

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

May 15, 2012

3:30 P.M. SCHEDULED SESSION

3:30 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, Jim Strickland and Chairman Bill Morrison.

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

INVOCATION

The meeting was opened with prayer by Rev. Stanford Hunt from Salem-Gillfield Baptist Church. Councilwoman Halbert presented Rev. Hunt 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.

- 1. RESOLUTION CONGRATULATING THE BOOKER T. WASHINGTON BOYS' BASKETBALL TEAM ON THEIR OUTSTANDING 2011-2012 SEASON.**

DROPPED

MINUTES

Approval of the Minutes of the regular meeting of May 1, 2012 with the following motion:

MOTION: Ford
SECOND: Collins

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

APPROVED

- 2. **RESOLUTION RECOGNIZING BARRETT JONES, OFFENSIVE LINEMAN FOR THE 2011 NCAA CHAMPIONS, THE UNIVERSITY OF ALABAMA FOOTBALL TEAM AND HONORED AS THE 2011 OUTLAND TROPHY WINNER.**

MOTION: Boyd
SECOND: Strickland

APPROVED, unanimous voice vote

- 3. **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. (HELD FROM 2/7)**
Ordinance No. 5439

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

Kevin Kane, 47 Union Avenue, Memphis, Tennessee, 38103
Doug Browne, 149 Union Avenue, Memphis, Tennessee, 38103
Wayne Tabor, 160 Union Avenue, Memphis, Tennessee, 38103

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

FAILED

- 4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF MONROE AVENUE AND CLAYBROOK STREET, CONTAINING .89 ACRE IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT.**
Case No. SUP 12-207

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

Julia Wade, 1320 Madison, Memphis, Tennessee, 38104
Robert Schneider, 1660 N. Parkway, Memphis, Tennessee, 38112
Harriet Schneider, 1660 N. Parkway, Memphis, Tennessee, 38112
Beth Flannagan, 20 Dudley, Memphis, Tennessee, 38103

Applicant: Gloria Hayden
McCaskill & Associates, Inc. – Tim McCaskill – Representative

Request: A Special Use Permit to allow a social service institution that will feed the needy in and around the medical district (soup kitchen)

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

- 5. **RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MEMPHIS TO EXECUTE A FINANCIAL ASSISTANCE GRANT CONTRACT WITH THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FOR \$2,192,625.00 IN BEHALF OF CARGILL CORN MILLING FOR THE PRESIDENT’S ISLAND RAIL PROJECT. THIS GRANT REQUIRES NO CITY OF MEMPHIS MATCHING FUNDS.**

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

APPROVED

- 6. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF POPLAR AVENUE AND RIDGEWAY BOULEVARD, CONTAINING 10.43 ACRES IN THE OFFICE GENERAL (O-G) AND RESIDENTIAL WORK (RW) DISTRICTS.**

Case No. PD 12-302

Applicant: Highwoods Realty LTD Partnership (Steve Guinn) – Representative

Request: Permit two free standing restaurants that are larger than what is Permitted under zoning

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

CONSENT AGENDA – Items 7 - 19 may be acted upon by one motion: SEE PAGE 2240 FOR ROLL CALL

7. **ORDINANCE TO AMEND AND SUPPLEMENT SECTION 14-4-36, CLOSING OF ADJACENT STREETS AND SIDEWALKS, UP FOR S E C O N D READING.**
 Ordinance No. 5448

APPROVED, on Second reading

8. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND 25-195, UP FOR S E C O N D READING.**
 Ordinance No. 5449

APPROVED, on Second reading

9. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2013 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**
 Ordinance No. 5450

APPROVED, on Second reading

10. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2013, UP FOR S E C O N D READING.**
 Ordinance No. 5451

APPROVED, on Second reading

11. **ORDINANCE REZONING THE NORTHWEST CORNER OF N. BELLEVUE AND SMITH AVENUE, CONTAINING 0.315 ACRE IN THE COMMERCIAL MIXED USE (CMU-1) DISTRICT, UP FOR F I R S T READING.**
 Case No. Z 11-114
 Ordinance No. 5447

APPROVED, on First reading

12. **ORDINANCE REZONING THE SOUTHWEST CORNER OF E. HOLMES ROAD AND RIVERDALE ROAD, CONTAINING 1.47 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 12-102cc
Ordinance No. 5452

APPROVED, on First reading

- 13. **ORDINANCE REZONING THE SOUTHWEST CORNER OF S. PERKINS ROAD AND KNIGHT ARNOLD ROAD, CONTAINING 10.92 ACRES IN THE COMMERCIAL MIXED USE (CMU-1) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 12-101
Ordinance No. 5453

APPROVED, on First reading

- 14. **ORDINANCE REZONING THE SOUTH SIDE OF I-240; +/-835 FEET EAST OF THOUSAND OAKS COVE, CONTAINING 2.25 ACRES IN THE CONSERVATION AGRICULTURAL FLOODPLAIN (CA[FP]) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 12-103
Ordinance No. 5454

APPROVED, on First reading

- 15. **RESOLUTION APPROVING FINAL PLAT OF IRENE WOODS P.D., PHASE 1.**

Case No. PD 08-331cc
Contract No. CR-5183

Resolution approves the final plat located on the east side of Forest Hill-Irene Road, north of Shelby Drive. 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

- 16. **RESOLUTION APPROVING FINAL PLAT OF TOURNAMENT CENTER P.D., PHASE 1 (DEDICATION OF TOURNAMENT DRIVE).**

Case No. PD 09-305
Contract No. CR-5184

Resolution approves the final plat located on Tournament Drive, west of Hacks Cross. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

17. **RESOLUTION APPROVING FINAL PLAT OF OAKRIDGE VILLAGE C-P, LOTS 1-2.**
 Case No. Z 86-182cc
 Contract No. CR-5185

Resolution approves the final plat located on the southeast corner of Holmes Road and Crumpler 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

APPROVED

18. **RESOLUTION APPROVING FINAL PLAT OF 851 SEVENTH STREET SUBDIVISION.**
 Case No. S 11-014

Resolution approves the final plat located on the northwest corner of Bickford and Seventh St. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

APPROVED

19. **RESOLUTION APPROVING FINAL PLAT OF WYCHEWOOD PLACE SUBDIVISION.**

Case No. S 11-015

Resolution approves the final plat located on the southwest corner of Walnut Grove Road and Wychewood. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 20 - 29 may be acted upon by one motion:

20. **RESOLUTION AWARDING CONTRACT FOR TWO-MAN AERIAL TOWERS AND A DIGGER DERRICK TO DIAMOND INTERNATIONAL TRUCKS IN THE AMOUNT OF \$1,198,819.00.**

APPROVED

21. **RESOLUTION AWARDING CONTRACT FOR FORK LIFT TRUCKS TO SHAW MATERIAL HANDLING SYSTEM, INC. IN THE AMOUNT OF \$55,643.60 AND INTERSKY PRECISION INSTRUMENTS, INC. IN THE AMOUNT OF \$27,751.00, FOR A TOTAL AMOUNT OF \$83,394.60.**

APPROVED

22. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11434, HORN LAKE CREEK BORE AND IN-LINE INSPECTION, WITH MEMPHIS ROAD BORING COMPANY, INC. IN THE FUNDED AMOUNT OF \$5,450.00, FOR A NEW CONTRACT AMOUNT OF \$185,300.00. (THIS CHANGE IS TO ADD 25 FEET OF BORE WHICH IS REQUIRED TO COMPLETE THE DIRECTIONAL BORE PROJECT).**

APPROVED

23. **RESOLUTION AWARDING CONTRACT FOR STATIONARY BATTERY SYSTEMS TO SAFT AMERICA, INC. C/O H.V. SALES IN THE AMOUNT OF \$274,797.00.**

APPROVED

24. **RESOLUTION APPROVING PAYMENT OF 2012 ANNUAL MEMBERSHIP DUES TO THE AMERICAN GAS ASSOCIATION IN THE AMOUNT OF \$55,945.00.**

APPROVED

25. **RESOLUTION APPROVING PAYMENT OF ANNUAL SEWER DISCHARGE FEE TO THE CITY OF MEMPHIS PUBLIC WORKS DEPARTMENT FOR THE 2011 FILTER BACKWASH DISCHARGE FOR SIX WATER PUMPING STATIONS IN THE AMOUNT OF \$375,537.53.**

APPROVED

26. **RESOLUTION APPROVING PAYMENT OF ANNUAL SUBSCRIPTION SERVICES TO ENERGY WORLDNET, INC. IN THE FUNDED AMOUNT OF \$31,220.00.**

APPROVED

27. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11292, CASHIERING SYSTEM REPLACEMENT, WITH SYSTEMS INNOVATORS, IN THE FUNDED AMOUNT OF \$33,724.26, FOR A NEW CONTRACT AMOUNT OF \$291,466.26. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE SECOND OF FOUR RENEWAL TERMS, MARCH 1, 2012 TO FEBRUARY 28, 2013, WHICH REFLECTS A 3% INCREASE IN LINE WITH THE CONSUMER PRICE INDEX (CPI)).**

APPROVED

28. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11362, ELECTRONIC FORMS ROUTING, WITH B P LOGIX, IN THE FUNDED AMOUNT OF \$7,200.00, FOR A NEW CONTRACT VALUE OF \$245,500.00. (THIS CHANGE COVERS THE PURCHASE OF THE PROCESS DIRECTOR MOBILE OPTION AND MAINTENANCE SUPPORT SERVICES TO ALLOW A NEW FUNCTIONALITY OF APPROVING ELECTRONIC FORMS VIA MOBILE DEVICES. THE TERM OF THE ANNUAL MAINTENANCE COVERS THE PERIOD JUNE 6, 2012 TO JUNE 6, 2013).**

APPROVED

29. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11248, PROPERTY AND BOILER INSURANCE, WITH FM GLOBAL, IN THE FUNDED AMOUNT OF \$1,176,213.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS, JUNE 1, 2012 TO MAY 31, 2013, WITH A 6.14% INCREASE FROM THE PREVIOUS YEAR DUE TO THE RISE IN THE MARKET DRIVEN BY NATURAL DISASTERS). (JOZELLE BOOKER) (REQUIRES CITY COUNCIL APPROVAL)**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

30. **RESOLUTION ACCEPTING LOCAL OTHER FUNDING IN THE AMOUNT OF \$4,487,775.00 FROM THE SHELBY COUNTY EMERGENCY COMMUNICATIONS DISTRICT FOR THE DIVISION OF FIRE SERVICES CAD SYSTEM. RESOLUTION ALSO AMENDS THE FY 2012 CIP BUDGET TO ALLOCATE AND APPROPRIATE LOCAL OTHER FUNDS.**

MOTION: Conrad
 SECOND: Boyd

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

APPROVED

31. **RESOLUTION AMENDING THE FY 2012 OPERATING BUDGET BY APPROPRIATING \$300,960.00 IN FEDERAL FUNDING FOR SHELTER PLUS CARE GRANT PROGRAM , PROJECT NUMBER TN0024C4J011104 IMPLEMENTED BY CASE MANAGEMENT SPC.**

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

APPROVED

32. **RESOLUTION AMENDING THE FY 2012 OPERATING BUDGET BY APPROPRIATING \$124,704.00 IN FEDERAL FUNDING FOR SHELTER PLUS CARE GRANT PROGRAM, PROJECT NUMBER TN0016C4J011104, IMPLEMENTED BY FRIENDS FOR LIFE SPC.**

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

APPROVED

33. **RESOLUTION AMENDING THE FY 2012 OPERATING BUDGET BY APPROPRIATING \$185,760.00 IN FEDERAL FUNDING FOR SHELTER PLUS GRANT PROGRAM, PROJECT NUMBER TN0111C4J011103 IMPLEMENTED BY SHIELD, INC.**

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

APPROVED

34. **RESOLUTION APPROVING THE MEMPHIS LIGHT, GAS AND WATER DIVISION DEBT MANAGEMENT POLICY.**

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

APPROVED

35. **RESOLUTION REQUESTING THAT NO EXPENDITURES GREATER THAN \$1 MILLION SHALL BE REPORTED TO THE BUDGET COMMITTEE AND DESCRIBED ONLY AS “MISCELLANEOUS”, UNLESS THERE IS ALSO A SEPARATE BREAKOUT OF THE ITEMS OR SERVICES THAT UNDERLIE THE \$1 MILLION EXPENDITURE.**

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

APPROVED

(Special Item #1 – Councilwoman Fullilove made a motion to approve Same Night Minutes on item #5, from tonight’s Meeting)

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

- Meg Clifton, 1412 Glen Oaks Drive, Memphis, Tennessee, 38119
- Kathleen Cox, 1489 Vinton Avenue, Memphis, Tennessee, 38104
- Donna Bohannon, 5343 Sea Isle Road, Memphis, Tennessee, 38119
- Mauve Goodman, 1275 Theodore, Memphis, Tennessee, 38122
- Mark Herr, 5511 Melvin Road, Memphis, Tennessee, 38120
- Walter Broady III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:28 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