Minutes of Items 26 and 28 of the Regular Meeting of the City Council City of Memphis

February 7, 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 Items 26 and 28 to wit:

26. RESOLUTION awarding contract for three-phase auto transformers to Howard Industries, Inc. in the amount of $642,735.00.

MOTION: Fullilove
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery and Strickland
ABSTAIN:
NAYS: None
Morrison was absent
APPROVED

28. RESOLUTION awarding Contract No. 11487, MLGW Arlington LNG Plant Decommission Project, to Memphis Wrecking Company, in the funded amount of $294,000.00.

MOTION: Fullilove
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery and Strickland
ABSTAIN:
NAYS: None
Morrison was absent
APPROVED

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

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, and Strickland
NAYS: None.
ABSTAIN: None.
RECUSED: None
Morrison was absent.
APPROVED

Chairman: Edmund A. Ford, Jr.

Date: 2/7/2012

Attest: Valerie C. Snipes
Deputy Comptroller/Council Records

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

February 7, 2012

3:30 P.M. SCHEDULED SESSION

3:32 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 Jeff Shipley from Whitten Memorial Baptist Church. Councilman Boyd presented Pastor Shipley 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 January 17, 2012 with the following motion:

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

APPROVED

37. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL FOR THE CITY OF MEMPHIS TO ENTER INTO A CONTRACT WITH TRI-STATE YOUTH BASEBALL ACADEMY, INC., (TSYBA) TO MANAGE AND OPERATE JESSE TURNER/BELLEVUE BASEBALL PARK. THE AGREEMENT CALLS FOR A FIVE (5) YEAR INITIAL TERM AND THREE (3) FIVE (5) YEAR RENEWAL TERMS FOR A TOTAL OF 20 YEARS. (This item was pulled from the 01/03/12 Minutes on 01/17/12).**

Held until February 21, 2012

1. **PRESENTATION BY SOUNDS LIKE MEMPHIS.**

NO VOTE WAS REQUIRED. PRESENTATION ONLY

35. **RESOLUTION REGARDING THE ANNUAL SUGGESTED PENSION CONTRIBUTION.** (Held from 11/15; 12/06; 12/20; 1/3; 1/17)

DROPPED

2. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR LEWIS DONELSON.** (Held from 1/3; 1/17)

MOTION: Conrad
SECOND: Strickland

APPROVED, by unanimous voice vote

3. **RESOLUTION RECOGNIZING MR. FRANK HESTER'S DEDICATION TO THE HEALTHCARE OVERSIGHT COMMITTEE.**

MOTION: Fullilove
SECOND: Brown

APPROVED, by unanimous voice vote

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF MACON ROAD; +/-572 FEET WEST OF STARBOARD DRIVE, CONTAINING 39.0 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT.**

Case No. SUP 11-221

Applicant: Fisher and Arnold, Inc.
Askew Hargraves Harcourt, and Associates – Representatives

Request: To allow sports field lighting on the larger baseball field located in the center of the property

LUCB and OPD recommendation: APPROVAL

No Opposition at LUCB; No Public Hearing Required

MOTION: Ford
SECOND: Boyd
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, as amended in Committee

5. **ORDINANCE REZONING THE SOUTH SIDE OF RAINES ROAD, 295 FEET EAST OF MARLIN ROAD, CONTAINING 0.34 ACRE IN THE RESIDENTIAL SINGLE FAMILY-10 (R-10) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 11-111
Ordinance No. 5438

Applicant: Anthony Carr
James Kincaide – Representative

Request: Rezone to General Office (O-G) District

LUCB recommendation: APPROVE request for General Office (O-G) District

OPD recommendation: REJECT request for Commercial Mixed Use-1 APPROVE request for General Office (O-G) District

MOTION: Ford
SECOND: Boyd
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

CONSENT AGENDA – Items 6-8 may be acted upon by one motion: SEE PAGE 2149 FOR ROLL CALL

6. **ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY LIMITS OF THE CITY OF MEMPHIS BY VIRTUE OF THE PROVISIONS OF CHAPTER 113 OF THE PUBLIC ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE FOR 1995, AS AMENDED BY ANNEXING GRAY'S CREEK AREA, UP FOR F I R S T READING.**

Ordinance No. 5441

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

John C. Bogan, 2332 N. Reid Hooker Rd., Eads, TN 38028
Brian Dunham, 1314 Auburn Woods Dr., Collierville, TN 38017
Revis Gobel, 11340 Fourwinds Dr., Eads, TN 38028
David Sheldon, 1048 Billy Bryant Rd., Collierville, TN 38017
Don Ware, 11514 Macon Rd., Eads, TN 38028
Martha York, 916 Billy Bryant Rd., Collierville, TN 38017

APPROVED, on First reading

7. **RESOLUTION ACCEPTING GALLERIA OF MEMPHIS SEWER EXTENSION, AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-4503)

Resolution accepts the completion of the improvements and the dedication of public streets and easements as shown on the final plat located within the WN-10 Sewer District. The standard sewer extension contract was approved on November 17, 1999. Resolution also authorizes the release of the letter of credit in the amount of $231,700.00.

City Engineer recommends approval

APPROVED

8. **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 11-320cc – Forest Hill Height P.D., 3rd Amendment
B. Case No. SUP 11-213

Public Hearing Set for February 21, 2012

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 9-28 may be acted upon by one motion:

9. **RESOLUTION APPROVING AN EXTENSION TO CONTRACT NO. 11226, COLLECTION SERVICES, WITH CREDIT BUREAU COLLECTION SERVICES, INC. (CBCS) FOR AN ADDITIONAL 30 DAYS BEYOND MARCH 31, 2012, THE DATE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON DECEMBER 20, 2011. THE EXTENSION WILL AUTHORIZE PAYMENTS THROUGH APRIL 30, 2012.**

APPROVED

10. **RESOLUTION APPROVING AN EXTENSION TO CONTRACT NO. 11444, COLLECTION SERVICES, WITH THE AFFILIATED GROUP, FOR AN ADDITIONAL 30 DAYS BEYOND MARCH 31, 2012, THE DATE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON DECEMBER 20, 2011. THE EXTENSION WILL AUTHORIZE PAYMENTS THROUGH APRIL 30, 2012.**

APPROVED

11. **RESOLUTION AWARDING CONTRACT NO. 11506, ADDITION OF GENERATOR AT THE MLGW LAMAR COMMUNITY OFFICE, TO SHELBY ELECTRIC COMPANY, INC., IN THE FUNDED AMOUNT OF $110,035.00.**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11229, PROFESSIONAL ENGINEERING SERVICES, WITH ALLEN AND HOSHALL ENGINEERS, IN THE FUNDED AMOUNT OF $15,000.00, FOR A NEW CONTRACT VALUE OF $559,200.00. (THIS CHANGE REFLECTS AN ADDITIONAL DESIGN OF THE BACK WASH RESIDUE WATER FLOW MEASUREMENT AND SAMPLING STATIONS FOR THE LICHTERMAN ($9,500.00) AND PALMER ($5,500.00) PUMPING STATIONS).**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11385, GAS LEAK SURVEY, WITH SURVEYS & ANALYSIS, INC., IN THE FUNDED AMOUNT OF $30,000.00, FOR A NEW CONTRACT VALUE OF $1,286,449.75. (THIS CHANGE ADJUSTS THE QUANTITIES OF THE TWO UNITS LISTED IN THE SCOPE OF WORK DUE TO A CHANGE IN THE DEPARTMENT OF TRANSPORTATION'S (DOT) REGULATIONS. AS A RESULT OF THIS CHANGE, MLGW IS INCREASING THE QUANTITY OF UNIT #1, WHICH INCLUDES ATMOSPHERIC CORROSION INSPECTION EACH YEAR, FROM 62,000 TO 103,500. THIS CHANGE ALSO DECREASES THE QUANTITY OF UNIT #2, WHICH COVERS INSPECTION OF ABOVE GROUND RESIDENTIAL FACILITIES, TO ZERO AND ADDS $30,000.00 TO THE CURRENT CONTRACT VALUE TO FUND THE AMOUNT NEEDED TO PERFORM THE ADDITIONAL RESIDENTIAL GAS LEAK SURVEYS).**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11418, FOUNDATION INSTALLATION STRUCTURES 3603 AND 3604 REPLACEMENT, WITH CHRIS-HILL CONSTRUCTION COMPANY, LLC, IN THE FUNDED AMOUNT OF $2,195.00, FOR A NEW CONTRACT VALUE OF $98,770.00. (THIS CHANGE EXTENDS THE DESIGNED DRILLED PIERS DUE TO UNEXPECTED SOIL CONDITIONS).**

APPROVED

15. **RESOLUTION AWARDING CONTRACT TO UNIVERSAL SCAFFOLDING AND EQUIPMENT, LLC, FOR A SINGLE CONDUCTOR CABLE IN THE AMOUNT OF $82,662.00.**

APPROVED

16. **RESOLUTION AWARDING CONTRACT TO CG POWER SYSTEMS USA, INC. FOR TWO THREE-PHASE PAD-MOUNTED DISTRIBUTION TRANSFORMERS IN THE AMOUNT OF $87,036.00.**

APPROVED

17. **RESOLUTION APPROVING THE SELECTION OF RHUMBLINE ADVISERS, A CORE BOND POOLED INDEX FUND, TO MANAGE $50,000,000.00 FOR BENEFIT OF THE RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.**

APPROVED

18. **RESOLUTION APPROVING THE SELECTION OF THE ENERGY & MINERALS GROUP, A NATURAL RESOURCES PRIVATE EQUITY MANAGER, TO MANAGE APPROXIMATELY $5,000,000.00 FOR BENEFIT OF THE OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

19. **RESOLUTION APPROVING THE SELECTION OF PHAROS CAPITAL GROUP, A PRIVATE EQUITY MANAGER, TO MANAGE APPROXIMATELY $5,000,000.00 FOR BENEFIT OF THE OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

20. **RESOLUTION AWARDING 12-MONTH BLANKET CONTRACT TO BUSINESS LINE SYSTEMS FOR NOVELL SOFTWARE MAINTENANCE IN THE AMOUNT OF $319,224.20.**

APPROVED

21. **RESOLUTION AWARDING CONTRACT NO. 11510, ROOF REPLACEMENT AT THE MLGW SHEAHAN PUMPING STATION, TO B FOUR PLIED, INC. IN THE FUNDED AMOUNT OF $839,730.00.**

APPROVED

22. **RESOLUTION AWARDING CONTRACT TO WAGNER SMITH EQUIPMENT COMPANY FOR RENTAL OF WIRE PULLING EQUIPMENT FOR A SIX-MONTH PERIOD IN THE AMOUNT OF $172,668.00.**

APPROVED

23. **RESOLUTION APPROVING PAYMENT OF 2012 ANNUAL MEMBERSHIP DUES, PLUS LOCATE REQUEST TICKETS, TO TENNESSEE ONE-CALL SYSTEM, INC. IN THE AMOUNT OF $90,112.04.**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10907, DATA FEED ANALYSIS, WITH CQG, INC. IN THE FUNDED AMOUNT OF $39,000.00. (THIS CHANGE RENEWS THE CONTRACT FOR AN ADDITIONAL TERM, FEBRUARY 22, 2012 THROUGH FEBRUARY 21, 2013, IN THE AMOUNT OF $30,120.00, AND INCLUDES ADDITIONAL FEES IN THE AMOUNT OF $8,880.00 BASED ON EXTERNAL FACTORS WHICH INCLUDES PRICE CHANGES DRIVEN BY EXCHANGES, CHANGE IN FUNCTIONALITY DRIVEN BY THE MARKET, AND PRICE CHANGES DRIVEN BY LITIGATION).**

APPROVED

25. **RESOLUTION AWARDING 12-MONTH BLANKET CONTRACTS FOR ELECTRIC METERS TO UTILICOR IN THE AMOUNT OF $527,460.00 AND WESCO DISTRIBUTION IN THE AMOUNT OF $136,206.44, FOR A TOTAL AMOUNT OF BOTH AWARDS BEING APPROXIMATELY $663,666.44.**

APPROVED

26. **RESOLUTION AWARDING CONTRACT FOR THREE-PHASE AUTO TRANSFORMERS TO HOWARD INDUSTRIES, INC. IN THE AMOUNT OF $642,735.00.**

APPROVED

27. **RESOLUTION AWARDING 12-MONTH CONTRACT TO STRESSCRETE, INC. FOR CONCRETE STANDARDS IN THE AMOUNT OF $65,280.00.**

APPROVED

28. **RESOLUTION AWARDING CONTRACT NO. 11487, MLGW ARLINGTON LNG PLANT DECOMMISSION PROJECT, TO MEMPHIS WRECKING COMPANY, IN THE FUNDED AMOUNT OF $294,000.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

29. **APPOINTMENTS**

Memphis Area Transit Authority

Appointment

Andre M. Gibson

Memphis and Shelby County Board of Equalization

Reappointments

Edward D. Simmons, Jr.
Lillie M. White

Memphis and Shelby County Land Use Control Board

Appointment

Berlin F. Boyd

Reappointments

Russell E. Linkous
Margaret Pritchard
Mary W. Sharp
James H. Toles

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

APPROVED

30. **ORDINANCE TO AMEND TITLE 6-BUSINESS LICENSES AND REGULATIONS-CHAPTER 6-88-WRECKERS AND TOWING OPERATORS, SECTION 6-88-15-PRIVATE PROPERTY TOW AUTHORIZATION FORMERLY CHAPTER 41-WRECKERS OR TOWING OPERATOR, OF THE CODE OF ORDINANCES, UP FOR T H I R D AND F I N A L READING.** (Held from 1/3; 1/17)

Ordinance No. 5431

MOTION: Boyd – Send back to Committee on February 21, 2012

Vice Chairman Ford stated that without objection this item will be sent back to Committee

WITHOUT OBJECTION, item sent back to Committee on February 21, 2012

31. **ORDINANCE TO AMEND THE CITY CHARTER SO AS TO REQUIRE THE MAYOR AND COUNCIL TO ADOPT A FIVE YEAR STRATEGIC BUSINESS PLAN AND A SIX YEAR CONSOLIDATED BUDGET THAT INCLUDES BOTH THE OPERATING AND CAPITAL BUDGETS FOR THE CITY AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 2012, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5437

Council Lowery made a request to hold this item for 120 days. Vice Chairman Ford stated that without objection, this item will be held for 120 days. Councilman Conrad objected. A vote below was taken

MOTION: Lowery – Hold for 120 days
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Lowery and Vice Chairman Ford
NAYS: Conrad, Harris, Hedgepeth and Strickland
Morrison was absent

APPROVED, item held for 120 days

32. **ORDINANCE TO AMEND ARTICLE VI, CHAPTER 36 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO INCREASE THE EXISTING HOTEL/MOTEL OCCUPANCY TAX TO 2.7%, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5439

MOTION: Ford – Hold until May 15, 2012

Vice Chairman Ford stated that without objection this item will be held until May 15, 2012

WITHOUT OBJECTION, item held until May 15, 2012

33. **ORDINANCE TO CONSOLIDATE THE DIVISIONS OF PUBLIC SERVICES AND COMMUNITY ENHANCEMENT WITH THE DIVISION OF PARK SERVICES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5440

MOTION: Collins – I would like to offer a substitute caption
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Strickland and Vice Chairman Ford
Morrison was absent

APPROVED, as amended

34. **RESOLUTION APPROPRIATING $250,000.00 TO THE COMPREHENSIVE SICKLE CELL CENTER, AS PART OF A MATCHING GRANT FOR THE PLOUGH CHALLENGE GRANT.**

MOTION: Strickland
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Conrad, Flinn, Halbert, Harris, Hedgepeth, Lowery, Strickland and Vice Chairman Ford
Fullilove did to cast a vote
Morrison was absent

APPROVED

36. **RESOLUTION SUPPORTING CITY OF MEMPHIS GOVERNMENT'S 2012 STATE LEGISLATIVE AGENDA, WHICH INCLUDES JOINT PRIORITIES WITH THE SHELBY COUNTY GOVERNMENT, AND REQUESTING THE SHELBY COUNTY DELEGATION TO SUPPORT, AND MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO ENACT LEGISLATION SUPPORTING SUCH AGENDA.**

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

APPROVED

38. **RESOLUTION OPPOSING SENATE BILL 3702 / HOUSE BILL 3473 AND SENATE BILL 3703 / HOUSE BILL 3391.**

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of February 7, 2012 for Items #26 and #28 only with the following motion:

MOTION: Fullilove
SECOND: Ford

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Morrison recognized the following person who spoke from the audience:

Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 6:03 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