

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

April 19, 2011

3:30 P.M. SCHEDULED SESSION

3:30 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 Rev. DeLois Broady, Faith and Health Chaplain from Methodist LeBonheur Healthcare. Chairman Collins presented Rev. Broady with a certificate naming her 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 April 5, 2011 with the following motion:

MOTION: Conrad – Offer a substitute resolution for Item #21

MAIN MOTION: Ford

SECOND: Morrison

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

APPROVED, as amended

MOTION: Halbert – Hold Items 2, 3 and 7B to May 3, 2011 for further clarification

The Chairman stated that without objection these items will be held to May 3, 2011

2. **RESOLUTION HONORING RANDY WADE FOR HIS HEROIC ACTIONS.**

Without Objection, item held to May 3, 2011

3. **ORDINANCE REZONING THE EAST SIDE OF AIRWAYS BOULEVARD; +/-250 FEET SOUTH OF KILARNEY AVENUE, CONTAINING 58.74 ACRES IN THE RESIDENTIAL SINGLE FAMILY-15 (R-15) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 11-101
Ordinance No. 5397

Without Objection, item held to May 3, 2011

7. **B. CASE NO. PD 06-332 – STEVE ROAD PLANNED DEVELOPMENT, AMENDED**

Without Objection, item held to May 3, 2011

1. **MAYOR WHARTON’S PRESENTATION OF THE FISCAL YEAR 2012 BUDGETS.**

NO VOTE REQUIRED

Chairman Lowery announced a five minute recess at 4:35 p.m. Back in session at 4:40 p.m.

CONSENT AGENDA – Items 4-6 and 7 A and C may be acted upon by one motion: SEE PAGE 1830 FOR ROLL CALL

4. **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 S E C O N D READING.**

Case No. Z 10-117
Ordinance No. 5396

APPROVED, on Second reading

5. **RESOLUTION APPROVING FINAL PLAT OF RE-SUBDIVISION OF ST. CHARLES PLACE SUBDIVISION.**

Case No. S 10-019

Resolution approves final plat located on the north side of I-40, south of Highway 64. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

6. **RESOLUTION ACCEPTING WHITTEN I-40 PLANNED DEVELOPMENT, PH. 20, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 05-320
(Contract No. CR-5154)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Century Center Pkwy., west of Whitten Rd. The standard improvement contract was approved on March 9, 2010. Resolution also authorizes the release of the performance bond in the amount of \$358,300.00.

City Engineer recommends approval

APPROVED

7. **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 03-303 – Cordova Grove P.D., Amended, Lot 17
- C. Case No. SUP 10-231

Public Hearing Set for May 3, 2011

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, with the exception of Item #B, which was held to May 3, 2011

FISCAL CONSENT AGENDA – Item 8 may be acted upon by one motion:

8. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF (\$600,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE I ADULT PROGRAM. RESOLUTION ALSO AMENDS FY2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

ROLL CALL FISCAL CONSENT ITEM

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

APPROVED**MLGW FISCAL CONSENT – Items 9-14 may be acted upon by one motion:**

9. **RESOLUTION AWARDDING CONTRACT NO. 11486, GROUNDS MAINTENANCE LANDSCAPING SERVICES, TO THE ROBERTS COMPANY LTD. OF TENNESSEE D/B/A ENVIRONMENTAL LANDSCAPE SERVICES, IN THE FUNDED AMOUNT OF \$67,566.50.**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10332, ABB SOFTWARE MAINTENANCE, WITH ABB POWER TRAINING & DEVELOPMENT COMPANY, INC., IN THE FUNDED AMOUNT OF \$128,145.00. (THIS CHANGE COVERS PAYMENT OF SOFTWARE MAINTENANCE, LICENSES, AND SUPPORT RENEWAL FEES FOR THE PERIOD JANUARY 1, 2011 TO DECEMBER 31, 2011).**

APPROVED

11. **RESOLUTION AWARDDING CONTRACT NO. 11434, HORN LAKE CREEK BORE AND IN-LINE INSPECTION, TO MEMPHIS ROAD BORING COMPANY, INC., IN THE FUNDED AMOUNT OF \$179,850.00.**

APPROVED

12. **RESOLUTION AWARDDING CONTRACT NO. 11468, FILTER MEDIA AND SURFACE WASH PIPING AND APPURTENANCES REPLACEMENT FOR PALMER PUMPING STATION, TO CHRIS-HILL CONSTRUCTION COMPANY, LLC, IN THE FUNDED AMOUNT OF \$360,150.00.**

APPROVED

- 13. **RESOLUTION APPROVING EXERCISE OF OPTION TO EXTEND THE CONTRACT WITH PENCCO, INC., FOR FLUOROSILICIC ACID FOR A THIRD 12-MONTH PERIOD, MAY 20, 2011 TO MAY 19, 2012, IN THE FUNDED AMOUNT OF \$710,400.00.**

APPROVED

- 14. **RESOLUTION APPROVING THE SELECTION OF RREEF AMERICA REIT II (OPEN-END CORE REAL ESTATE FUND) TO MANAGE APPROXIMATELY \$45,000,000.00 FOR BENEFIT OF THE RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

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

Ordinance No. 5395

Held to May 17, 2011

- 15. **APPOINTMENT**

Public Art Oversight Committee

Appointment

Peter H. Warren

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

Chairman Lowery
Collins and Hedgepeth did not cast a vote
Ware was absent

APPROVED

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

Ordinance No. 5394

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

Ty Agee, 1307 Armand Drive, Memphis, TN 38103
Bud Chittom, 138 Beale St., Memphis, TN 38103
Sharron Moore-Edwards, 1273 Island Place E., Memphis, TN 38103
Mark Hamilton, 5310 Crestview Drive, Memphis, TN 38134
Humphrey Moore (Scooter), 1767 Tampa Cove, Memphis, TN 38106
Robbie Moore, 1726 Gaither, Memphis, TN 38106
Deni Reilly, 40 Nottoway Blvd., Memphis, TN 38103

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

APPROVED

18. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$88,677.65, CIP PROJECT GA01010, WHICH WAS INCLUDED IN THE FY11 CIP BUDGET FOR THE REPLACEMENT OF 4 OUTDOOR WARNING SIRENS.**

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

APPROVED

19. **RESOLUTION APPROVING THE CITY'S PLAN TO HOLD A REFERENDUM FOR ELIGIBLE EMPLOYEES WHO ARE NOT CURRENTLY COVERED BY MEDICARE TO NOW OBTAIN HOSPITAL INSURANCE-MEDICARE ONLY COVERAGE THROUGH THE CITY'S MEDICARE BUYBACK STRATEGY.**

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

APPROVED

20. **RESOLUTION FOR FIRE STATION REPAIR, CIP PROJECT NUMBER FS02001, AS PART OF THE FY2011 CAPITAL IMPROVEMENT PROGRAM, REQUESTS APPROVAL OF \$101,200.00 FOR CONTRACT CONSTRUCTION, FUNDED BY G.O. BONDS GENERAL, WITH LOWEST AND BEST COMPLYING BID OUT OF 6 BIDS SUBMITTED BY WAGNER GENERAL CONTRACTORS, INC.**

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

APPROVED

21. **RESOLUTION TO TRANSFER AN ALLOCATION AND APPROPRIATION OF \$154,437.00 IN G.O. BONDS FROM COUNTRYWOOD FIRE STATION, AN ALLOCATION OF \$162,514.00 AND APPROPRIATION OF \$28,514.00 IN G.O. BONDS FROM RELOCATE FIRE STATION #22, AND AN ALLOCATION OF \$157,721.00 AND AN APPROPRIATION OF \$73,721.00 IN G.O. BONDS FROM FIRE STATION #57 TO FIRE STATION REPAIR FS02001.**

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

APPROVED

22. **RESOLUTION TO AMEND THE FY 2011 OPERATING BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATION OF \$450,000.00 OF THE HUMAN RESOURCES' DIVISION OPERATING BUDGET TO COVER A REQUEST FOR PROPOSAL FOR PRE-EMPLOYMENT MEDICALS.**

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

APPROVED

23. **RESOLUTION SEEKS APPROVAL FOR COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR GASTON COMMUNITY CENTER REPAIRS, CIP PROJECT NUMBER PK01026, AT AN ESTIMATED CONSTRUCTION COST OF \$350,000.00 FUNDED BY G.O. BONDS GENERAL.**

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

APPROVED

24. **RESOLUTION SEEKS APPROVAL FOR COMPLETION OF PLANS AND SPECIFICATIONS FOR PINK PALACE PLANETARIUM REHAB, CIP PROJECT NUMBER PK08016, AT AN ESTIMATED TOTAL COST OF \$1,400,000.00, \$700,000.00 FUNDED BY G.O. BONDS GENERAL AND \$700,000.00 FUNDED BY LOCAL OTHER FUNDING.**

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

APPROVED

25. **RESOLUTION TO ACCEPT AND APPROPRIATE \$10,000.00 IN GRANT FUNDS FROM PETCO FOUNDATION TO BE USED TO PROVIDE AFFORDABLE AND AVAILABLE SPAY/NEUTER OPPORTUNITIES TO THE COMMUNITY.**

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

APPROVED

26. **RESOLUTION APPROPRIATING \$381,701.00 FUNDED BY SEWER REVENUE BONDS FROM SOUTH PLANT EXPANSION, PROJECT NUMBER SW02033 FOR A CONSTRUCTION CONTRACT WITH TRI-STATE ARMATURE & ELECTRICAL WORKS, INC.**

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

APPROVED

27. **RESOLUTION APPROVING AN APPEAL OF CCC DECISION, FAMILY DOLLAR, 831 THOMAS.**

Case No. 11-07

WITHDRAWN. Family Dollar agreed to withdraw the appeal. No vote needed. Issue is moot.

28. **RESOLUTION ENCOURAGING ALL CITIZENS IN THE MEMPHIS METROPOLITAN AREA, TO VOTE FOR BOOKER T. WASHINGTON HIGH SCHOOL, IN ITS BID TO HAVE PRESIDENT BARACK OBAMA SPEAK AT THE 2011 COMMENCEMENT CEREMONY.**

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

APPROVED

29. **RESOLUTION ENCOURAGING MEMPHIS GRIZZLIES FANS TO "PAINT THE TOWN BLUE" TO SHOW SUPPORT FOR THE TEAM.**

MOTION: Halbert
 SECOND: Ford
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,

Morrison, Strickland and Chairman Lowery
Ware was absent

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Heather Adams, 1188 Dove Hollow Circle E., Cordova, TN 38018
Walter Broady III, 4256 Ledbetter Avenue, Memphis, TN 38109
DeAndre Brown, 2360 Clearpark, Memphis, TN 38127
Stonie Fitzgerald, 3607 Hendricks, Memphis, TN 38111
Tamika Moore, 7950 Regatta Drive, Apt. #404, Cordova, TN 38016
Joe Norman, 5150 Stage Road, Suite 103, Memphis, TN 38134
Gevon Owens, 2285 Frayser Blvd., Memphis, TN 38127
Samantha Rajapaske, 5261 Algiers Drive, Memphis, TN 38116
Darrell Wright, 2250 Eldridge, Memphis, TN 38108

ADJOURNED MEETING AT 6:20 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records