MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

April 3, 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, Myron Lowery and Jim Strickland. Chairman Bill Morrison was absent.

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

INVOCATION

The meeting was opened with prayer by Pastor Charlie Caswell from Community Builders International Church. Councilman Conrad presented Pastor Caswell 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.

Councilman Brown introduced Rev. Jesse Jackson who spoke from the audience.

MINUTES

Approval of the Minutes of the regular meeting of March 20, 2012 with the following motion:

MOTION: Halbert – Pull Item #4 from the Minutes for discussion and a vote

Vice Chairman Ford stated that without objection, we will pull Item #4 from the Minutes. Councilman Strickland had objection. A vote was taken to pull Item #4 from the Minutes.

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

APPROVED, Item pulled from the Minutes of March 20, 2012 and held until the heel of the agenda. Set up as Special Item #1

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

APPROVED, as amended, with the exception of Item #4 which was pulled from the Minutes of 3/20/12

1. **RESOLUTION IN HONOR OF DR. MARTIN LUTHER KING, JR. AND THE CITY OF MEMPHIS SANITATION WORKERS.**

Vice Chairman Ford recognized the following person who spoke from the audience:

Chad Johnson, 485 Beale St., Memphis, TN 38103

Councilwoman Fullilove read a speech regarding Dr. King, while showing a video of the Mountain Top speech by Dr. Martin Luther King, Jr.

APPROVED, by unanimous voice vote

2. **RESOLUTION CONGRATULATING THE EAST HIGH SCHOOL BOYS' BASKETBALL TEAM ON THEIR STATE CHAMPIONSHIP TITLE.**

MOTION: Strickland
SECOND: Hedgepeth

APPROVED, by unanimous voice vote

Councilman Harris recognized students from Douglass Middle School.

Josh Whitehead did a short summary to the Council regarding Item #4 which was pulled from the Minutes of 3/20/12.

3. **RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MEMPHIS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO MAKE APPLICATION WITH THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR $2,000,000.00, IN FAST TRACK INFRASTRUCTURE DEVELOPMENT PROGRAM GRANT FUNDS IN BEHALF OF K.T.G. (USA) INC. THIS GRANT REQUIRES NO CITY OF MEMPHIS MATCHING FUNDS.**

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

APPROVED

4. **ORDINANCE REZONING THE SOUTH SIDE OF HIGHWAY 64 +/-1,500 FEET WEST OF HIGHWAY 385, CONTAINING 11.05 ACRES IN THE CONSERVATION AGRICULTURAL (CA) DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 3/20).

Case No. Z 11-110
Ordinance No. 5443

Applicant: India Cultural Center & Temple, Inc. (Dr. Prasad Duggirala)
John M. Leake, Jr. – Representative

Request: Campus Master Plan – 2 (CMP-2) District

LUCB and OPD recommendation: APPROVAL

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

APPROVED

MOTION: Halbert – Approve Item #4 from the Minutes of March 20, 2012 with the stipulations that are presented by the Administration
SECOND: Boyd
AYES: Boyd, Collins, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Strickland, and Vice Chairman Ford
Brown and Conrad did not cast a vote
Morrison was absent

APPROVED, set up as Special Item #2

CONSENT AGENDA – Items may be acted upon by one motion: SEE PAGE 2209 FOR ROLL CALL

5. **RESOLUTION APPROVING FINAL PLAT OF WINCHESTER-RIVERDALE PD.**
Case No. PD 11-307

Resolution approves the final plat, on the south side of Winchester Road, 300 ft. east of Malco Way. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

6. **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 11-322

Public Hearing set for April 17, 2012

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 7-15 may be acted upon by one motion:

7. **RESOLUTION AWARDING CONTRACTS FOR LIGHT-DUTY VEHICLES TO DOBBS FORD, INC. IN THE AMOUNT OF $618,161.00 AND COUNTRY FORD IN THE AMOUNT OF $234,132.40, FOR A TOTAL OF $852,293.40.**

APPROVED

8. **RESOLUTION AWARDING CONTRACT TO DOBBS FORD FOR LIGHT-DUTY CNG VEHICLES IN THE AMOUNT OF $595,094.00.**

APPROVED

9. **RESOLUTION AWARDING CONTRACT TO AMQUIP CRANE RENTAL FOR THE RENTAL OF A CRANE IN THE AMOUNT OF $53,600.00 FOR A SIX-MONTH PERIOD.**

APPROVED

10. **RESOLUTION AWARDING CONTRACT TO MEMPHIS READY MIX FOR CONCRETE IN THE AMOUNT OF $2,201,388.10 FOR A 36-MONTH PERIOD.**

APPROVED

11. **RESOLUTION AWARDING 12-MONTH BLANKET CONTRACT FOR FLUOROSILICIC ACID TO PENCCO, INC., IN THE AMOUNT OF $609,000.00, WITH AN OPTION TO RENEW FOR TWO ADDITIONAL 12-MONTH PERIODS.**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 10793, PROFESSIONAL PORTFOLIO SOFTWARE, WITH ADVENT SOFTWARE, INC., IN THE FUNDED AMOUNT OF $28,444.77, FOR A NEW CONTRACT VALUE OF $320,453.23. (THIS CHANGE RENEWS THE CONTRACT TERM COVERING THE PERIOD MAY 11, 2012 THROUGH MAY 10, 2013, WITH NO INCREASE FROM THE PREVIOUS YEAR).**

APPROVED

13. **RESOLUTION AWARDING 12-MONTH BLANKET CONTRACT TO STUART C. IRBY FOR CONDUCTOR CABLE IN THE AMOUNT OF $427,248.00.**

APPROVED

14. **RESOLUTION RATIFYING THE APPROVAL OF PURCHASE ORDER NO. 144604 ISSUED AFTER THE FACT TO STUART C. IRBY FOR 477 (PELICAN) WIRE IN AN AMOUNT NOT TO EXCEED $140,000.00 BASED ON METALS ESCALATION AT THE TIME OF SHIPMENT, TO ENSURE MLGW REMAINS FULLY OPERATIONAL WHILE THERE IS AN INDUSTRY SHORTAGE OF RAW MATERIAL NEEDED TO MANUFACTURE SAID WIRE.**

APPROVED

15. **RESOLUTION AMENDING PURCHASE ORDER NO. 141095 FOR DECORATIVE CONCRETE STANDARDS WITH STRESSCRETE, INC., TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF $62,004.40 TO REPLENISH INVENTORY TO COVER THE DIVISION'S NEEDS FROM AUGUST 2012 TO THE END OF THE CONTRACT TERM ON JANUARY 4, 2013.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

16. **APPOINTMENTS**

MEMPHIS AND SHELBY COUNTY MUSIC COMMISSION

Appointment

Julien Salley, Jr.

MEMPHIS TRANSPORTION COMMISSION

Appointment

Lisa Gleaves

PREVAILING WAGE COMMISSION

Appointment

James Stephens

Reappointment

Michael E. Scoggins

The following appointments were listed on the agenda on March 20, 2012, but were not voted upon.

MEMPHIS LIGHT, GAS AND WATER COMMISSION

Appointment

Derwin Sisnett - nunc pro tunc to April 3, 2012

MEMPHIS TRANSPORTATION COMMISSION

Appointment

Kevin Kane

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

APPROVED, as amended

17. **ORDINANCE TO AMEND CHAPTER 33, ARTICLE III, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO CREATE THE MEMPHIS WASTEWATER HEARING AUTHORITY AND TO CLARIFY THE ADMINISTRATION AND ENFORCEMENT PROVISIONS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5445

Director of Public Works recommends approval

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

APPROVED, as amended

18. **ORDINANCE TO AMEND CHAPTER 33, ARTICLE IV, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO CREATE THE MEMPHIS STORMWATER BOARD AND MODIFY PROVISIONS RELATED TO CIVIL PENALTIES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5446

Director of Public Works recommends approval

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

APPROVED, as amended

19. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FOUR HUNDRED TWENTY FIVE THOUSAND DOLLARS, ($425,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR DISABILITY EMPLOYMENT INITIATIVE GRANT. RESOLUTION ALSO AMENDS THE FY2012 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

20. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY LOCATED AT O RENO ST. (02201800014) IN THE NORTH MEMPHIS AREA TO NORTH MEMPHIS CDC IN THE AMOUNT OF ONE DOLLAR $1.00.**

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

APPROVED

21. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY LOCATED AT 711 MARIANNA ST. (02908800016) IN THE ORANGE MOUND AREA TO N.H.O. MANAGEMENT INC. IN THE AMOUNT OF ONE DOLLAR $1.00.**

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

APPROVED

22. **RESOLUTION AMENDING THE FY 2012 BUDGET TO ALLOCATE AND APPROPRIATE FUNDING FOR LIBERTY BOWL STADIUM UPGRADES.** (Held from 3/20)

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

APPROVED, as amended

MOTION: Hedgepeth – Same night minutes for Item #22
SECOND: Flinn
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery and Vice Chairman Ford
NAYS: Brown
Harris abstained
Conrad did not cast a vote
Morrison was absent

APPROVED

23. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF $103,702.00 FROM THE SHELBY COUNTY SHERIFF'S OFFICE.**

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

APPROVED

24. **RESOLUTION APPROVING AN OPTION AGREEMENT WITH ILLINOIS CENTRAL RAILROAD COMPANY AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON JANUARY 12, 2012.** (Held from 3/6)

Contract No. CR-5178

MOTION: Halbert
SECOND: Fullilove

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

APPROVED

25. **RESOLUTION SEEKS APPROVAL FOR PUBLIC SERVICES & NEIGHBORHOODS/ANIMAL SHELTER TO DONATE EIGHTY (80) KURANDA BEDS TO OTHER QUALIFIED ANIMAL RESCUE ORGANIZATIONS.**

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

APPROVED

26. **RESOLUTION TO ACCEPT AND APPROPRIATE $3,000.00 FROM THE AMERICAN LIBRARY ASSOCIATION FOR THE MEMPHIS PUBLIC LIBRARY "READ WITH ME, SIGN WITH ME" PROJECT.**

The Division of Public Services and Neighborhoods recommends approval

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

APPROVED

27. **RESOLUTION TO ACCEPT AND APPROPRIATE $4,614.00 FROM THE STATE OF TENNESSEE FOR THE MEMPHIS PUBLIC LIBRARY (TENNESSEE STATE LIBRARY AND ARCHIVES) TO FUND THE LSTA TECHNOLOGY GRANT WITH FUNDING PROVIDED BY THE STATE OF TENNESSEE.**

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

APPROVED

28. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE OPERATION AND MAINTENANCE OF THE MEMPHIS/SHELBY COUNTY HOUSEHOLD WASTE COLLECTION FACILITY. RESOLUTION APPROPRIATING GRANT FUNDS IN THE AMOUNT OF $170,000.00.**

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

APPROVED

29. **RESOLUTION REQUESTING THE MEMPHIS METROPOLITAN PLANNING ORGANIZATION (MPO) TO PRESENT EACH PLAN OF THE LONG RANGE TRANSPORTATION PLAN (LRTP), THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP), AND THE UNIFIED PLANNING WORK PROGRAM (UPWP) IN MULTIPLE STAGES TO THE CITY COUNCIL PRIOR TO THE TRANSPORTATION PLANNING BOARD'S FINAL APPROVAL.**

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of April 3, 2012 for Item #22 only, with the following motion:

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

APPROVED, set up as Special Item #3

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Vice Chairman Ford recognized the following persons who spoke from the audience:

Walter Broady, 4256 Ledbetter Cove, Memphis, TN 38109
Stanley Green, 305 S. Bellevue Blvd., Apt. #301, Memphis, TN 38104

ADJOURNED MEETING AT 5:55 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. Snipes
Deputy Comptroller/Council Records