Minutes of Items 22 of the Regular Meeting of the City Council City of Memphis

April 5, 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 Item 22 to wit:

22. **APPOINTMENT**

Director of Police Services

Toney Armstrong
Effective at midnight on April 15, 2011.

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

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

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

APPROVED

Valerie C. Snipes

Chairman: Myron Lowery

Date: 4/5/2011

Attest:

Deputy Comptroller/Council Records

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

April 5, 2011

3:30 P.M. SCHEDULED SESSION

3:42 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 Councilwoman Janice Fullilove.

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 March 15, 2011 with the following motion:

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

APPROVED

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE, TO RENAME REMBERT AVENUE, BETWEEN MADISON AVENUE AND UNION AVENUE "BERNAL E. SMITH BOULEVARD".**

MOTION: Conrad
SECOND: Ford

APPROVED, by unanimous voice vote

2. **RESOLUTION RECOGNIZING CRAIGMONT HIGH SCHOOL BOYS' VARSITY BASKETBALL TEAM ON WINNING THE 2010 BLUECROSS AAA STATE CHAMPIONSHIP.**

MOTION: Morrison
SECOND: Ford

APPROVED, by unanimous voice vote

3. **RESOLUTION CONGRATULATING THE EVANGELICAL CHRISTIAN SCHOOL'S BOY'S BASKETBALL TEAM ON WINNING THE DIVISION II A STATE CHAMPIONSHIP.**

MOTION: Boyd
SECOND: Ford

APPROVED, by unanimous voice vote

4. **RESOLUTION RECOGNIZING CENTRAL HIGH SCHOOL LADY WARRIORS AS THE 2011 CLASS AAA STATE CHAMPS (THIRD STRAIGHT TSSAA STATE TOURNAMENT APPEARANCE).**

MOTION: Ford
SECOND: Fullilove

APPROVED, by unanimous voice vote

22. **APPOINTMENT**

Chairman Lowery recognized Mayor Wharton who spoke on this appointment

Director of Police Services

Appointment

Toney Armstrong

MOTION: Collins – Effective date – Friday, April 15, 2011 at 12:01 a.m.
SECOND: Brown
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery
Ware was absent

APPROVED, this appointment is effective Friday, April 15, 2011 at 12:01 a.m.

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF YALE ROAD; +/-335.87 FEET EAST OF COVINGTON PIKE, CONTAINING 0.79 ACRE IN THE PLANNED COMMERCIAL (C-P) DISTRICT.** (Held from 3/15)
Case No. SUP 10-230

Applicant: Arnett-Maddox Ice, LLC
Prime Development Group – Michael Fahy – Representative

Request: Retail Ice Vending Machine

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

6. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF $1,260,905.00 FROM THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND MATCHING FUNDS IN THE AMOUNT OF $50,000.00 FROM THE GREATER MEMPHIS CHAMBER FOR PLANNING AND ASSESSMENT OF THE AIRPORT CITY AREA IN SUPPORT OF THE AEROTROPOLIS PROJECT. RESOLUTION ALSO AMENDS THE FY2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

CONSENT AGENDA – Items 7-11 may be acted upon by one motion: SEE PAGE 1823 FOR ROLL CALL

7. **ORDINANCE TO AMEND CHAPTER 16, ARTICLE V, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO ALLOW SELF-CONTAINED MOBILE FOOD PREPARATION VEHICLES TO OPERATE IN THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5394

APPROVED, on Second reading

8. **ORDINANCE TO REDISTRICT ALL COUNCIL DISTRICTS AND TO ASSIGN NEWLY ANNEXED AREAS, IF ANY, TO COUNCIL DISTRICTS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICTS WILL COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER, PERTAINING TO VOTING RIGHTS ACTS REMEDIES, UP FOR S E C O N D READING.**

Ordinance No. 5395

APPROVED, on Second reading

9. **ORDINANCE REZONING THE WEST SIDE OF HOLLYWOOD STREET; +/-176.52 FEET NORTH OF CHELSEA AVENUE, CONTAINING 0.21 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-117
Ordinance No. 5396

APPROVED, on First reading

10. **RESOLUTION APPROVING FINAL PLAT OF BURK SUBDIVISION.**

Case No. S 08-020

Resolution approves final plat located on Redditt Road, south of Walnut Grove Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

11. **RESOLUTION APPROVING THE SUPPLEMENTAL AGREEMENT #1 TO WOLF RIVER BLUFFS P.D., PHASE 1.**

Case No. PD 05-377
Contract No. CR-5083AM

Resolution approves the supplemental agreement #1 located on north side of James Road at McLean Blvd. 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

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 12-15 may be acted upon by one motion:

12. **RESOLUTION AWARDING CONTRACT NO. 11420, UTILITY MARKET INTELLIGENCE SERVICES, TO E SOURCE COMPANIES, LLC, IN THE FUNDED AMOUNT OF $689,820.00, FOR A 36-MONTH PERIOD.**

APPROVED

13. **RESOLUTION AWARDING CONTRACT NO. 11463, 2011 ECDA INSPECTION/SURVEY OF NATURAL GAS PIPELINE, TO BGL ASSET SERVICES, LLC, IN THE FUNDED AMOUNT OF $319,075.00.**

APPROVED

14. **RESOLUTION APPROVING PAYMENT OF 2011 ANNUAL MEMBERSHIP DUES TO THE TENNESSEE VALLEY PUBLIC POWER ASSOCIATION, IN THE AMOUNT OF $50,674.05.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT FOR AUTOCAD SOFTWARE SUBSCRIPTION RENEWALS TO DLT SOLUTIONS, COVERING THE PERIOD APRIL 27, 2011 TO APRIL 26, 2012, IN THE AMOUNT OF $53,781.99.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

16. **APPOINTMENT**

Memphis and Shelby County Convention Center Commission

Appointment

Lee A. Jackson

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

APPROVED

17. **RESOLUTION ACCEPTING WILSON STREET CLOSURE AND AUTHORIZING RELEASE OF BOND.** (Held from 3/15)

Contract No. (CR-4974)

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 Wilson Street and East McLemore Avenue. The standard improvement contract was approved on September 20, 2005. Resolution also authorizes the release of the performance bond in the amount of $212,200.00.

City Engineer recommends approval

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

APPROVED

18. **RESOLUTION TO AMEND FIRE SERVICE'S CAPITAL IMPROVEMENT BUDGET REQUEST TO REPLACE THE ORIGINAL REQUEST (IN PART) WITH EIGHT ALTERNATIVE RESPONSE VEHICLES AT A COST OF $500,000.00.** (Held from 2/15; 3/1; 3/15)

MOTION: Conrad - Offer a companion resolution

Councilman Strickland accepted this companion resolution as a friendly amendment

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

APPROVED, original resolution and companion resolution

19. **RESOLUTION SEEKING THE APPROVAL, CONVEYANCE, AND RELEASE OF PARCELS D0242 00072, D0242 00079, AND D0256 0008 BY QUIT CLAIM DEED IN ORDER TO GAIN CLEAR TITLE, AND CONFIRM SHELBY COUNTY GOVERNMENT AS THE SOLE OWNER OF THE REMAINING PROPERTY FOR ITS ONGOING MANAGEMENT/CONTROL.**

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

APPROVED

20. **RESOLUTION APPROPRIATING THE ALLOCATED SUM OF $500,000.00 OF THE FY2011 CIP BUDGET FOR THE SRVS PROJECT TO PROVIDE SUPPORT AND OPPORTUNITIES FOR THE PEOPLE WITH DEVELOPMENTAL DISABILITIES, AS PART OF SRVS' SECOND PHASE BUILDING DREAMS CAMPAIGN.**

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

APPROVED

21. **RESOLUTION PROPOSING A CHANGE TO THE COUNCIL'S RULES OF PROCEDURE REGARDING SAME NIGHT MINUTES.**

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

APPROVED

Approval of the Minutes of the regular meeting of April 5, 2011 for Item #22 only

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

APPROVED, set up as Special Item #1

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

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

ADJOURNED MEETING AT 4:51 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