor George Parks, Jr. from Riverside Missionary Baptist Church. Councilman Ford presented Pastor Parks 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 August 2, 2011 with the following motion:**

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

**APPROVED,** as amended, item #2 – UV 10-12, was pulled from the Minutes and will back on the Agenda for September 6, 2011 Meeting.

25. **RESOLUTION ESTABLISHING THE MEMPHIS LIGHT GAS AND WATER DIVISION IN LIEU OF TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2012. (GAS & ELECTRIC) (HELD FROM 6/7; 6/21; 7/5; 7/19; 8/2)**

Held until September 6, 2011

28. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO REQUIRE A TWO-THIRDS MAJORITY APPROVAL OF THE CITY COUNCIL IN ORDER TO INCREASE THE AD VALOREM TAX RATE IF THE INCREASE IS A HIGHER PERCENTAGE THAN THE RATE OF INFLATION AND TO SUBMIT THE PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 2012, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/2)**

Ordinance No. 5408

Held until September 6, 2011

1. **RESOLUTION HONORING LANELL WILLIAMS, CITY UNIVERSITY SCHOOL CLASS OF 2011 VALEDICTORIAN.**

MOTION: Collins

SECOND: Brown

**APPROVED**, unanimous voice vote

**(Councilman Collins offered the following (3) Friendly Amendments to item#39)**

**#1 – In 45 days from the adoption date of this resolution, the City Administration shall be responsible for submitting a report detailing the progress of the project to date, and including any expenditures made, activities commenced or completed, and any other matters of interest related to the project.**

**#2 – The City of Memphis shall establish a participation goal of 40% for African American and woman owned business enterprises in all City contracted aspects of this undertaking.**

**#3 – The Memphis City Council shall establish a project liaison committee, which shall consist of two members of the Council appointed by the Chairman of the City Council and the Chair of Housing and Community Development Committee of the City Council, or his designee, to review the procedures of this undertaking and report to the Council from time to time regarding the overall progress of the project.**

39. **RESOLUTION AUTHORIZING A BORROWING FROM MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION TO FINANCE PYRAMID IMPROVEMENTS, LONESTAR PROPERTY ACQUISITION, AND COST OF ACQUISITION OF SHELBY COUNTY'S INTEREST IN THE MEMPHIS COOK CONVENTION CENTER AND REFINANCE THE COSTS OF ACQUISITION OF THE PYRAMID, REQUESTING SUCH CORPORATION TO ISSUE BONDS FOR SUCH PURPOSES, AUTHORIZING SUCH ACQUISITION, AUTHORIZING CERTAIN DEBT SERVICE RESERVE SUPPORT OF SUCH BONDS, AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE MEMPHIS ARENA USE AND OPERATING AGREEMENT BETWEEN THE CITY OF MEMPHIS, SHELBY COUNTY, THE MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY, AND HOOPS, LP; AND TO COMPLETE ALL MEASURES NECESSARY FOR THE FINANCING AND DEVELOPMENT OF THE BASS PRO/PYRAMID ARENA REDEVELOPMENT PROJECT, AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING.**

MOTION: Hedgepeth

SECOND: Ford

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

**APPROVED**, as amended

2. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTH SIDE OF MONROE AVENUE, +/-504 FEET EAST OF LAUDERDALE STREET, CONTAINING 1.16 ACRES IN THE CENTRAL BUSINESS DISTRICT (CBD) AND MEDICAL OVERLAY [MO] DISTRICT.(HELD FROM 7/5)**

Case No. SE 11-001

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

Steve Edmundson, 603 Monroe, Memphis, Tennessee, 38103

Mike Todd, 790 Snowden Circle East, Memphis, Tennessee, 38104

Will McGown, 413 Monroe, Memphis, Tennessee, 38103

Applicant: Memphis Housing, LLC – Tony Crosby  
SR Consulting, LLC – Cindy Reaves – Representative

Appellant: The Edge Community Association – Mike Todd

Request: Overturn the decision of the LUCB approving a Special Exception to allow an increase in height for a proposed building at 51 feet in height where a maximum of 35 feet of height is permitted

LUCB and OPD recommendation: APPROVAL, with one condition

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

**APPEAL DENIED**

3. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTHWEST CORNER OF POPLAR AVENUE AND BELLE MEADE LANE, CONTAINING .71 ACRE.**

Case No. S 11-007

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

David Wade, 6410 Poplar, Memphis, Tennessee, 38119  
 Pat Beech, 4339 Gwynne Road, Memphis, Tennessee, 38117  
 Kathy Shannon, 66 Wychewood, Memphis, Tennessee, 38117  
 George Ellis, 4151 Tuckahoe Road, Memphis, Tennessee, 38117  
 Chevida Raymond, 304 Belle Meade Lane, Memphis, Tennessee, 38117

Appellant: John R. Wills, Jr.

Request: Overturn the decision of the Land Use Control Board on 06/09/11 which rejected a proposed two-lot resubdivision

LUCB recommendation: Rejection

OPD recommendation: Approval of the resubdivision with conditions

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

**APPEAL FAILED**

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF E. SHELBY DRIVE+/-516.33 FEET WEST OF GERMANTOWN ROAD, CONTAINING 6.42 ACRES AND IS CURRENTLY GOVERNED BY SHELBY DRIVE/GERMANTOWN ROAD, 3<sup>RD</sup> AMENDMENT P.D. 08-312 CC.**

Case No. PD 11-304cc

Applicant: Eulyse M. Smith Estate  
 ETI Corporation – Representative

Request: Planned development to allow one(1) retail building in Parcel 'C' and to change the Concept Plan for remaining Parcels 'A', 'B' & 'C' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Ford

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

**APPROVED**

- 5. **RESOLUTION AMENDING THE ORIGINAL INTERLOCAL AGREEMENT FOR THE JOINT ECONOMIC AND COMMUNITY DEVELOPMENT BOARD, BY AUTHORIZING THE MEMBERSHIP OF THE SUBURBAN CHAMBERS OF COMMERCE AND ALLOWING THE SUBURBAN CHAMBERS OF COMMERCE TO APPOINT A BOARD MEMBER TO JOIN THE EXISTING BOARD OF THE JOINT ECONOMIC AND COMMUNITY DEVELOPMENT BOARD.**

MOTION: Conrad

SECOND: Hedgepeth

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

**APPROVED**

- 6. **ORDINANCE REZONING THE NORTHEAST CORNER OF PENDLETON STREET AND BRANDON CIRCLE, CONTAINING 0.64 ACRE IN THE RESIDENTIAL SINGLE FAMILY (R-6) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 11-104  
Ordinance No. 5410

Applicant: Pendlove, Inc., D/B/A 'Pendleton House of Love'

Request: Civic (CIV) District to allow Group Living for an Assisted-Living Facility

LUCB and OPD recommendation: APPROVAL

MOTION: Hedgepeth

SECOND: Fullilove

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

**APPROVED**

**CONSENT AGENDA – Items 7 – 13 & #36 may, be acted upon by one motion: SEE PAGE 1974 FOR ROLL CALL**

- 7. **ORDINANCE TO AMEND CHAPTER 4 – ALCOHOLIC BEVERAGE, ARTICLE I, IN GENERAL, SECTION 7 – SALE TO CERTAIN PERSONS PROHIBITED, DRINKING IN OR ON PREMISES OF RETAIL, LIQUOR STORES PROHIBITED, PENALTY – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, UP FOR F I R S T READING.**

Ordinance No. 5413

**APPROVED**, on First reading

- 8. **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 OF MEMPHIS, TENNESSEE, UP FOR F I R S T READING.**

Ordinance No. 5414

Chairman Lowery recognized the following person who spoke from the audience:  
Rebecca Muse, 1826 Thomas, Memphis, Tennessee, 38134

**APPROVED**, on First reading

- 9. **ORDINANCE TO AMEND CHAPTER 39 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO ESTABLISH THE MEMPHIS TRANSPORTATION COMMISSION, UP FOR F I R S T READING.**

Ordinance No. 5415

**APPROVED**, on First reading

- 10. **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 F I R S T READING.**

Ordinance No. 5416

**APPROVED**, on First reading

- 11. **ORDINANCE TO AMEND CHAPTER 16, ARTICLE V, OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, SO AS TO AMEND THE SECTION PERTAINING TO PEDESTRIAN VENDORS, UP FOR S E C O N D READING.**

Ordinance No. 5411

**APPROVED**, on Second reading

- 12. **ORDINANCE REZONING THE SOUTH SIDE OF MONROE AVENUE; +/-146.0 FEET EAST OF FLORENCE STREET, CONTAINING .21 ACRE IN THE RESIDENTIAL URBAN-3 (RU-3) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 11-105  
Ordinance No. 5412

**APPROVED**, on Second reading

- 13. **RESOLUTION ACCEPTING LAUSANNE COLLEGIATE SCHOOL DRAINAGE IMPROVEMENTS, AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5144)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on West Massey Road at Lendenwood Road. The standard improvement contract was approved on August 4, 2009. Resolution also authorizes the release of the performance bond in the amount of \$42,600.00.

City Engineer recommends approval

**APPROVED**

- 36. **RESOLUTION APPROVING FINAL PLAT OF HOLLYWOOD-TREASURY SUBDIVISION, RESUBDIVISION OF LOT 1.**

Case No. S 10-020

Resolution approves final plat located in the west side of Hollywood Street, south of James Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**WIN FISCAL CONSENT – Items 37 & 38 may be acted upon by one motion:**

- 37. RESOLUTION ACCEPTING \$413,914.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR THE WIA TITLE I DISLOCATED WORKER GRANT.

**APPROVED**

- 38. RESOLUTION ACCEPTING \$185,573.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR THE WIA TITLE I ADULT GRANT.

**APPROVED**

**WIN ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 14 - 24 may be acted upon by one motion:**

- 14. RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11071, EMERGENCY STORM RESTORATION, WITH DAVIS H. ELLIOTT COMPANY, INC., IN THE FUNDED AMOUNT OF \$566,468.33. (THIS CHANGE COVERS PAYMENT OF WORK PERFORMED DUE TO THE STORM OF APRIL 20, 2011).

**APPROVED**

- 15. RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11437, EMERGENCY AID AGREEMENT, WITH STANDARD ELECTRIC COMPANY, IN THE FUNDED AMOUNT OF \$51,749.18. (THIS CHANGE COVERS PAYMENT OF WORK PERFORMED DUE TO THE STORM OF APRIL 20, 2011).

**APPROVED**

- 16. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11399, RIGHT-OF-WAY MOWING, WITH ROTOLO CONSULTANTS, INC., IN THE FUNDED AMOUNT OF \$231,152.00. (THIS RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, AUGUST 9, 2011 THROUGH AUGUST 8, 2012, WHICH INCLUDES A 6.45% INCREASE FROM THE PREVIOUS YEAR DUE TO AN INCREASE IN INSURANCE AND FUEL COSTS).

**APPROVED**

17. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11433, PALMER PUMPING STATION CONCRETE RESTORATION, WITH MID-SOUTH SPECIALTIES, IN THE FUNDED AMOUNT OF \$18,225.00, FOR A NEW CONTRACT VALUE OF \$202,500.00. (THIS CHANGE COVERS THE UNANTICIPATED COST OF REPLACING THE COKE TRAY FOR THE PALMER AERATOR RESTORATION PROJECT.

**APPROVED**

18. RESOLUTION APPROVING AGREEMENT FOR AND PAYMENT OF MLGW'S ON-GOING COMMITMENT TO THE GREATER MEMPHIS CHAMBER IN THE AMOUNT OF \$175,000.00, TO FACILITATE ECONOMIC AND COMMUNITY DEVELOPMENT IN MEMPHIS AND SHELBY COUNTY FOR THE PERIOD SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2011, PROVIDED THAT NO PART OF THIS FUNDING SHALL BE USED FOR LOBBYING PUBLIC OFFICIALS OR TO OPPOSE OR PROMOTE BALLOT INITIATIVES.

**APPROVED**

19. RESOLUTION APPROVING CONTRACT NO. 4555 BETWEEN MLGW AND TVA, TO SUPPORT INDUSTRIAL RECRUITMENT, DEVELOPMENT AND EXPANSION OF BUSINESS AND INDUSTRY IN THE MEMPHIS/SHELBY COUNTY AREA, WHEREBY MLGW WILL MAKE PAYMENT TO THE GREATER MEMPHIS CHAMBER IN THE AMOUNT OF \$80,000.00, PROVIDED THAT NO PART OF THIS FUNDING SHALL BE USED FOR LOBBYING PUBLIC OFFICIALS OR TO OPPOSE OR PROMOTE BALLOT INITIATIVES. TVA WILL REIMBURSE MLGW IN THE AMOUNT OF \$40,000.00.

**APPROVED**

20. RESOLUTION AWARDED CONTRACT FOR #57 WASHED LIMESTONE TO MARTIN MARIETTA AGGREGATE IN THE AMOUNT OF \$101,470.00.

**APPROVED**

21. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 9716, SYSOUT MANAGER SOFTWARE, WITH SOFTWARE ENGINEERING OF AMERICA, IN THE FUNDED AMOUNT OF \$16,125.74, FOR A NEW CONTRACT VALUE OF \$130,212.02. (THIS RENEWS ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES AND LICENSE FEES FOR THE PERIOD OCTOBER 1, 2011 TO SEPTEMBER 30, 2013, WITH NO INCREASE FROM THE PREVIOUS YEAR).

**APPROVED**

- 22. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10072, ONLINE SUMMARY AND REFERENCE PRODUCT, WITH CHICAGO-SOFT, LTD., IN THE FUNDED AMOUNT OF \$14,711.00, FOR A NEW CONTRACT VALUE OF \$98,381.00. (THIS RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT COVERING THE PERIOD MAY 8, 2011 TO MAY 7, 2014. MAINTENANCE COSTS FOR MAY 8, 2011 TO MAY 7, 2012 IS \$5,254.00 OR A 6% INCREASE OVER THE PREVIOUS YEAR. THE COSTS FOR THE PERIOD MAY 8, 2012 TO MAY 7, 2014 INCLUDES A 10% PER-PAY DISCOUNT OR \$4,728.50 PER YEAR. THE NET CHANGE IN ANNUAL COSTS FOR THIS RENEWAL IS -1.0).

APPROVED

- 23. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11393, NETWORK MAINTENANCE, WITH VENTURE TECHNOLOGIES, INC., IN THE FUNDED AMOUNT OF \$613,295.32. (THIS RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, OCTOBER 15, 2011 THROUGH OCTOBER 14, 2012, WHICH INCLUDES AN 8.37% DECREASE FROM THE PREVIOUS YEAR).

APPROVED

- 24. RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10562, PBX/AC SYSTEM, WITH BLACK BOX NETWORK SERVICES, IN THE FUNDED AMOUNT OF \$123,032.86. (THIS CHANGE IS TO RENEW SUPPORT MAINTENANCE SERVICES FOR THE PERIOD COVERING JANUARY 1, 2013 TO DECEMBER 31, 2017 IN THE AMOUNT OF \$306,085.00, WHICH WILL BE ABSORBED IN THE CURRENT CONTRACT VALUE. THIS CHANGE IS ALSO TO ADD 115 LICENSES TO TWO (2) EXISTING FEATURES, WHICH INCLUDE WEB CHAT AND E-MAIL ON THE CURRENT OPENScape ACD MANAGEMENT SYSTEM IN THE AMOUNT OF \$111,384.00. IN ADDITION, THIS CHANGE IS TO ADD HARDWARE AND SOFTWARE TO THE PBX/ACD SYSTEM TO ALLOW FOR IMMEDIATE CUSTOMER FEEDBACK FOLLOWING A CUSTOMER CONTACT (VIA COMMON APPLICATION PLATFORM (CAP) AND VERINT'S CUSTOMER FEEDBACK SYSTEM) IN THE AMOUNT OF \$11,648.86).

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

(Item#26 & #27 were called together)

26. **APPOINTMENTS** (Held from 8/2)

**Memphis and Shelby County Air Pollution Board**

Appointments

Roy N. Davis  
Dr. Robert D. Kirkpatrick

Reappointment

James G.M. Lenschau

**Fire Department Board of Appeals**

Appointments

Majid E. Hatamzadeh  
Robert C. Jacobson

Re-appointments

Ronald A. Fuller  
Howard B. Glatstein  
Janet Smith-Haltom

27. **APPOINTMENTS**

Public Art Oversight Committee

Appointment

Carl E. Moore

Memphis Light, Gas & Water

Reappointments

Darrell Cobbins  
Steven Wishnia

MOTION: Collins  
SECOND: Fullilove  
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,

Morrison, Strickland and Chairman Lowery  
Hedgepeth did not cast a vote

**APPROVED**

29. **RESOLUTION ACCEPTING ADDITIONAL FEDERAL GRANT FUNDS IN THE AMOUNT OF \$4,775,497.00 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE DEPLOY TRAFFIC SIGNAL SYSTEM YEAR 3 PROJECT TO HELP RELIEVE TRAFFIC CONGESTION AND RELATED AIR POLLUTION ON VARIOUS MAJOR ROADWAYS IN THE CITY OF MEMPHIS. RESOLUTION ALSO AMENDS FY2012 OPERATING BUDGET BY ADDING THESE FUNDS TO THE PROJECT (EN90006) AND APPROPRIATES GRANT FUNDS. (HELD FROM 8/2)**

City Engineer recommends approval

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

**APPROVED**

30. **RESOLUTION AMENDING THE FISCAL YEAR 2012 SPECIAL REVENUE FUND BUDGET BY ACCEPTING AND APPROPRIATING \$80,000.00 IN GRANT FUNDS PAST THROUGH SHELBY COUNTY GOVERNMENT TO THE DIVISION OF ENGINEERING FOR TRANSPORTATION PLANNING ACTIVITIES.**

City Engineer recommends approval

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

**APPROVED**

31. **RESOLUTION TO APPROPRIATE THE SUM OF \$1,400,000.00 OF THE FY 2012 CAPITAL IMPROVEMENT BUDGET FOR THE MHA-LEGENDS PARK (DIXIE HOMES) PROJECT.**

MOTION: Brown  
SECOND: B. Boyd  
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Morrison,

Strickland and Chairman Lowery  
Fullilove and Hedgepeth did not cast a vote

**APPROVED**

32. **RESOLUTION AMENDING THE FY2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$10,034.00 FUNDED BY G.O. BONDS (STORM WATER) FROM DRAINAGE-ST, PROJECT NUMBER ST03006, TO FLETCHER – 8408/8420 REMBROOK, PROJECT NUMBER ST03128, FOR DRAINAGE REPAIR AND FOR A CONSTRUCTION CONTRACT WITH MADDEN PHILLIPS. (HELD FROM 8/2)**

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

**APPROVED**

33. **RESOLUTION UNAPPROPRIATING \$80,000.00 IN CONSTRUCTION FUNDED BY GO BONDS GENERAL IN METAL MUSEUM N. BLUFF REPAIR, PROJECT NUMBER PW 04073 AND TRANSFERRING A CONSTRUCTION ALLOCATION OF \$80,000.00 FUNDED BY GO BONDS – GENERAL FROM METAL MUSEUM N. BLUFF REPAIR, PROJECT NUMBER PW04073 TO AN ARCHITECTURE AND ENGINEERING ALLOCATION IN TRAFFIC CALMING DEVICES, PROJECT NUMBER EN01007. (HELD FROM 8/2)**

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

**APPROVED**

34. **RESOLUTION UNAPPROPRIATING \$120,000.00 IN CONSTRUCTION FUNDED BY GO BONDS GENERAL IN METAL MUSEUM N. BLUFF REPAIR, PROJECT NUMBER PW04073 AND TRANSFERRING A CONSTRUCTION ALLOCATION OF \$120,000.00 FUNDED BY GO BONDS – GENERAL FROM METAL MUSEUM N. BLUFF REPAIR, PROJECT NUMBER PW04073 TO A&E/LAND ACQUISITION ALLOCATIONS IN THE AMOUNT OF \$20,000.00 AND A CONSTRUCTION ALLOCATION IN THE AMOUNT OF \$100,000.00 IN SCHOOL SAFETY IMPROVEMENTS, PROJECT NUMBER PW04043. (HELD FROM 8/2)**

MOTION: Hedgepeth

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

**APPROVED**

35. **RESOLUTION AMENDING THE FISCAL YEAR 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$700,000.00 FUNDED BY G.O. BONDS – GENERAL FROM STREET LIGHTING, PROJECT NUMBER PW01093 TO FY12 STREET LIGHTING, PROJECT NUMBER PW01236, TO REIMBURSE MEMPHIS, LIGHT, GAS AND WATER FOR COSTS INCURRED IN CONNECTION WITH SERVICING, REPLACING, AND REMOVING EXPRESSWAY STREET LIGHT POLES.**

Director of Public Works recommends approval

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

**APPROVED**

40. **RESOLUTION ACCEPTING GRANT FUNDS TO AMEND THE FY2012 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$1,307,400.00 FROM THE STATE OF TENNESSEE FOR THE IN-SERVICE TRAINING PROGRAM FOR 2,179 COMMISSIONED OFFICERS.**

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

**APPROVED**

**(Special Item #1 -Councilman Flinn made a motion to approve Same Night Minutes for item #39, from tonight's meeting).**

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

**APPROVED**

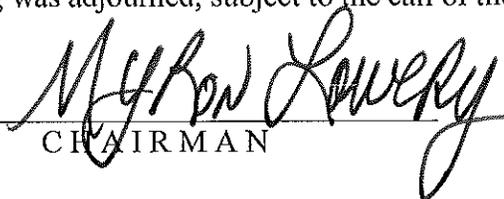
**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

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

Chad Johnson, 1191 Vance Avenue, Memphis, Tennessee, 38104  
Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

**ADJOURNED MEETING AT 6:52 P.M.**

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

  
CHAIRMAN

Attest:

  
Deputy Comptroller/Council Records



Minutes of Items 20, 43 and 44 of the  
Regular Meeting of the City Council  
City of Memphis

September 6, 2011

After the meeting was opened for the transaction of business and a quorum was declared present the Council considered the items on the agenda, including Items 20, 43 and 44 to wit:

20. RESOLUTION approving Change No. 2 to Contract No. 11274, Emergency Aid Agreement, with Henkels and McCoy, Inc., in the funded amount of \$371,775.20. (This change covers payment for work performed due to the storm of April 4, 2011 in the amount of \$216,687.26 and the storm of April 27, 2011 in the amount of \$155,087.94).

MOTION: Fullilove

SECOND: Ford

AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison and Strickland

ABSTAIN: None

NAYS: None

RECUSED:

**APPROVED**

43. Resolution amending the FY2012 CIP Budget by transferring an allocation of \$500,000.00 from Contract Construction to Architecture and Engineering in Overton Square Redevelopment, project number GA01015

MOTION: Hedgepeth

SECOND: Berlin Boyd

AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, and Strickland

ABSTAIN: None

NAYS: None

RECUSED:

DID NOT VOTE: Morrison

**APPROVED**

44. Resolution approving the terms of the settlement agreement executed by the parties and attached hereto made a part hereof by reference for the dissolution of MCS

MOTION: Halbert

SECOND: Berlin Boyd

AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Lowery, and Strickland

ABSTAIN: None

NAYS: None

RECUSED: Ford.

DID NOT VOTE: Morrison

**APPROVED**



Whereupon Fullilove moved that the minutes for the foregoing items be approved on the date the matter was approved. Berlin Boyd seconded the motion. The motion was called for a vote as follows:

AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad Flinn, Fullilove, Halbert, Lowery, and Strickland

NAYS: None.

ABSTAIN: None.

RECUSED: Ford

DID NOT VOTE: Morrison, Hedgepeth

**APPROVED**

Chairman: Myron Lowery

Date: 9/6/2011

Attest:

Valerie C. Smyse  
Deputy Comptroller/Council Records



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