

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**September 4, 2012**

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

**3:30 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 and Jim Strickland. Myron Lowery and Chairman Bill Morrison were absent.

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

**INVOCATION**

The meeting was opened with prayer by Pastor Herbert Lester from Asbury United Methodist Church. Councilman Collins presented Pastor Lester 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 21, 2012 with the following motion:

**(Councilwoman Halbert made a motion to Suspend the Rules and reconsider Item#6 from the Minutes – Special Item #1)**

**MOTION:** Halbert  
**SECOND:** Harris  
**AYES:** Brown, Collins, Halbert and Harris  
**NAYS:** Boyd, Conrad, Strickland and Vice Chairman Ford

Fullilove recused  
Flinn and Hedgepeth did not cast a vote  
Lowery and Chairman Morrison were absent

**(Special Item #1 – FAILED)**

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

**APPROVED**

- 2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST CORNER OF WHITNEY AVENUE AND RANGE LINE ROAD, CONTAINING 4.58 ACRES IN THE RESIDENTIAL SINGLE FAMILY (R-10) DISTRICT.**

Case No. SUP 12-216

Held until September 18, 2012

- 3. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR SE C O N D READING. (SECOND READING HELD TO SEPTEMBER 4, 2012 VIA E-MAIL ON JUNE 7, 2012)**

Ordinance No. 5456

Held until January 2013

- 4. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH A MOTOR VEHICLE INSPECTION FEE, UP FOR SE C O N D READING. (SECOND READING HELD TO SEPTEMBER 4, 2012 VIA E MAIL ON JUNE 7, 2012)**

Ordinance No. 5461

Held until January 2013

- 5. **ORDINANCE TO AMEND CHAPTER 9-60 (LITTER CONTROL) OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD VEHICLE IMPOUNDMENT FOR ILLEGAL DUMPING, UP FOR SE C O N D READING.**

**DROPPED**

- 7. **ORDINANCE TO AMEND CHAPTER 9-58 (TIRE BUSINESS AND TIRE HAULER REGISTRATION) OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD VEHICLE IMPOUNDMENT FOR ILLEGAL DUMPING, UP FOR S E C O N D READING.**

Ordinance No. 5471

**DROPPED**

- 15. **ORDINANCE TO AMEND SECTION 2-73 OF THE CITY CODE OF ORDINANCES TO ESTABLISH THE CITY ATTORNEY’S OFFICE AS THE CITY’S CENTRALIZED REVENUE OFFICE FOR THE COLLECTION OF DELINQUENT CITY RECEIVABLES, JUDGMENTS, AND RELATED COURT COSTS, FEES, FINES AND AUTHORIZED CIVIL PENALTIES ON BEHALF OF THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5466

Held until September 18, 2012

- 1. **RESOLUTION CONGRATULATING LOGAN GULEFF ON HIS INVITATION TO THE WHITE HOUSE KIDS’ STATE DINNER RESULTING FROM HIS WIN OF THE “HEALTHY LUNCHTIME CHALLENGE.”**

MOTION: Strickland  
 SECOND: Conrad

**APPROVED**, unanimous voice vote

**CONSENT AGENDA – Items 6 & 8 may be acted upon by one motion: SEE PAGE 2346 FOR ROLL CALL**

- 6. **ORDINANCE TO AMEND CHAPTER 9 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO INCLUDE NONDISCRIMINATION BASED UPON NATIONAL ORIGIN, ETHNICITY, AGE, AND DISABILITY, UP FOR S E C O N D READING.**

Ordinance No. 5470

**APPROVED**, on Second reading

- 8. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. PD 12-311 – Calvary Rescue Mission P.D.

Public Hearing Set for September 18, 2012

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 9 - 13 may be acted upon by one motion:**

9. RESOLUTION AWARDDING CONTRACT NO. 11518, MCCORD WELL 206 STEEL LINER, TO LAYNE CHRISTENSEN COMPANY, IN THE FUNDED AMOUNT OF \$53,800.00.

**APPROVED**

10. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11474, GENERATOR PREVENTATIVE MAINTENANCE AGREEMENT, WITH CUMMINS MID-SOUTH, LLC, IN THE FUNDED AMOUNT OF \$61,569.03. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS, JANUARY 21, 2013 THROUGH JANUARY 20, 2014, WITH NO INCREASE IN RATES).

**APPROVED**

11. RESOLUTION AWARDDING CONTRACT FOR STATIONARY REFRIGERATED AUTOMATIC SAMPLERS TO WESTERN TENNESSEE WATERWORKS IN THE AMOUNT OF \$69,223.00.

**APPROVED**

12. RESOLUTION APPROVING PAYMENT OF INVOICE FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE ANNUAL FACILITY MAINTENANCE FEE FOR PUBLIC WATER SYSTEMS IN THE AMOUNT OF \$124,017.95.

**APPROVED**

13. RESOLUTION AWARDDING 12-MONTH BLANKET CONTRACT TO WESCO DISTRIBUTION, INC. FOR UNDERGROUND FITTINGS IN THE AMOUNT OF \$619,450.10.

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**(Councilman Collins requested that on item#14, the Director of Finance Appointment, be voted on separately).**

14. **APPOINTMENTS**

**DIRECTOR OF FINANCE**

Appointment

Brian Collins

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

**APPROVED**

**MEMPHIS CITY BEAUTIFUL COMMISSION**

Reappointments

Jake E. Allen, Jr.  
Valesa S. J. Wells

**MEMPHIS AND SHELBY COUNTY DOWNTOWN PARKING AUTHORITY**

Joint Appointment

Donnell R. Cobbins, Jr.

MOTION: Collins  
SECOND: Boyd

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

**APPROVED**

16. **ORDINANCE TO AMEND TITLE 11 – VEHICLES AND TRAFFIC, CHAPTER 11-28, SECTION 11-28-3, OF THE CODE OF ORDINANCES (RIGHT-OF-WAY IN CROSSWALKS), UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5467

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

**APPROVED**

17. **ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO INCREASE THE PENSION BENEFIT OF CERTAIN RETIREES OVER THE AGE OF SIXTY-FIVE, WITH AT LEAST TWENTY FIVE YEARS OF SERVICE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5468

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

**APPROVED**

18. **RESOLUTION APPROPRIATING \$200,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03005, RAIL FACILITY IMPROVEMENTS FOR MATA, TO FUND THE LOCAL SHARE FOR THE PURCHASE OF RAIL FACILITY IMPROVEMENTS IN FISCAL YEAR 2013 AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

19. **RESOLUTION APPROPRIATING \$2,314,602.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03018, PREVENTIVE MAINTENANCE FOR MATA, TO FUND COSTS FOR MAINTENANCE OF CAPITAL ASSETS IN FISCAL YEAR 2013 AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

20. **RESOLUTION APPROPRIATING \$45,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03022, ADVANCED PUBLIC TRANSPORTATION SYSTEM FOR MATA, TO FUND THE LOCAL SHARE FOR ADVANCED PUBLIC TRANSPORTATION SYSTEMS AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

21. **RESOLUTION APPROPRIATING \$33,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03001, SERVICE VEHICLES FOR MATA, TO FUND THE LOCAL SHARE FOR THE PURCHASE OF SERVICE VEHICLES IN FISCAL YEAR 2013 AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

22. **RESOLUTION TO ACKNOWLEDGE AND ACCEPT THE DONATION OF THE SHELBY COUNTY GOVERNMENT'S INTEREST IN THE MID SOUTH COLISEUM AND THE LIBERTY BOWL MEMORIAL STADIUM AND TO DISSOLVE THE MEMPHIS AND SHELBY COUNTY COLISEUM BOARD.**

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

**APPROVED**

23. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$1,341,600.00 FROM THE STATE OF TENNESSEE FOR THE IN-SERVICE TRAINING PROGRAM FOR TRAINING OF 2,236 COMMISSIONED OFFICERS. RESOLUTION ALSO AMENDS THE FY 2013 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

**(Councilman Flinn made a motion to amend item#24. The amendment is requesting for proposals be issued to award up to \$200,000.00 in FY 2014, to a responsive vendor with a proven track record serving the needs of our citizens returning to the community from incarceration to partner with the City in providing re-entry services and aid the City in leveraging other not-for-profit resources to further this mission). – (Special Item #2)**

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

**APPROVED**

24. **RESOLUTION AMENDING THE FY 2013 OPERATING BUDGET TO RESTORE FUNDING IN THE AMOUNT OF \$264,626.00 TO THE SECOND CHANCE PROGRAM.**

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

**APPROVED**, as amended

25. **RESOLUTION APPROVING A PERMANENT EASEMENT AGREEMENT WITH NUCOR STEEL MEMPHIS, INC., AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON MAY 16, 2012.**

Contract No. CR-5192

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

**APPROVED**

**(Councilwoman Fullilove made a motion to approve Same Night Minutes for items#14, #23 & #24 from tonight's meeting) – Special Item #3**

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

**APPROVED**

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

Vice Chairman Ford recognized the following people who spoke from the audience:  
Bryant Branch, 151 N. Belvedere Boulevard, #7, Memphis, Tennessee, 38104  
Samantha Rayapakse, 5261 Algiers, Memphis, Tennessee, 38116  
Josue Rodriguez, 128 Angelus, Memphis, Tennessee, 38104  
Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

**ADJOURNED MEETING AT 5:06 P.M.**

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

Bill Morrison  
CHAIRMAN

Attest:

Valerie C. Grapes  
Deputy Comptroller/Council Records