

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****May 17, 2011****3:30 P.M. SCHEDULED SESSION****3:35 P.M. MEETING COMMENCED**

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

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

The meeting was opened with prayer by Khenpo Gawang Rinpoche from Pema Karpo Meditation Center. Councilman Conrad presented Khenpo Gawang Rinpoche 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 HONORING RANDY WADE FOR HIS HEROIC ACTIONS. (HELD FROM 4/19; 5/3)**

DROPPED

2. **RESOLUTION RECOGNIZING KELLER WILLIAMS RED (RENEW ENERGIZE DONATE) DAY.**

Held until June 21, 2011

- 28. **ORDINANCE TO REDISTRICT ALL COUNCIL DISTRICTS AND TO ASSIGN NEWLY ANNEXED AREAS, IF ANY, TO COUNCIL DISTRICTS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICT. WILL COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER, PERTAINING TO VOTING RIGHTS ACTS REMEDIES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 4/19).**

Ordinance No. 5395

Held until June 7, 2011

- 3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF S. HIGHLAND STREET AND COWDEN AVENUE, CONTAINING 0.69 ACRE IN AN AREA CURRENTLY GOVERNED BY PD 02-232.**

Case No. PD 11-302

Co-Chairman Morrison recognized the following person who spoke from the audience:
Ronald Howell, 238 S. Highland Street, Unit#904, Memphis, Tennessee, 38111

Applicant: Karen L. Wellford
Alexander W. Wellford, Jr. – Representative

Request: Amend the planned development to permit a restaurant with alcohol sales and dinner service

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of May 3, 2011 with the following motion:

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

APPROVED

- 4. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON PART OF FULTON STREET, JACKSON AVENUE, AUCTION AVENUE AND CONCORD AVENUE AT THE PYRAMID ARENA, CONTAINING 2.74 ACRES.**

Case No. SAC 11-602

Applicant: City of Memphis – John Cameron, City Engineer

Request: Close unimproved public street rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Fullilove

AYES: Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth and Co-Chairman Morrison
Halbert and Strickland did not cast a vote
Boyd, Ware and Chairman Lowery were absent

APPROVED

- 5. **RESOLUTION APPROVING A HOTEL WAIVER FOR THE CEDAR HOTEL LOCATED AT 1471 E. BROOKS ROAD.**

Case No. HMW 11-10

MOTION: Ford

SECOND: Fullilove

AYES: Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland and Co-Chairman Morrison
Halbert did not cast a vote
Boyd, Ware and Chairman Lowery were absent

APPROVED, as amended (The applicant has to come back before City Council in (12) months).

(Councilman Collins made a motion to hold item #6 for (2) weeks, without objection. This was seconded by Chairman Strickland).

- 6. **ORDINANCE REZONING THE WEST SIDE OF HOLLYWOOD STREET; +/-176.52 FEET NORTH OF CHELSEA AVENUE, CONTAINING 0.21 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 5/3)**

Case No. Z 10-117
Ordinance No. 5396

Held until June 7, 2011

27. APPOINTMENT

MEMPHIS ANIMAL SHELTER ADVISORY BOARD

APPOINTMENT

G. DONALD SIEMER

MOTION: Collins

SECOND: Fullilove

AYES: Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Co-Chairman Morrison
Boyd, Ware and Chairman Lowery were absent

APPROVED

CONSENT AGENDA – Items 7 – 13 may be acted upon by one motion: SEE PAGE 1860 FOR ROLL CALL

- 7. **ORDINANCE TO AMEND CHAPTER 33, OF THE CODE OF ORDINANCES, SO AS TO DECREASE THE SEWER FEE, UP FOR F I R S T READING.**

Ordinance No. 5402

APPROVED, on First reading

- 8. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2012 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5398

APPROVED, on Second reading

- 9. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS FOR EXISTING RETIREES UNDER SECTION 25-95 AND SECTION 25-195, UP FOR S E C O N D READING.**

Ordinance No. 5399

APPROVED, on Second reading

- 10. **ORDINANCE TO FIX THE TAX RATE FOR THE CITY OF MEMPHIS FOR FISCAL YEAR 2012, UP FOR S E C O N D READING.**

Ordinance No. 5400

APPROVED, on Second reading

- 11. **ORDINANCE TO AMEND TITLE 11 – VEHICLES AND TRAFFIC, CHAPTER 11-28 – PEDESTRIANS, OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, UP FOR S E C O N D READING.**

Ordinance No. 5401

APPROVED, on Second reading

- 12. **ORDINANCE REZONING THE NORTHEAST CORNER OF MACON ROAD AND BERRYHILL ROAD, CONTAINING 1.26 ACRES IN THE CONSERVATION AGRICULTURAL (CA) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-116cc

Ordinance No. 5403

APPROVED, on First reading

- 13. **ORDINANCE REZONING THE EAST SIDE OF AIRWAYS BOULEVARD; +/-250 FEET SOUTH OF KILARNEY AVENUE, CONTAINING 58.74 ACRES IN THE RESIDENTIAL SINGLE FAMILY-15 (R-15) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 11-101

Ordinance No. 5397

APPROVED, on Second reading

ROLL CALL CONSENT ITEMS

- MOTION: Ford
- SECOND: Fullilove
- AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Co-Chairman Morrison
- NAY: Conrad
- Boyd, Ware and Chairman Lowery were absent

APPROVED

MLGW FISCAL CONSENT – Items 14 - 26 may be acted upon by one motion:

- 14. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11071, EMERGENCY STORM RESTORATION, WITH DAVIS H. ELLIOT COMPANY, INC., IN THE FUNDED AMOUNT OF \$37,538.66, FOR A NEW CONTRACT VALUE OF \$2,170,204.88. (THIS COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF FEBRUARY 25 THROUGH FEBRUARY 26, 2011).**

APPROVED

- 15. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11437, EMERGENCY AID AGREEMENT, WITH STANDARD ELECTRIC COMPANY, IN THE FUNDED AMOUNT OF \$27,910.52, FOR A NEW CONTRACT VALUE OF \$109,106.45. (THIS COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF FEBRUARY 25 THROUGH FEBRUARY 26, 2011).

APPROVED

- 16. RESOLUTION AWARDED CONTRACT FOR C.N.G. SUPPLY TRAILERS TO ZEIT ENERGY, LLC, IN THE AMOUNT OF \$156,880.00.

APPROVED

- 17. RESOLUTION AWARDED 12-MONTH CONTRACT FOR SOUTHERN YELLOW PINE POLES TO BALDWIN POLES IN THE AMOUNT OF \$951,948.75.

APPROVED

- 18. RESOLUTION AWARDED CONTRACT FOR LIGHT-DUTY VEHICLES, AS FOLLOWS:

Dobbs Ford.....	\$1,634,505.00
Cardinal Chrysler Jeep Dodge, Inc.....	61,358.66
Serra Chevrolet.....	<u>28,625.00</u>
Total:	<u>\$1,724,488.66</u>

APPROVED

- 19. RESOLUTION AWARDED CONTRACT NO. 11418, FOUNDATION INSTALLATION STRUCTURES 3603 AND 3604 REPLACEMENT, TO CHRIS-HILL CONSTRUCTION COMPANY, LLC, IN THE FUNDED AMOUNT OF \$96,575.00.

APPROVED

- 20. RESOLUTION AWARDED CONTRACT NO. 11485, AERIAL (LIDAR) SURVEYING AND ENGINEERING SERVICES, TO GEODIGITAL INTERNATIONAL CORPORATION, IN THE FUNDED AMOUNT OF \$897,500.00.

APPROVED

- 21. RESOLUTION AWARDED CONTRACT FOR RENEWAL OF ANNUAL WEB-BASED SUBSCRIPTION SERVICE TO IHS GLOBAL, INC. IN THE AMOUNT OF \$26,226.72.

APPROVED

- 22. RESOLUTION AWARDDING CONTRACT FOR CAPACITOR BANKS TO UTILICOR IN THE AMOUNT OF \$595,520.00.

APPROVED

- 23. RESOLUTION AWARDDING 36-MONTH CONTRACT FOR SODIUM HYPOCHLORITE TO VERTEX CHEMICAL CORPORATION IN THE AMOUNT OF \$1,281,000.00.

APPROVED

- 24. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 9626, DATA PROCESSING/LICENSE AGREEMENT, WITH INNOVATION DATA PROCESSING IN THE FUNDED AMOUNT OF \$19,152.00, FOR A NEW CONTRACT VALUE OF \$57,580.00. (THIS RENEWS THE CONTRACT FOR THE TERM FEBRUARY 1, 2011 THROUGH JANUARY 31, 2014).

APPROVED

- 25. RESOLUTION AWARDDING CONTRACT FOR HEWLETT PACKARD HARDWARE AND SOFTWARE TO LOGICALIS, INC., IN THE AMOUNT OF \$152,884.05.

APPROVED

- 26. RESOLUTION AWARDDING 48-MONTH CONTRACT FOR RENTAL OF AN INSERTING SYSTEM TO PITNEY BOWES IN THE AMOUNT OF \$71,328.00.

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

- 29. RESOLUTION OF THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED SIXTY FIVE MILLION DOLLARS (\$65,000,000.00) PRINCIPAL AMOUNT OF THE CITY OF MEMPHIS, TENNESSEE, GENERAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING VARIOUS PUBLIC WORKS PROJECTS OF THE CITY. (HELD FROM 5/3)

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

APPROVED

30. **RESOLUTION SUPPORTING THE MEMPHIS AND SHELBY COUNTY GREEN GROWTH GOAL OF 800 MEGAWATTS OF RENEWABLE ENERGY PRODUCTION AND 200 MEGAWATTS OF ENERGY EFFICIENCY BY 2020 AS A MEANS TO A STRONGER, MORE RESILIENT AND MORE ENERGY-SECURE ECONOMY.**

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

APPROVED

31. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF THREE HUNDRED AND FIFTY THOUSAND DOLLARS (\$350,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE DISLOCATED WORKER (ARRA) PROGRAM. RESOLUTION ALSO AMENDS THE FY2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

32. **RESOLUTION TO FUND THE GREAT AMERICAN STEAMBOAT COMPANY RELOCATION PROJECT, ALLOCATING \$9,745,000.00 IN G.O. BONDS OR OTHER AVAILABLE FUNDING SOURCES TO BEALE STREET LANDING AND \$4,000,000.00 IN G.O BONDS TO OVERTON SQUARE PUBLIC IMPROVEMENTS.**

MOTION: Strickland
SECOND: Fullilove

AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Co-Chairman Morrison
Conrad recused
Boyd, Ware and Chairman Lowery were absent

APPROVED, as amended

(Councilman Strickland made a motion to approve Same Night Minutes on items #29, #31 and #32, from tonight's meeting).

(Special Item #1 – Same Night Minutes)

MOTION: Strickland
SECOND: Flinn
AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Strickland and Co-Chairman Morrison
Conrad recused
Hedgepeth did not cast a vote
Boyd, Ware and Chairman Lowery were absent

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Co-Chairman Morrison recognized the following person who spoke from the audience:
Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 4:48P.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



10/10/10



Minutes of Item 29, 31 and 32 of the
Regular Meeting of the City Council
City of Memphis

May 17, 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 29, 31 and 32 to wit:

29. RESOLUTION of the Council of the City of Memphis, Tennessee, authorizing the issuance, sale and delivery of not to exceed Sixty Five Million Dollars (\$65,000,000.00) principal amount of the City of Memphis, Tennessee, General Improvement Bonds for the purpose of financing various public works projects of the City.

MOTION: Flinn

SECOND: Fullilove

AYES: Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Strickland

ABSTAIN:

NAYS:

RECUSED:

Ford did not vote

Boyd and Lowery were absent

APPROVED

31. RESOLUTION accepting grant funds in the amount of Three Hundred and Fifty Thousand Dollars (\$350,000.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Worker (ARRA) Program and amending the FY2011 Operating Budget to establish and appropriate grant funds.

MOTION: Conrad

SECOND: Fullilove

AYES: Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Strickland

ABSTAIN:

NAYS:

RECUSED:

Ford did not vote



Boyd and Lowery were absent

APPROVED

32. RESOLUTION to fund the Great American Steamboat Company relocation project, allocate \$9,745,000.00 in G.O. Bonds or other available funding sources to Beale Street Landing and \$4,000,000.00 in G.O. Bonds to Overton Square public improvements.

MOTION: Flinn
 SECOND: Fullilove
 AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland
 ABSTAIN:
 NAYS:
 RECUSED: Conrad
 Boyd and Lowery were absent

APPROVED

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

AYES: Brown, Collins, Flinn, Fullilove, Halbert, Strickland
 ABSTAIN:
 NAYS:
 RECUSED: Conrad
 Hedgepeth
 Boyd and Lowery were absent

APPROVED

Valerie C. Sipes

Attest:

Chairman: *Bill Moore*

Date: 5-17-11

