Minutes of Items 20, 43 and 44 of the Regular Meeting of the City Council City of Memphis

September 6, 2011

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 20, 43 and 44 to wit:

20. RESOLUTION approving Change No. 2 to Contract No. 11274, Emergency Aid Agreement, with Henkels and McCoy, Inc., in the funded amount of $371,775.20. (This change covers payment for work performed due to the storm of April 4, 2011 in the amount of $216,687.26 and the storm of April 27, 2011 in the amount of $155,087.94).

    MOTION: Fullilove
    SECOND: Ford
    AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison and Strickland
    ABSTAIN: None
    NAYS: None
    RECUSED:
    APPROVED

43. Resolution amending the FY2012 CIP Budget by transferring an allocation of $500,000.00 from Contract Construction to Architecture and Engineering in Overton Square Redevelopment, project number GA01015

    MOTION: Hedgepeth
    SECOND: Berlin Boyd
    AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, and Strickland
    ABSTAIN: None
    NAYS: None
    RECUSED:
    DID NOT VOTE: Morrison
    APPROVED

44. Resolution approving the terms of the settlement agreement executed by the parties and attached hereto made a part hereof by reference for the dissolution of MCS

    MOTION: Halbert
    SECOND: Berlin Boyd
    AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Lowery, and Strickland
    ABSTAIN: None
    NAYS: None
    RECUSED: Ford.
    DID NOT VOTE: Morrison
    APPROVED

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

AYES: Berlin Boyd, William Boyd, Brown, Collins, Conrad Flinn, Fullilove, Halbert, Lowery, and Strickland
NAYS: None.
ABSTAIN: None.
RECUSED: Ford
DID NOT VOTE: Morrison, Hedgepeth
APPROVED

Chairman: Myron Lowery

Date: 9/6/2011

Attest:
Valerie C. Snyder
Deputy Comptroller/Council Records

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

September 6, 2011

3:30 P.M. SCHEDULED SESSION

3:41 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Dr. Steve Gaines, from Bellevue Baptist Church. Councilman Boyd presented Dr. Gaines 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 16, 2011 with the following motion:

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

APPROVED

4. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTH SIDE OF STEVE ROAD; +/-182.59 FEET WEST OF ELLSWORTH STREET, CONTAINING 12.18 ACRES AND IS CURRENTLY GOVERNED BY STEVE ROAD PLANNED DEVELOPMENT, AMENDED (P.D.06-332).**

Case No. PD 06-332

Held until September 20, 2011

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR ROOSEVELT JAMISON.**

MOTION: Collins
SECOND: Fullilove

APPROVED, unanimous voice vote

2. **RESOLUTION RECOGNIZING SEPTEMBER 11, 2011, AS A DAY OF SOLEMN COMMEMORATION OF THE EVENTS OF SEPTEMBER 11, 2001, AND CALLING FOR THE OBSERVANCE OF THE MOMENT OF REMEMBRANCE TO LAST FOR 1 MINUTE BEGINNING AT 12:00 P.M. CENTRAL DAYLIGHT TIME BY, TO THE MAXIMUM EXTENT PRACTICABLE CEASING ALL WORK OR OTHER ACTIVITY; AND MARKING THE MOMENT IN AN APPROPRIATE MANNER, INCLUDING BY RINGING BELLS, BLOWING WHISTLES, OR SOUNDING SIRENS.**

MOTION: Lowery
SECOND: Fullilove

APPROVED, unanimous voice vote

3. **PRESENTATION OF GOLF DIGEST AWARD BY FIRST TEE OF MEMPHIS.**

MOTION: Collins
SECOND: B. Boyd

APPROVED, unanimous voice vote

5. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTH SIDE CORNER OF TANT ROAD AND INTERSTATE 240, CONTAINING 3.2 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT. (HELD FROM 7/5; 7/19) (THIS ITEM WAS PULLED FROM THE MINUTES OF AUGUST 2, 2011 ON AUGUST 16, 2011)**

Case No. UV 10-12

Applicant: Brianne K. Mawry

Request: Contractor Storage and Recycling

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

(Councilman Morrison made (2) amendments to item#5 (#1 – There will be a maximum of 5 dump trucks or heavy vehicle trips per day (one trip consists of a dump truck or other heavy vehicle leaving and returning to the site with or without a load), construction recycling material shall not exceed 50 cubic yards per day, #2 – Only Tant Road and Rennie Road shall be used to enter and exit the site for all dump truck and heavy vehicle trips, with or without a load. The dedicated route for all dump truck and heavy vehicle trips shall be Tant Road to Rennie Road to Jackson Avenue).

(Special Item #1) - (Councilwoman Halbert made a motion to remove the restrictions of (5) dump trucks or heavy vehicle trips per day)

MOTION: Halbert
SECOND: Brown
AYES: B. Boyd, W. Boyd, Brown, Collins, Fullilove and Halbert
NAYS: Conrad, Flinn, Ford, Hedgepeth, Morrison, Strickland and Chairman Lowery

Special Item #1 – (FAILED)

MAIN MOTION: Ford
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED, as amended

6. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF A.W. WILLIS AVENUE BETWEEN NORTH FIFTH STREET AND NORTH SIXTH STREET, CONTAINING .49 ACRE IN THE MIXED USE (MU) DISTRICT.**

Case No. PD 11-310

Applicant: Bridges USA, Inc. – (Jim Boyd)
SR Consulting, LLC – (Cindy Reaves) – Representative

Request: Legalize the existing parking and add a future parking lot

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford
SECOND: Fullilove

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

APPROVED

7. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED SOUTH OF SUMMER AVENUE; +/-396.5 FEET EAST OF GRAHAM STREET, CONTAINING .14 ACRE IN AN AREA CURRENTLY GOVERNED BY THE APPROVED CONDITIONS OF THE LAW OFFICE PLANNED DEVELOPMENT (P.D. 82-023).**

Case No. PD 11-314

Applicant: Aida Talley

Request: Child Care Center (13 or more children)

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

8. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF FAIROAKS AVENUE AND JACKSON AVENUE, CONTAINING 0.83 ACRE IN THE RESIDENTIAL URBAN-1 (RU-1) DISTRICT.**

Case No. PD 11-315

Applicant: Ware Properties, LLC
W.H. Porter Consultants, PLLC – Representative

Request: Planned Development Amendment to permit a Dollar General Retail Store

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED, as amended

9. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT THE NORTHWEST INTERSECTION OF I-240 AND JOY LANE, CONTAINING 1.42 ACRES IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT.**

Case No. SUP 11-209

Applicant: Tennessee Learning Academy (Sharon Paige)
Jim Whalen – Representative

Request: Juvenile Transitional Housing Facility

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED, as amended

10. **ORDINANCE REZONING THE SOUTH SIDE OF MONROE AVENUE; +/-146.0 FEET EAST OF FLORENCE STREET, CONTAINING .21 ACRE IN THE RESIDENTIAL URBAN-3 (RU-3) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 11-105
Ordinance No. 5412

Applicant: Caruthers Group, LLC
The Reaves Firm, Kay Reeves – Representative

Request: Rezone property from Residential Urban – 3 (RU-3) to the Commercial Mixed Use (CMU-1) District

LUCB and OPD recommendation: APPROVAL

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

APPROVED

CONSENT AGENDA – Items 11 - 19 may, be acted upon by one motion: SEE PAGE 1992 FOR ROLL CALL

11. **ORDINANCE TO AMEND CHAPTER 4 – ALCOHOLIC BEVERAGE, ARTICLE I, IN GENERAL, SECTION 7 – SALE TO CERTAIN PERSONS PROHIBITED, DRINKING IN OR ON PREMISES OF RETAIL, LIQUOR STORES PROHIBITED, PENALTY – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, UP FOR S E C O N D READING.**

Ordinance No. 5413

APPROVED, on Second reading

12. **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 OF MEMPHIS, TENNESSEE, UP FOR S E C O N D READING.**

Ordinance No. 5414

APPROVED, on Second reading

13. **ORDINANCE TO AMEND CHAPTER 39 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO ESTABLISH THE MEMPHIS TRANSPORTATION COMMISSION, UP FOR S E C O N D READING.**

Ordinance No. 5415

APPROVED, on Second reading

14. **ORDINANCE TO AMEND MEMPHIS, TENNESSEE, CODE OF ORDINANCES TITLE 4 – PENSION AND RETIREMENT SYSTEM, SO AS TO MODIFY THE PENSION BENEFITS ALLOWABLE UNDER THE ORDINANCE, UP FOR S E C O N D READING.**

Ordinance No. 5416

APPROVED, on Second reading

15. **RESOLUTION APPROVING FINAL PLAT OF STANSELL CROSSING P.D., PART OF PARCEL 11, PHASE 21.**

Case No. PD 08-332cc

Resolution approves the final plat located on the northside of Lowrance Road, southwest of Nonconnah Parkway. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

City Engineer recommends approval

APPROVED

16. **RESOLUTION APPROVING FINAL PLAT OF CORDOVA GROVE P.D., PHASE 4, LOT 7.**

Case No. PD 03-303

Resolution approves the final plat located on the west side of Macon Road, south of Macon Terrace.

City Engineer recommends approval

APPROVED

17. **RESOLUTION ACCEPTING HOUSTON LEVEE TRAILS P.D., 4TH AMENDMENT, PHASE 1 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-383
(Contract No. CR-5136)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Houston Levee Road and Highway 64. The standard improvement contract was approved on March 17, 2009. Resolution also authorizes the release of the performance bond in the amount of $124,300.00.

City Engineer recommends approval

APPROVED

18. **RESOLUTION APPROVING THE SUPPLEMENTAL AGREEMENT #1 TO WINDSOR VIEW SUBDIVISION.**

Case No. S 10-012
Contract No. CR-5172AM

Resolution approves the Supplemental Agreement #1 located on the northside of Windsor Road and southside of Holmes Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

APPROVED

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

A. Case No. SAC 10-611

Public Hearing Set for September 20, 2011

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 20 - 28 may be acted upon by one motion:

20. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11274, EMERGENCY AID AGREEMENT, WITH HENKELS AND MCCOY, INC., IN THE FUNDED AMOUNT OF $371,775.20. (THIS CHANGE COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF APRIL 4, 2011 IN THE AMOUNT OF $216,687.26 AND THE STORM OF APRIL 27, 2011 IN THE AMOUNT OF $155,087.94).**

APPROVED

21. **RESOLUTION AWARDING CONTRACT FOR ONE SELF-PROPELLED TRENCHING MACHINE TO DITCH WITCH MID-SOUTH IN THE AMOUNT OF $72,890.00.**

APPROVED

22. **RESOLUTION AUTHORIZING MLGW TO PURCHASE UNLEADED AND LOW SULFUR DIESEL FUEL FOR THE DIVISION FROM PETROLEUM TRADERS UNDER CITY OF MEMPHIS CONTRACT NO. 28025, IN AN ESTIMATED AMOUNT NOT TO EXCEED $24,548,130.00, FOR THE PERIOD OCTOBER 1, 2011 THROUGH JUNE 30, 2014.**

APPROVED

23. **RESOLUTION RATIFYING APPROVAL AFTER THE FACT OF PURCHASE ORDER NO. 142372 IN THE AMOUNT OF $49,990.00 AND PURCHASE ORDER NO. 142336 IN THE AMOUNT OF $49,500.00, FOR A TOTAL OF $99,490.00, BOTH ISSUED TO APAC TENNESSEE, INC., FOR #57 WASHED LIMESTONE.**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10140, PDSFAST SOFTWARE LICENSE, WITH SOFTWARE ENGINEERING OF AMERICA, IN THE FUNDED AMOUNT OF $23,768.00, FOR A NEW CONTRACT VALUE OF $193,673.51. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSE AND SUPPORT. THE TERM OF THE ANNUAL MAINTENANCE COVERS THE PERIOD**

OCTOBER 1, 2011 TO SEPTEMBER 30, 2013, WITH NO INCREASE FROM THE PREVIOUS YEAR).

APPROVED

25. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10171, OPERATING SYSTEM RECOVERY PROJECT, WITH NEWERA SOFTWARE, INC., IN THE FUNDED AMOUNT OF $6,426.00, FOR A NEW CONTRACT VALUE OF $54,284.00. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSE AND SUPPORT. THE TERM OF THE ANNUAL MAINTENANCE COVERS THE PERIOD SEPTEMBER 1, 2011 TO AUGUST 31, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

26. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11179, BUSINESS SOFTWARE LICENSE AND RELATED SERVICE AGREEMENT, WITH SAP AMERICA, INC. IN THE FUNDED AMOUNT OF $64,220.21. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSES AND SUPPORT FOR BUSINESS OBJECTS FOR THE PERIOD NOVEMBER 4, 2011 TO NOVEMBER 3, 2012 IN THE AMOUNT OF $31,813.21; RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSES AND SUPPORT SERVICES FOR ACE LACSLINK FOR THE PERIOD DECEMBER 22, 2011 TO DECEMBER 21, 2012 IN THE AMOUNT OF $1,214.00; AND RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSES AND SUPPORT FOR ACE DPV FOR THE PERIOD OCTOBER 6, 2011 TO OCTOBER 5, 2012, IN THE AMOUNT OF $31,193.00).**

APPROVED

27. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11186, ENVIRONMENTAL AFFAIRS AND CRISIS MANAGEMENT, WITH GENERAL CONSTRUCTION SERVICES, IN THE FUNDED AMOUNT OF $3,500,000.00. (THIS CHANGE COVERS ADDITIONAL WORK IN ORDER TO COMPLY WITH ENVIRONMENTAL REGULATIONS TO INCLUDE THE FOLLOWING: STORM WATER REMEDIATION OF THE MLGW SERVICE CENTER IN THE AMOUNT OF $750,000.00; LEAD AND ASBESTOS ABATEMENT OF THE ARLINGTON LNG DECOMMISSIONING PROJECT IN THE AMOUNT OF $575,000.00; PCB CAPACITOR BANK REMOVAL PROJECT IN THE AMOUNT OF $425,000.00; SUBSTATION #3 EXPANSION REMEDIATION PROJECT APPROVED BY TDEC IN THE AMOUNT OF $1,500,000.00; AND THE LEAD ABATEMENT OF THE SEISMIC RETROFITS SUBSTATION TRANSFORMERS PROJECT IN THE AMOUNT OF $250,000.00).**

APPROVED

28. **RESOLUTION AWARDING CONTRACT TO BOWE BELL AND HOWELL FOR INSERTER MACHINE MAINTENANCE AGREEMENT IN THE AMOUNT OF $58,005.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

42. **IMPASSE - FIRE DEPARTMENT (HELD FROM 8/2)**

Chairman Lowery recognized the following person who spoke from the audience:
Danny Todd, 3740 Northcliffe, Memphis, Tennessee, 38128

(Councilman Conrad made a motion to send item#42 back to the Impasse Committee, this was seconded by Councilman Collins)

(Councilwoman Halbert made a motion to send item #42 back to Committee in (2) weeks and report back to Council on September 20, 2011).

(Special Item #2 – Councilwoman Halbert's motion)

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

APPROVED, #42 will be heard in (2) weeks

29. **RESOLUTION ESTABLISHING THE MEMPHIS LIGHT GAS AND WATER DIVISION IN LIEU OF TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2012. (GAS & ELECTRIC) (HELD FROM 6/7; 6/21; 7/5; 7/19; 8/2; 8/16)**

Held until September 20, 2011

30. **APPOINTMENTS**

LANDMARKS COMMISSION

APPOINTMENT

EMILY TRENHOLM

REAPPOINTMENT

EARLICE TAYLOR

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

APPROVED

32. **ORDINANCE TO AMEND CHAPTER 16, ARTICLE V, OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, SO AS TO AMEND THE SECTION PERTAINING TO PEDESTRIAN VENDORS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5411

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

APPROVED

33. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING $440,000.00 IN G.O. GENERAL BOND FUNDS TO TRAFFIC SIGNALS, PROJECT NUMBER EN01004 IN FURNITURE, FIXTURES AND EQUIPMENT FOR THE PURCHASE OF EQUIPMENT USED IN THE INSTALLATION OF TRAFFIC SIGNALS BY CITY FORCES.**

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

APPROVED

34. **RESOLUTION APPROPRIATING $657,700.00 IN G.O. BONDS FROM THE FY 2012 CIP BUDGET FOR THE DIVISION OF FIRE SERVICES TO PURCHASE TURNOUTS/FIRE PROTECTIVE ENSEMBLE DESIGNATED FOR THE ANNUAL PROCUREMENT OF PROTECTIVE CLOTHING FOR A TOTAL APPROPRIATION**

OF $657,700.00.

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

APPROVED

35. **RESOLUTION APPROVING TRANSFER OF FUNDS FROM THE COMMON FUND TO THE OPEB TRUST IN AN ESTIMATED AMOUNT OF $18,805,432.59 WITH A SETTLEMENT AT YEAR END TO EQUAL THE 2011 ANNUAL OPEB COST.**

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

APPROVED

36. **RESOLUTION APPROVING ACTUARIAL FUNDING TO THE RETIREMENT AND PENSION SYSTEM IN THE AMOUNT OF $26,208,301.00 FOR THE 2011 PLAN YEAR.**

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

APPROVED

37. **RESOLUTION SEEKING COUNCIL APPROVAL OF BID FOR THE CONSTRUCTION OF RALEIGH BARTLETT MEADOWS PARK IMPROVEMENTS, CIP PROJECT NUMBER PK04005 FUNDED BY G.O. BONDS GENERAL IN THE AMOUNT OF $213,450.00 PLUS CONTINGENCY OF $17,076.00 FOR A TOTAL AMOUNT OF $230,526.00. THE LOWEST AND BEST BID WAS RECEIVED ON JUNE 24, 2011 FROM P.C. MOCK CONSTRUCTION COMPANY.**

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

APPROVED

38. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE (DOJ), BUREAU OF JUSTICE ASSISTANCE FY 2010 BULLETPROOF VESTS PARTNERSHIP (BVP 2010) IN THE AMOUNT OF $42,281.48. RESOLUTION ALSO AMENDS THE FY 2012 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE $42,281.48 IN GRANT FUNDS.**

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

APPROVED

39. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF $196,895.99 FROM THE STATE OF TENNESSEE DEPARTMENT OF MILITARY – TENNESSEE EMERGENCY MANAGEMENT AGENCY FY 2010 BUFFER ZONE PROTECTION PROGRAM (BZZP) GRANT PROGRAM TO SUPPORT THE IMPLEMENTATION OF BUFFER ZONE PLANS (BZPS) OUTSIDE THE PERIMETER OF IDENTIFIED CRITICAL INFRASTRUCTURE/KEY RESOURCE SITES. THESE PLANS ARE INTENDED TO DEVELOP EFFECTIVE PREVENTIVE AND PROTECTIVE MEASURES THAT MAKE IT MORE DIFFICULT FOR TERRORISTS TO CONDUCT SURVEILLANCE OR LAUNCH ATTACKS WITHIN THE IMMEDIATE VICINITY OF HIGH PRIORITY CRITICAL INFRASTRUCTURE TARGETS. RESOLUTION ALSO AMENDS THE FY 2012 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE $196,895.99 IN GRANT FUNDS FOR FY 2010.**

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

APPROVED

40. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF $53,244.00 FUNDED BY G.O. BONDS (STORM WATER) FROM DRAINAGE – ST, PROJECT NUMBER ST03006 TO WHITEHAVEN/TWINKLETOWN, PROJECT NUMBER ST03127 FOR DRAINAGE REPAIR. RESOLUTION ALSO APPROPRIATES $53,244.00 FUNDED BY G.O. BONDS (STORM WATER) FOR WHITEHAVEN/TWINKLETOWN, PROJECT NUMBER ST03127 FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC.**

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

APPROVED

41. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF $1,585,980.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) FROM DRAINAGE – ST, PROJECT NUMBER ST03006 TO DRAIN AND HES STORAGE, PROJECT NUMBER ST04045 TO DESIGN A STORAGE BUILDING TO PROTECT EQUIPMENT FROM EXPOSURE TO THE ELEMENTS. RESOLUTION ALSO APPROPRIATES $1,585,980.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) IN DRAIN AND HES STORAGE BUILDING, PROJECT NUMBER ST04045 FOR A CONSTRUCTION CONTRACT WITH ZELLNER CONSTRUCTION SERVICES, LLC.**

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

APPROVED

43. **RESOLUTION AMENDING THE FY2012 CIP BUDGET BY TRANSFERRING AN ALLOCATION OF $500,000.00 FROM CONTRACT CONSTRUCTION TO ARCHITECTURE AND ENGINEERING IN OVERTON SQUARE REDEVELOPMENT, PROJECT NUMBER GA01015.**

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

APPROVED

44. **RESOLUTION APPROVING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING EXECUTED BY THE EDUCATION MERGER/CONSOLIDATION CASE NUMBER 11-2011 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE.**

MOTION: Hedgepeth

SECOND: B. Boyd,
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Strickland and Chairman Lowery
Ford recused
Morrison did not cast a vote

APPROVED

(Special Item #3 – Councilwoman Fullilove made a motion to approve Same Night Minutes for Items # 20, #43 & #44 from tonight's meeting)

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following people who spoke from the audience:

Booker T. Woodard, 157 Isaac Newsome Road., Pinola, Mississippi, 39149
M. Williams , 3250 Commercial Parkway, Memphis, Tennessee, 38116
Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 6:54 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. Scupis
Deputy Comptroller/Council Records