MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

January 3, 2012

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Pastor Robert Covington from Solemn Assembly. Councilwoman Fullilove presented Pastor Covington 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.

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR LEWIS DONELSON.**

   Held until January 17, 2012

21. **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 T H I R D AND F I N A L READING.**

   Ordinance No. 5431

Held until January 17, 2012

27. **RESOLUTION REGARDING THE ANNUAL SUGGESTED PENSION CONTRIBUTION. (HELD FROM 11/15; 12/06; 12/20)**

Held until January 17, 2012

MLGW FISCAL CONSENT – Items 8 – 11 & 13 - 20 may be acted upon by one motion:

(Councilwoman Halbert made a motion to vote on item #12 separately. This item was heard at the end of the Agenda).

8. **RESOLUTION AWARDING CONTRACT NO. 11502, GROUNDS MAINTENANCE WELL LOTS, TO BEAN AND PRINCE CONTRACTORS, INC. IN THE FUNDED AMOUNT OF $67,599.14.**

APPROVED

9. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11486, GROUNDS MAINTENANCE AND LANDSCAPING SERVICES, WITH THE ROBERTS COMPANY, LTD. OF TENNESSEE D/B/A ENVIRONMENTAL LANDSCAPE SERVICES, IN THE FUNDED AMOUNT OF $67,566.50. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, MAY 4, 2012 TO MAY 3, 2013, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

10. **RESOLUTION AWARDING CONTRACT FOR FUSE EQUIPMENT TO HD SUPPLY UTILITIES IN THE AMOUNT OF $1,311,213.20.**

APPROVED

11. **RESOLUTION AWARDING 36-MONTH BLANKET CONTRACTS FOR WATER METERS TO BADGER METER, INC. IN AN AMOUNT NOT TO EXCEED $1,110,525.92 AND ELSTER AMCO WATER, INC., IN AN AMOUNT NOT TO EXCEED $390,321.48; THE TOTAL OF BOTH AWARDS IS APPROXIMATELY $1,500,847.40.**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 9 TO CONTRACT NO. 10332, ABB SOFTWARE MAINTENANCE, WITH ABB POWER TRAINING & DEVELOPMENT COMPANY, INC., IN THE FUNDED AMOUNT OF $134,552.00. (THIS CHANGE RENEWS SOFTWARE MAINTENANCE, LICENSES AND SUPPORT RENEWAL FEES COVERING THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2012, WHICH INCLUDES A 5% INCREASE IN PRICE FROM THE PREVIOUS YEAR DUE TO**

ABB'S 2012 PRICING MODEL. THIS ALSO INCLUDES CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM WHICH CAN ONLY BE PERFORMED BY ABB POWER TRAINING & DEVELOPMENT COMPANY, INC.).

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10580, SERVICE AGREEMENT, WITH MOTOROLA, INC., IN THE FUNDED AMOUNT OF $47,759.16, FOR A NEW CONTRACT VALUE OF $576,266.31. (THIS CHANGE RENEWS THE CONTRACT FOR AN ADDITIONAL ONE-YEAR TERM, MARCH 1, 2012 TO FEBRUARY 28, 2013, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. THIS CHANGE ALSO INCLUDES CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM WHICH CAN ONLY BE PERFORMED BY MOTOROLA, INC.).**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11235, LONG DISTANCE TELEPHONE SERVICE, WITH AT&T, INC. IN A FUNDED AMOUNT NOT TO EXCEED $15,000.00, FOR A NEW CONTRACT VALUE OF $60,000.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND AND FINAL RENEWAL TERM, APRIL 1, 2012 TO MARCH 31, 2013, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11320, LOCAL DIAL TONE SERVICES, WITH PAETEC, IN THE FUNDED AMOUNT OF $132,600.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF THREE RENEWAL TERMS, APRIL 1, 2012 TO MARCH 31, 2013, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11324, IN-SERVICE WOOD POLE INSPECTION, WITH OSMOSE UTILITIES SERVICES, INC., IN AN AMOUNT NOT TO EXCEED $600,000.00, WITH UNIT RATE ADJUSTMENTS. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, JANUARY 1, 2012 TO DECEMBER 31, 2012, AND INCLUDES AN OVERALL UNIT RATE ADJUSTMENT OF 0.75%).**

APPROVED

18. **RESOLUTION AWARDING CONTRACT NO. 11514, CONSULTANT RISK MANAGEMENT AUDIT, TO MARSH, IN THE FUNDED AMOUNT OF $320,000.00.**

APPROVED

19. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10985, MASTER LEASE AGREEMENT, WITH SKILLSOFT CORPORATION, IN THE FUNDED AMOUNT OF $13,456.20, FOR A NEW CONTRACT VALUE OF $200,177.67. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR AN ADDITIONAL TERM COVERING THE PERIOD JANUARY 31, 2012 TO JANUARY 30, 2013 AND ADDS INFORMATION TECHNOLOGY COURSES TO THE CONTRACT. THIS ALSO DEDUCTS THE AMOUNT OF $783.42 FROM CHANGE NO. 6 WHICH WAS NOT EXECUTED NOR WAS THE WORK PERFORMED).**

APPROVED

20. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 11121, CUSTOMER SATISFACTION SURVEY, WITH RENEE ENTERPRISES IN THE FUNDED AMOUNT OF $8,368.50, FOR A NEW CONTRACT VALUE OF $183,783.00. (THIS CHANGE EXTENDS THE CURRENT CONTRACT FOR A 90-DAY PERIOD, JANUARY 1, 2012 TO MARCH 31, 2012, WITH NO INCREASE IN RATES, TO ALLOW THE DEVELOPMENT OF A NEW CONTRACT AS A RESULT OF THE BID REJECTION OF THE PREVIOUS RFP).**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of December 20, 2011 with the following motion:

(Councilman Lowery made a motion to reconsider item #4, SUP 11-207, from December 20, 2011 Minutes and bring it back before Council in (2) weeks. Councilman Strickland objected this motion).

Chairman Morrison recognized the following people who spoke from the audience:
Rev. John Larson, 490 Ellsworth, Memphis, Tennessee, 38111
Stephen Brewer, 550 S. Prescott, Memphis, Tennessee, 38111
Tillman Carroll, 546 Ellsworth Street, Memphis, Tennessee, 38111
Seena Walker, 491 Ellsworth, Memphis, Tennessee, 38111
Shaher Hasan, 411 N. Mendenhall, Memphis, Tennessee, 38117

(Special Item #1 – reconsideration of item #4)

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

(Special Item #1 FAILED)

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

APPROVED

2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF THOMAS STREET; +/-260 FEET NORTH OF ROYAL AVENUE, CONTAINING 68.561 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.**

Case No. SUP 11-219

Held until January 17, 2012

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF NORTH BELLEVUE BOULEVARD, 477 FEET NORTH OF PEACH AVENUE, CONTAINING 0.2 ACRE IN THE RESIDENTIAL SINGLE FAMILY-6 (R-6) DISTRICT.**

Case No. SUP 11-217

Applicant: O' Taste and See (Barbara Jackson)
Mark Yates and Barbara Jackson – Representatives

Request: Catering Service

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

4. **ORDINANCE REZONING 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 T H I R D AND F I N A L READING.**

Case No. Z 11-109
Ordinance No. 5436

Applicant: Odessa Williamson
Delinor Smith – Representative

Request: Residential Urban-3 (RU-3) District

LUCB and OPD recommendation: APPROVAL

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

APPROVED

CONSENT AGENDA – Items 5 - 7 & 32 may be acted upon by one motion: SEE PAGE 2130 FOR ROLL CALL

5. **ORDINANCE TO AMEND THE CITY CHARTER SO AS TO REQUIRE THE MAYOR AND COUNCIL TO ADOPT A FIVE YEAR STRATEGIC BUSINESS PLAN AND A SIX YEAR CONSOLIDATED BUDGET THAT INCLUDES BOTH THE OPERATING AND CAPITAL BUDGETS FOR THE CITY AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 2012, UP FOR F I R S T READING.**

Ordinance No. 5437

APPROVED, on First reading

6. **ORDINANCE TO AMEND ARTICLE VI, CHAPTER 36 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO INCREASE THE EXISTING HOTEL/MOTEL OCCUPANCY TAX TO 2.7%, UP FOR F I R S T READING.**

Ordinance No. 5439

APPROVED, on First reading

7. **ORDINANCE REZONING THE SOUTH SIDE OF RAINES ROAD, 295 FEET EAST OF MARLIN ROAD, CONTAINING 0.34 ACRE IN THE RESIDENTIAL SINGLE FAMILY-10 (R-10) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 11-111
Ordinance No. 5438

APPROVED, on First reading

32. **ORDINANCE TO CONSOLIDATE THE DIVISIONS OF PUBLIC SERVICES AND COMMUNITY ENHANCEMENT WITH THE DIVISION OF PARK SERVICES, UP FOR F I R S T READING.**

Ordinance No. 5440

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

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

APPROVED

22. **ORDINANCE TO AMEND CHAPTER 7 – CENTER CITY AREA, ARTICLE IV, COMMON MALL AREA, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5432

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

APPROVED

23. **ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III – DOGS AND CATS, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5433

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

APPROVED

24. **ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III, 5, DANGEROUS/ VICIOUS ANIMAL, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5434

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

APPROVED

25. **RESOLUTION AMENDING THE FY 2012 OPERATING BUDGET BY ACCEPTING GRANT FUNDS IN THE AMOUNT OF $10,000.00 FROM THE TARGET CORPORATION FOR THE OFFICE OF YOUTH SERVICES VIOLENT PREVENTION PROGRAM.**

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

APPROVED

26. **RESOLUTION ACCEPTING AND APPROPRIATING MAYOR'S INSTITUTE ON CITY DESIGN FUNDS IN THE AMOUNT OF $225,000.00 FROM THE NATIONAL ENDOWMENT FOR THE ARTS TO THE FY 2012 BUDGET FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT.**

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

APPROVED

28. **RESOLUTION APPROVING A FIVE YEAR INITIAL CONTRACT TERM BETWEEN CITY OF MEMPHIS PARK SERVICES DIVISION AND MEMPHIS CITY SCHOOLS (MCS) FOR MANAGEMENT AND OPERATIONS OF HALLE FOOTBALL STADIUM. THE AGREEMENT HAS TWO 10 YEAR RENEWAL OPTIONS FOR A TOTAL OF 25 YEARS AND REQUIRES MCS TO COVER ALL OPERATIONS COSTS RELATED TO THE FOOTBALL STADIUM. MCS HAS OPERATED THE FACILITY SINCE THE EARLY 1970'S WITHOUT A FORMALIZED WRITTEN AGREEMENT.**

Held until January 17, 2012

29. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL FOR THE CITY OF MEMPHIS TO ENTER INTO A CONTRACT WITH TRI-STATE YOUTH BASEBALL ACADEMY, INC., (TSYBA) TO MANAGE AND OPERATE JESSE TURNER/BELLEVUE BASEBALL PARK. THE AGREEMENT CALLS FOR A FIVE (5) YEAR INITIAL TERM AND THREE (3) FIVE (5) YEAR RENEWAL TERMS FOR A TOTAL OF 20 YEARS.**

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

APPROVED

30. **RESOLUTION APPROPRIATING $201,225.00 IN CONTRACT CONSTRUCTION FOR CIP PROJECT NUMBER GA01008, MUD ISLAND MAJOR MAINTENANCE TO ADDRESS REPAIRS ON MUD ISLAND DUE TO FLOOD DAMAGE.**

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

APPROVED

31. **RESOLUTION AMENDING THE FISCAL YEAR 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF $249,545.00 FUNDED BY G.O. BONDS FROM ADA CURB RAMP, PROJECT NUMBER PW04007 TO CURB RAMP PROGRAM GROUP 45, PROJECT NUMBER PW04091 TO INSTALL HANDICAP RAMPS AT VARIOUS LOCATIONS. RESOLUTION ALSO APPROPRIATES $249,545.00 FUNDED BY G.O. BONDS FOR CURB RAMP PROGRAM GROUP 45, PROJECT NUMBER PW04091 FOR A CONSTRUCTION CONTRACT WITH PRECISE CONCRETE.**

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

APPROVED

12. **RESOLUTION AWARDING CONTRACT NO. 11521, MITSUBISHI ELECTRIC TRANSMISSION LINE FOUNDATION, TO RELIABLE CONSTRUCTORS, INC., IN THE FUNDED AMOUNT OF $273,800.00.**

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Morrison recognized the following people who spoke from the audience:
Eddie Wilson, 925 Forrester Avenue, Memphis, Tennessee, 38105
Roy Casey, 4036 Leech Road, Memphis, Tennessee, 38109
Steven Simmons, 781 Leath Street, Memphis, Tennessee, 38105
Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:22 P. M.

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

Bill Morrison
CHAIRMAN

Attest:

Valerie C. Snyder
Deputy Comptroller/Council Records