Minutes of Items 37 and 38 of the Regular Meeting of the City Council City of Memphis

November 6, 2012

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 37 and 38 to wit:

37. RESOLUTION authorizing and directing MLGW to make an immediate additional advance payment of $5,000,000.00 to the City's general fund for its fiscal year ending June 30, 2013 to be credited against its share of the Maximum Allowable Gas Equivalency Payment.

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

APPROVED

38. RESOLUTION authorizing and directing MLGW to make an immediate additional advance payment of $25,000,000.00 to the City's general fund for its fiscal year ending June 30, 2013 to be credited against its share of the Maximum Allowable Electric Equivalency Payment.

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

APPROVED

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

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

ABSTAIN:
NAYS:
RECUSED:

APPROVED

Chairman: Bill Morrison

Date: 11-6-12

Valerie C. Snyder
Attest:

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

November 6, 2012

3:30 P.M. SCHEDULED SESSION

3:33 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Lee Harris, Wanda Halbert, 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 a prayer praise by Personal Praise. Councilman Collins presented Personal Praise with a certificate naming them 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 October 16, 2012 with the following motion:

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

APPROVED

22. **ORDINANCE TO AMEND TITLE 7 – ALCOHOLIC BEVERAGES, CHAPTER 7-8 – BEERAND LIGHT ALCOHOLIC BEVERAGES, ARTICLE 2 – LICENSE TO STORE, SELL, DISTRIBUTE OR MANUFACTURE, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ALLOW OFF-PREMISE LICENSE HOLDERS TO CONDUCT BEER TASTINGS FOR SALES, PROMOTIONAL AND EDUCATIONAL PURPOSES, UP FOR T H I R D AND F I N A L READING.(HELD FROM 10/16)**

Ordinance No. 5472

Held until November 20, 2012

2. **RESOLUTION REQUESTING THE LAND USE CONTROL BOARD TO HEAR THE VANCE AVENUE COLLABORATIVE PLAN.**

Held until December 4, 2012

23. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO. 5331 TO BE CONSISTENT WITH COUNCIL'S AUTHORITY AND INTENT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 10/2)**

Held until December 4, 2012

30. **RESOLUTION CLOSING WHITEHAVEN GOLF COURSE FOR THE WINTER MONTHS, INCREASING GOLF CART RENTAL FEES AND ESTABLISHING A NON SHELBY COUNTY USER FEE.**

Held until December 4, 2012

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

Ordinance No. 5474

Held until December 18, 2012

25. **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 T H I R D AND F I NA L READING.**

Ordinance No. 5475

Held until December 18, 2012

31. **RESOLUTION APPROPRIATING $1,931,285.00 IN G.O. BONDS GENERAL FOR STREET IMPROVEMENTS OF ELVIS PRESLEY BOULEVARD FROM COMMERCIAL PARKWAY TO BROOKS ROAD, CIP PROJECT NUMBER PW01064.**

Ordinance No. 5473

DROPPED

37. **RESOLUTION AUTHORIZING AND DIRECTING MLGW TO MAKE AN IMMEDIATE ADDITIONAL ADVANCE PAYMENT OF $5,000,000.00 TO THE CITY'S GENERAL FUND FOR ITS FISCAL YEAR ENDING JUNE 30, 2013 TO BE CREDITED AGAINST ITS SHARE OF THE MAXIMUM ALLOWABLE GAS EQUIVALENCY PAYMENT.**

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

APPROVED

38. **RESOLUTION AUTHORIZING AND DIRECTING MLGW TO MAKE AN IMMEDIATE ADDITIONAL ADVANCE PAYMENT OF $25,000,000.00 TO THE CITY'S GENERAL FUND FOR ITS FISCAL YEAR ENDING JUNE 30, 2013 TO BE CREDITED AGAINST ITS SHARE OF THE MAXIMUM ALLOWABLE ELECTRIC EQUIVALENCY PAYMENT.**

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

APPROVED

1. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST SIDE OF HACKS CROSS ROAD AND TENNESSEE HIGHWAY 385, CONTAINING 21.40 ACRES IN THE CONSERVATION AGRICULTURE FLOOD PLAIN (CA[FP]) AND FLOODWAY (FW) DISTRICTS.**

Case No. PD 12-313cc

Applicant: Real Estate Holdings, Inc. (d/b/a) AutoNation, Inc.
Farris-Bobango-Branan, PLC – Representative

Request: Planned development to allow limited commercial land uses in accordance with Commercial Mixed Used (CMU-1) District, including motor vehicle sales, rental and leasing

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford
SECOND: Fullilove

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

APPROVED

CONSENT AGENDA – Items #3 - #7 may be acted upon by one motion: SEE PAGE 2395 FOR ROLL CALL

3. **ORDINANCE AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, BY ADDING SECTIONS 48-23 THRU 48-28 TO INCLUDE "PROPERTY REGISTRATION REQUIREMENTS" THAT WILL REQUIRE OWNERS OF REAL PROPERTIES, INCLUDING CONDOMINIUMS, TO MAINTAIN ON FILE WITH THE COUNTY REGISTER OR OTHER DESIGNEE OF THE CITY, AN ACCURATE NAME AND MAILING ADDRESS OF ONE OR MORE OF THE OWNERS FOR PURPOSES OF NOTICE AND SERVICE OF PROCESS AND TO REQUIRE REGISTRATION BY A MORTGAGEE OR MORTGAGEE'S AGENT UPON NOTICE OF DEFAULT OR VACANCY BY A MORTGAGOR REGARDING SINGLE FAMILY RESIDENTIAL REAL PROPERTY INCLUDING CONDOMINIUMS LOCATED IN THE MUNICIPAL BOUNDARIES OF THE CITYOF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5477

APPROVED, on First reading

4. **ORDINANCE REZONING THE NORTHWEST CORNER OF NEW FRAYSER BOULEVARD AND NEW ALLEN ROAD, CONTAINING 37.13 ACRES IN THE COMMERCIAL MIXED USE (CMU-3) DISTRICT, UP FOR FIRST READING.**

Ordinance No. 5476
Case No. Z 12-106

APPROVED, on First reading

5. **RESOLUTION APPROVING FINAL PLAT OF TRINITY ROAD SUBDIVISION.**

Case No. S 12-007

Resolution approves the final plat located on the north side of Trinity Road, west of Germantown Parkway. Cost of the required improvements to be borne by the developer.

APPROVED

6. **RESOLUTION ACCEPTING THOMAS COUNTRY P.D., PHASE 2 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 06-348
(Contract No. CR-5161)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Houston Levee Road and Pisgah Road. The standard improvement contract was approved on June 22, 2010. Resolution also authorizes the release of the performance bond in the amount of $893,400.00.

APPROVED

7. RESOLUTION approving an honorary street name change of Ball Road between Norris and Airways to Lois M. DeBerry Road.

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

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

8. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11495, JANITORIAL SERVICES, WITH MASON PROFESSIONAL CLEANING SERVICES, LLC, IN THE FUNDED AMOUNT OF $185,803.12. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, MARCH 2, 2013 TO MARCH 1, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

9. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11416, MOBILE SWEEPING CLEANING, WITH HORIZON OF MEMPHIS, INCORPORATED, IN THE FUNDED AMOUNT OF $53,304.36. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, MARCH 1, 2013 TO FEBRUARY 28, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

10. **RESOLUTION AWARDING CONTRACT TO DOBBS FORD FOR A ONE-TON FIBER OPTIC BUCKET TRUCK IN THE AMOUNT OF $101,000.00.**

APPROVED

11. **RESOLUTION AWARDING CONTRACT NO. 11545, WELD TESTING AND INSPECTION SERVICES, TO AMERICAN INDUSTRIAL TESTING, IN THE FUNDED AMOUNT OF $44,937.50.**

APPROVED

12. **RESOLUTION AWARDING CONTRACT TO MARTIN SUPPLY COMPANY FOR BARRICADE BOARDS AND STANDS IN THE AMOUNT OF $86,260.00.**

APPROVED

13. **RESOLUTION AWARDING CONTRACTS FOR ROTARY AND DIAPHRAGM GAS METERS TO ELSTER AMERICAN METER COMPANY, LLC, IN THE AMOUNT OF $852,337.50 AND TO EQUIPMENT CONTROLS COMPANY IN THE AMOUNT OF $662,233.00, FOR A TOTAL AMOUNT OF BOTH CONTRACTS BEING $1,514,570.50.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT TO UTILIWORKS, LLC, FOR 60, 900-MHZ REMOTE RADIOS IN THE AMOUNT OF $62,460.00.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT NO. 11565, PAINTING OF THREE ELEVATED AND TWO STAND PIPE WATER STORAGE TANKS, TO THOMAS INDUSTRIAL COATINGS, INCORPORATED, IN THE FUNDED AMOUNT OF $844,860.00.**

APPROVED

16. **RESOLUTION AWARDING CONTRACT NO. 11569, FOUNDATION INSTALLATION KRUGER TISSUE GROUP (KTG) TRANSMISSION LINE, TO RELIABLE CONSTRUCTORS, INCORPORATED, IN THE FUNDED AMOUNT OF $634,250.00.**

APPROVED

17. **RESOLUTION AWARDING 12-MONTH BLANKET CONTRACT FOR #7 WATER METER BOXES TO UNIVERSAL SCAFFOLDING AND EQUIPMENT, LLC, IN THE AMOUNT OF $141,282.00.**

APPROVED

18. **RESOLUTION AWARDING CONTRACT TO HD SUPPLY POWER SOLUTIONS FOR CAPACITOR BANKS IN THE AMOUNT OF $76,976.95.**

APPROVED

19. **RESOLUTION AWARDING CONTRACT FOR THE EXPANSION OF THE WIRELESS NETWORK TO VENTURE TECHNOLOGIES IN THE AMOUNT OF $84,674.50.**

APPROVED

20. **RESOLUTION AWARDING 36-MONTH BLANKET CONTRACT TO WORKFLOW ONE FOR UTILITY BILL PAPER IN AN ESTIMATED AMOUNT OF $277,060.32.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

21. **APPOINTMENTS**

MEMPHIS AND SHELBY COUNTY GROUND WATER QUALITY CONTROL BOARD

APPOINTMENT

KAREN BLANKS ELLIS

REAPPOINTMENT

SCOTT C. MORGAN

PUBLIC ART OVERSIGHT COMMITTEE

APPOINTMENT

ELLEN K. DAUGHERTY

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

APPROVED

26. **RESOLUTION APPROPRIATING REVENUES AND EXPENDITURES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM FUNDS IN THE AMOUNT OF $745,042.00.**

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

APPROVED

27. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY LOCATED AT 3542 KRUGER ST. (06200900016) IN THE UNION VILLA SUBDIVISION AREA TO RALPH HAYNES IN THE AMOUNT OF $1,100.00.**

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

APPROVED

28. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF $500,000.00 IN OTHER COSTS FOR CHILDREN'S MUSEUM MAINTENANCE, CIP PROJECT NUMBER PK08030.**

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

APPROVED

29. **RESOLUTION ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF $51,900.00 FROM THE STATE OF TENNESSEE, DEPARTMENT OF STATE, TENNESSEE STATE LIBRARY AND ARCHIVES, FOR THE PURCHASE OF BOOKS AND MATERIALS.**

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

APPROVED

32. **RESOLUTION ACCEPTING $150,000.00 IN SHELBY COUNTY FUNDS AND TRANSFER G.O. BONDS FUND FROM CONSTRUCTION TO ARCHITECTURE AND ENGINEERING IN JACKSON PIT DUMP FOR REQUIRED ADDITIONAL ENVIRONMENTAL WORK AT THE SITE DIRECTED BY TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC).**

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

APPROVED

33. **RESOLUTION TRANSFERRING AN ALLOCATION OF $28,129.00 FUNDED BY G.O. BONDS GENERAL FROM ADA CURB RAMP, PROJECT NUMBER PW04007 TO ADA CURB RAMP GROUP 43, PROJECT NUMBER PW04081 FOR THE INSTALLATION OF 823 CURB RAMPS IN VARIOUS LOCATIONS. RESOLUTION ALSO APPROPRIATES $986,365.00 ($958,236.00 IN STATE GRANTS) AND $28,129.00 IN G.O. BONDS GENERAL CHARGEABLE TO THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

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

APPROVED

34. **RESOLUTION AMENDING THE FY 2013 CIP BUDGET BY REDUCING SEWER REVENUE BONDS IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 AND ESTABLISH AN ALLOCATION FUNDED BY SEWER-CIP IN INSTALL CIPP ANNUAL 2012, PROJECT NUMBER SW02102 IN THE AMOUNT OF $550,000.00 TO REPAIR AND REHAB EXISTING DAMAGED SANITARY SEWER PIPE USING CURED IN PLACE TECHNOLOGY AT VARIOUS LOCATIONS.**

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

APPROVED

35. **RESOLUTION TRANSFERRING AND APPROPRIATING $45,000.00 FUNDED BY G.O. BONDS GENERAL FROM METAL MUSEUM N. BLUFF REPAIR, PROJECT NUMBER PW04073 TO ARCHITECTURE AND ENGINEERING IN HARAHAN BRIDGE BOARDWALK, PROJECT NUMBER PW04090.**

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

APPROVED

36. **RESOLUTION AUTHORIZING THE CENTER CITY REVENUE FINANCE CORPORATION TO SPEND $2,000,000.00 TO FULFILL ITS COMMITMENT TO THE MAIN STREET TO MAIN STREET MULTIMODAL CONNECTOR PROJECT OVER THE HARAHAN BRIDGE.**

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

APPROVED

(Councilman Strickland made a motion to approve Same Night Minutes for items #37 and #38 from tonight's meeting. – Special Item#1)

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Morrison recognized the following people who spoke from the audience:
Lee Cochran, 179 Richbriar Street, Memphis, Tennessee, 38120
Steven Simmons, 781 Leath, Memphis, Tennessee, 38107
James Smith, 226 Lauderdale, Memphis, Tennessee, 38126

ADJOURNED MEETING AT 4:46 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