MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

January 4, 2011

3:30 P.M. SCHEDULED SESSION

3:33 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Pastor Orlester Johnson from Greater Faith Tabernacle Church. Councilwoman Fullilove presented Pastor Johnson 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 December 21, 2010 with the following motion:

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

APPROVED

CONSENT AGENDA – Items 1 – 3 may be acted upon by one motion: SEE PAGE 1743 FOR ROLL CALL

1. **ORDINANCE TO REZONE THE SOUTH SIDE OF INTERSTATE 240 EAST, +/-1,760 FEET EAST OF GETWELL ROAD, CONTAINING 7.62 ACRES IN THE AGRICULTURAL (AG) [FP] DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-115
Ordinance No. 5391

APPROVED, on First reading

2. **RESOLUTION APPROVING FINAL PLAT OF TELLUS SUBDIVISION.**

Case No. S 10-001

Resolution approves the final plat located on the north side of Mullins Station Road, east of Raleigh LaGrange Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

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

A. Case No. PD 07-339 – Avanti North, P.D., 8th Amendment, Part of Parcel A-2, Phase 8
B. Case No. SAC 10-608 – Madison Alley
C. Case No. SAC 10-609 – Watson Street

Public Hearing Set for January 18, 2011

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 4 -9 may be acted upon by one motion:

4. **RESOLUTION AWARDING CONTRACT NO. 11414, ROOF MAINTENANCE, TO B FOUR PLIED, INC., IN THE FUNDED AMOUNT OF $143,780.00.**

   APPROVED

5. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11437, EMERGENCY AID AGREEMENT, WITH STANDARD ELECTRIC COMPANY, IN THE FUNDED AMOUNT OF $2,731.80, FOR A NEW CONTRACT VALUE OF $81,195.93. (THIS CHANGE COVERS PAYMENT FOR WORK PERFORMED AS A RESULT OF THE STORM OF OCTOBER 26, 2010).**

   APPROVED

6. **RESOLUTION AWARDING CONTRACT FOR BACKHOE LOADERS TO LILES BROTHERS & SONS, IN THE AMOUNT OF $1,059,000.00.**

   APPROVED

7. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11320, LOCAL DIAL TONE SERVICES, WITH PAETEC, IN THE FUNDED AMOUNT OF $142,350.00. (THIS CHANGE ADDS A T1 AT NETTERS BUSINESS CENTER FOR AN INBOUND FAX SERVER COVERING THE PERIOD JANUARY 1, 2011 TO MARCH, 31, 2011, IN THE AMOUNT OF $1,950.00, AND ALSO RENEWS THE CONTRACT FOR THE FIRST OF THREE RENEWAL TERMS, APRIL 1, 2011 TO MARCH 31, 2012, IN THE AMOUNT OF $140,400.00, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

   APPROVED

8. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10927, PERPETUAL LICENSING AGREEMENT, WITH GROUP 1 SOFTWARE, IN THE FUNDED AMOUNT OF $92,657.00. (THIS CHANGE COVERS MAINTENANCE FOR THE PERIOD APRIL 1, 2011 TO MARCH 31, 2012, AND MAINTENANCE SUBSCRIPTION SERVICES FOR THE PERIOD APRIL 1, 2006 TO MARCH 31, 2011, DUE TO THE CONTRACT REQUIREMENT THAT CUSTOMERS PAY FOR THE TOTAL PERIOD OF NON-MAINTENANCE AND UPGRADES TO RECEIVE CURRENT MAINTENANCE. THIS CHANGE ALSO REFLECTS A NAME CHANGE FROM GROUP 1 SOFTWARE TO PITNEY BOWES SOFTWARE, INC.).**

   APPROVED

9. **RESOLUTION APPROVING PAYMENT OF INVOICES TO ACCESS CONTROLS INTEGRATION FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR THE ELECTRIC SYSTEMS OPERATION SERVER ROOM CARD ACCESS AND**

CLOSE CIRCUIT TELEVISION PROJECT AS REQUIRED BY NERC, IN THE AMOUNT OF $27,977.51.

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

10. **APPOINTMENTS**

MEMPHIS LANDMARKS COMMISSION

REAPPOINTMENTS

Elise Leffler Frick
William S. Nixon

HEALTH, EDUCATIONAL & HOUSING FACILITY BOARD

REAPPOINTMENTS

Curtis Thomas
Carolyn Goodwin-Willett

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

APPROVED

11. **ORDINANCE TO AMEND CHAPTER 2, DIVISION 6, LOCAL SMALL BUSINESS DEVELOPMENT AND PROCUREMENT PROGRAM, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5389

Held until January 18, 2011

12. **ORDINANCE TO AMEND CHAPTER 5, CITY OF MEMPHIS, CODE OF ORDINANCES, TO ELIMINATE ANIMAL CONTROL OFFICER'S ABILITY TO ISSUE CITATIONS IN LIEU OF ARREST AND AUTHORIZE SUCH OFFICERS TO ISSUE ORDINANCE SUMMONS IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 7-63-201, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5390

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

APPROVED

13. **RESOLUTION AUTHORIZES THE ADMINISTRATION TO SELL THE CITY'S DELINQUENT TAX RECEIVABLES IN ORDER TO ACCELERATE THE COLLECTION OF DELINQUENT TAX REVENUES.**

Held until January 18, 2011

14. **RESOLUTION TO AMEND FIRE SERVICE'S CAPITAL IMPROVEMENT BUDGET REQUEST TO REPLACE THE ORIGINAL REQUEST WITH EIGHT ALTERNATIVE RESPONSE VEHICLES, ONE BRUSH TRUCK, SEVEN AMBULANCES, TWO ENGINES AND TWO AERIAL/QUINTS TRUCKS AT A COST OF $4,508,284.00. THE COST IS THE SAME AS THE ORIGINAL REQUEST.**

Held until January 18, 2011

15. **RESOLUTION APPROPRIATING $3,000,000.00 OF THE FY 2011 CAPITAL IMPROVEMENT BUDGET FOR THE MHA-TRIANGLE NOIR (CLEABORN HOMES REDEVELOPMENT) PROJECT.**

(Councilman Collins offered a Friendly Amendment stating that the Administration has to come back with a name that is applicable and better suited for this project, once the $3,000,000.00 has been appropriated).

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

APPROVED, as amended

16. **RESOLUTION BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, ADOPTING THE GREATER MEMPHIS NEIGHBORHOOD PLAN.**

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

APPROVED

17. **RESOLUTION ADOPTING THE CITY OF MEMPHIS EMPLOYEE SUGGESTION PROGRAM.**

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

APPROVED

18. **RESOLUTION AMENDING THE FY 2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF $35,449.00 FUNDED BY G.O. BONDS\ GENERAL (STORM WATER) FROM DRAINAGE – ST, PROJECT NUMBER ST03006 TO RIDGEWAY SOUTH REX ROAD DRAIN, PROJECT NUMBER ST03086 FOR DRAINAGE REPAIRS. RESOLUTION ALSO APPROPRIATES $35,449.00 FUNDED BY G.O. BONDS-GENERAL (STORM WATER) FOR RIDGEWAY SOUTH REX ROAD DRAIN, PROJECT NUMBER ST03086 FOR A CONSTRUCTION CONTRACT WITH MADDEN PHILLIPS.**

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

APPROVED

19. **RESOLUTION AMENDING THE FY 2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF $3,490,408.00 FUNDED BY G.O. BONDS – GENERAL FROM ASPHALT PAVING, PROJECT NUMBER PW01040 AND $163,125.00 IN G.O. BONDS – GENERAL FROM ADA CURB RAMPS, PROJECT NUMBER PW04007 TO RESURFACE VARIOUS STREET 2011 GROUP 1, PROJECT NUMBER PW01231 FOR RESURFACING OF STREETS. RESOLUTION ALSO APPROPRIATES $3,653,533.00 FUNDED BY G.O. BONDS-GENERAL IN RESURFACE**

VARIOUS STREET 2011 GROUP 1, PROJECT NUMBER PW01231 FOR A CONSTRUCTION CONTRACT WITH APAC-TENNESSEE.

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following person who spoke from the audience:
Walter Broady, 4256 Ledbetter Avenue, Memphis, TN 38109

ADJOURNED MEETING AT 4:08 P.M.

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

Myron Lowery
CHAIRMAN

Attest:

Valerie C. Snipes
Deputy Comptroller/Council Records