

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
March 15, 2011

3:30 P.M. SCHEDULED SESSION

3:37 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Rev. Jerry Randolph from Messiah Missionary Baptist Church. Councilman Brown presented Rev. Randolph 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 Collins recognized the Memphis All Stars Cheer & Dance Students from Whitehaven).

MINUTES

Approval of the Minutes of the regular meeting of March 1, 2011 with the following motion:

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

Hedgepeth did not cast a vote
Flinn and Ware were absent

APPROVED

- 2. **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.**

Case No. SUP 10-230

Held until April 5, 2011

- 17. **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)**

Held until April 5, 2011

- 1. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING 300 FEET SOUTH OF KEY AVENUE BETWEEN NEIL STREET AND SCOTT STREET, CONTAINING 6,012 SQUARE FEET.**

Case No. SAC 10-603

Applicant: John Powell

Request: Close an existing alley

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Strickland

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

APPROVED

- 3. **RESOLUTION APPROVING A HOTEL WAIVER FOR COURTYARD BY MARRIOTT LOCATED AT 3076 KIRBY ROAD. (HELD FROM 3/1)**

Case No. HMW 11-08

MOTION: Ford

SECOND: Boyd

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

Flinn and Ware were absent

APPROVED

(Special Item #1) – Councilman Ford made a motion to suspend the rules and add Item#26, Ord. #5395 to the Consent Agenda, without objection. This was seconded by Councilman Strickland.

CONSENT AGENDA – Items 4, 5, 7, 8 & 26 may be acted upon by one motion: SEE PAGE 1811 FOR ROLL CALL

4. **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 F I R S T READING.**

Ordinance No. 5394

APPROVED, on First reading

5. **RESOLUTION APPROVING FINAL PLAT OF EAST RAINES ROAD AT PACE ROAD COMMERICAL SUBDIVISION.**

Case No. S 10-021

Resolution approves the final plat located at the corner of East Raines Road and Pace Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

7. **RESOLUTION APPROVING FINAL PLAT OF WOODLAND HILLS II, P.D., PHASE 4, (WOODLAND LAKE DRIVE ROAD DEDICATION).**

Case No. PD 08-324cc

Contract No. CR-5167

Resolution approves the final plat located on Woodland Lake Drive at Walnut Grove Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

8. **RESOLUTION APPROVING FINAL PLAT OF WOODLAND HILLS II, P.D., PHASE 5, (WOODLAND LAKE DRIVE ROAD DEDICATION).**

Case No. PD 08-324cc
 Contract No. CR-5168

Resolution approves the final plat located west of Trinity Road, south of Woodland Trace Lane. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

26. **ORDINANCE TO REDISTRIBUTE 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 F I R S T READING.**

Ordinance No. 5395

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

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

APPROVED, with the exception of item #6

(Special Item#2 – Councilwoman Halbert made a motion to pull Item#6 from the Consent Agenda for discussion. After a brief discussion, this item was held without objection. This was seconded by Councilwoman Fullilove).

6. **RESOLUTION ACCEPTING WILSON STREET CLOSURE AND AUTHORIZING RELEASE OF BOND.**

Contract No. (CR-4974)

Held until April 5, 2011

MLGW FISCAL CONSENT – Items 9 - 13 may be acted upon by one motion:

9. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11061, WIRELESS TELEPHONE SERVICES, WITH AT&T MOBILITY IN THE FUNDED AMOUNT OF \$118,101.02. (THIS CHANGE INCREASES THE CONTRACT VALUE IN THE**

AMOUNT OF \$66,434.36 TO FULFILL THE CURRENT TERM. IN ADDITION, THIS EXTENDS THE CURRENT CONTRACT FOR A 60-DAY PERIOD, APRIL 3, 2011 TO JUNE 1, 2011, IN THE AMOUNT OF \$51,666.66 TO ALLOW TIME FOR A NEW CONTRACT TO BE EXECUTED).

APPROVED

10. **RESOLUTION APPROVING THE SELECTION OF COHEN & STEERS, A PREFERRED EQUITY INVESTMENT MANAGER, TO MANAGE APPROXIMATELY \$32,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND.**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11220, TEMPORARY SERVICES, WITH KELLY SERVICES, INC., IN THE FUNDED AMOUNT OF \$218,006.00. (THIS CHANGE INCREASES THE CONTRACT VALUE TO MEET THE 2011 ESTIMATED TEMPORARY SERVICE NEEDS TOTALING \$645,206.00, OF WHICH \$218,006.00 IS BEING REQUESTED. THE REMAINING \$427,200.00 WILL BE ABSORBED FROM THE CURRENT CONTRACT AMOUNT).**

APPROVED

12. **RESOLUTION AWARDED CONTRACT FOR NOVELL MAINTENANCE AND NEW SOFTWARE LICENSES TO NOVELL, INC., IN THE AMOUNT OF \$314,859.43.**

APPROVED

13. **RESOLUTION AWARDED 60-MONTH BLANKET CONTRACT FOR WONDERWARE SOFTWARE SUPPORT TO INSOURCE SOFTWARE SOLUTIONS, INC., IN AN AMOUNT NOT TO EXCEED \$117,487.10.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

14. **APPOINTMENTS**

MEMPHIS AND SHELBY COUNTY CENTER CITY COMMISSION

RE-APPOINTMENT

STUART C. MCGEHEE

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSION

APPOINTMENT

KEVIN BREWER

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

APPROVED

15. **RESOLUTION AMENDING THE FY2011 OPERATING BUDGET BY ACCEPTING FUNDS IN THE AMOUNT OF \$14,500.00 FOR THE OFFICE OF YOUTH SERVICES AND COMMUNITY AFFAIRS SOUTHERN HERITAGE CLASSIC COLLEGE FAIR AND THE ANNUAL CHRISTMAS BASKET GIVEAWAY.**

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

APPROVED

16. **RESOLUTION AMENDING THE FY 2011 OPERATING BUDGET BY TRANSFERRING THE CURRENTLY AVAILABLE APPROPRIATIONS FROM CAPITAL OUTLAY OF \$1,000,000.00 IN GENERAL FUND EXPENDITURES TO BE USED TO ESTABLISH TWO (2) LOAN FUND PROGRAMS FOR EXISTING AND NEW M/W/SBES.**

MOTION: Conrad
SECOND: Halbert
AYES: Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and

Chairman Lowery
 NAY: Boyd
 Conrad did not cast a vote
 Flinn and Ware were absent

APPROVED

18. **RESOLUTION REQUESTING APPROVAL OF THE BEST COMPLYING BID OF \$464,500.00 FROM ZELLNER CONSTRUCTION SERVICES. THREE (3) BIDS WERE RECEIVED ON FEBRUARY 4, 2011 FOR THE SKATE PARK PROJECT. THE RESOLUTION ALSO AMENDS THE FY 2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING FUNDS OF \$117,000.00 FROM RECREATION FACILITIES IMPROVEMENTS, CIP PROJECT NUMBER PK01024 TO SKATE PARK, CIP PROJECT NUMBER PK07098 IN CONSTRUCTION. PROJECT TOTAL COST IS CONTINGENCY OF \$557,000.00. ADMINISTRATION REQUESTS TO TRANSFER AND APPROPRIATE \$117,000.00 FUNDED BY G.O. BONDS GENERAL.**

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

APPROVED

19. **RESOLUTION REQUESTING APPROVAL FOR CONTINUATION OF PLANS AND SPECIFICATIONS FOR THE TAKING OF BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$750,000.00 FOR CHARJEAN PARK.**

The Council of the City of Memphis did include Charjean Park, located at Ketchum and Crosby Roads, CIP Project Number PK07089, as part of the Fiscal Year 2011 Capital Budget. Resolution states the Administration is required to present a preliminary design to the appropriate Council Committee.

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

APPROVED

20. **RESOLUTION APPROPRIATING \$10,000.00 FUNDED BY G.O. BONDS GENERAL IN RALEIGH MILLINGTON-NEW ALLEN, PROJECT NUMBER PW01222 FOR A CONSTRUCTION CONTRACT BEING ADMINISTERED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION. RESOLUTION ALSO STATES THAT ANY FUTURE LOCAL GOVERNMENT INVESTMENT POOL EXPENDITURES FOR THIS PROJECT BE ALLOCATED AND APPROPRIATED WITH THE SOURCE OF FUNDS BEING LOCAL GOVERNMENT INVESTMENT POOL EARNINGS.**

MOTION: Hedgepeth

SECOND: Ford

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

APPROVED

(Councilman Brown made a motion to hold Item#21 for (2) weeks. Due to the lack of a second, this motion failed)

21. **RESOLUTION SUPPORTING THE ESTABLISHMENT OF A REGULAR PART-TIME EMPLOYMENT CLASSIFICATION.**

MOTION: Fullilove

SECOND: Ford

AYES: Boyd, Collins, Conrad, Ford, Fullilove, Halbert, Strickland and Chairman Lowery

NAY: Brown
Hedgepeth and Morrison did not cast a vote
Flinn and Ware were absent

APPROVED

22. **RESOLUTION TO HOLD ALL PLANNING AND ZONING CASES FOR 2 WEEKS WHEN THE APPLICANT(S) ARE NOT PRESENT.**

MOTION: Ford

SECOND: Hedgepeth

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

APPROVED

23. **RESOLUTION TO AMEND AND APPROPRIATE FY2011 OPERATING BUDGET TO INCLUDE FEDERAL FUNDING FOR SHELTER PLUS CARE GRANT PROGRAM, PROJECT NUMBER TN0111C4J011002 IMPLEMENTED BY SHIELD, INC., IN THE AMOUNT OF \$196,416.00.**

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

APPROVED

24. **RESOLUTION TO AMEND AND APPROPRIATE FY2011 OPERATING BUDGET TO INCLUDE FEDERAL FUNDING FOR SHELTER PLUS CARE GRANT PROGRAM, PROJECT NUMBER TN0024C4J011003 IMPLEMENTED BY CASE MANAGEMENT, IN THE AMOUNT OF \$318,240.00.**

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

APPROVED

25. **RESOLUTION TO AMEND AND APPROPRIATE FY2011 OPERATING BUDGET TO INCLUDE FEDERAL FUNDING FOR SHELTER PLUS CARE GRANT PROGRAM, PROJECT NUMBER TN0016C4J011003 IMPLEMENTED BY FRIENDS FOR LIFE SPC, IN THE AMOUNT OF \$131,856.00.**

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

APPROVED

(Special Item #3 -Councilwoman Halbert made a motion to approve Same Night Minutes on items #9, #23, #24 from tonight’s meeting)

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

APPROVED

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 5:30 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records