

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****July 10, 2007****3:30 P.M. SCHEDULED SESSION****4:30 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Barbara Holt-Ware, E. C. Jones, Myron Lowery, Scott McCormick, Henry Hooper, Jack Sammons, Brent Taylor and Chairman Tom Marshall

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

INVOCATION

The meeting was opened with prayer by Rev. Milton Carroll from Hope Presbyterian Baptist Church. Councilman Taylor presented Rev. Carroll with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

CONSENT AGENDA – Items 1-4 & #26, #27 & #28 may be acted upon by one motion. SEE PAGE 2230 FOR ROLL CALL

1. **ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-4, OF THE CODE OF ORDINANCES REGARDING BACKGROUND CHECKS FOR FIRE PROTECTION PERSONNEL, UP FOR F I R S T READING.**

Ordinance No. 5213

APPROVED, on First reading

2. **ORDINANCE REZONING THE SOUTHEAST CORNER OF WHITEBROOK DRIVE AND OLD GETWELL RD., CONTAINING 3.87 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5211

Case No. Z 07-104

APPROVED, on Second reading

3. **ORDINANCE REZONING THE EAST SIDE OF ELVIS PRESLEY BOULEVARD; +/- 290 FEET NORTH OF LAUDEEN DRIVE, CONTAINING .27 ACRE {11,760 SQ. FT.} IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5212

Case No. Z 07-105

APPROVED, on Second reading

4. **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 07-315 – Dunn Road P.D.

Public Hearing Set for July 24, 2007

B. Case No. PD 07-311 – Trinity Park P.D.

Public Hearing Set for October 2, 2007

26. **RESOLUTION APPROVING ENGINEERING PLANS FOR BEACON RIDGE P.D. SEWER EXTENSION.**

Contract No. CR-5080

Resolution approves the engineering plans located east of Hacks Cross Road, south of Holmes Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

APPROVED

27. **RESOLUTION APPROVING THE SUPPLEMENTAL AGREEMENT #1 TO FIRST ASSEMBLY OF GOD PD, AMENDED, PHASE 1.**

Case No. PD 02-314

Contract No. CR-4956AM

Resolution approves the Supplemental Agreement #1 located on the southeast corner of Rockcreek Parkway and Germantown Parkway. 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

28. **RESOLUTION APPROVING FINAL PLAT OF MCKINLEY PARK SUBDIVISION.**

Case No. S 06-065

Contract No. CR-5081

Resolution approves the final plat located at the northwest and southwest corners of McKinley Avenue and Polk Avenue. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Jones

SECOND: Chumney

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, McCormick, Hooper, Taylor and Chairman Marshall
Lowery and Sammons did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items 5 - 12 may be acted upon by one motion

5. **RESOLUTION AWARDING CONTRACT FOR MISCELLANEOUS SUBSTATION FITTINGS TO DESIGNED METAL CONNECTIONS, IN THE AMOUNT OF \$72,775.25.**

APPROVED

6. **RESOLUTION AWARDING CONTRACT FOR GALVANIZED STRUCTURAL STEEL TO V & S SCHULER ENGINEERING, INC., IN THE AMOUNT OF \$263,505.00.**

APPROVED

7. **RESOLUTION AWARDING CONTRACT FOR CABLE/FAULT LOCATORS TO GRAYBAR ELECTRIC COMPANY, INC., IN THE AMOUNT OF \$44,548.50.**

APPROVED

8. **RESOLUTION REQUESTING RATIFICATION OF EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 2 TO CONTRACT NO. 11042, MLGW GAS/WATER FACILITIES LOCATION SERVICES, WITH HEATH CONSULTANTS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$283,744.66. (THIS RENEWS THE CONTRACT THROUGH THE PERIOD ENDING DECEMBER 31, 2007, WITH A 4% INCREASE RETROACTIVE TO MARCH 15, 2007.)**

APPROVED

9. **RESOLUTION APPROVING AN AMENDMENT TO CONTRACT NO. 11208, WATER PRODUCTION WELLS, WITH LAYNE CENTRAL, A DIVISION OF LAYNE CHRISTENSEN, BY INCREASING THE AWARD IN THE AMOUNT OF \$27,725.00.**

APPROVED

10. **RESOLUTION AWARDING CONTRACT NO. 11148, PROFESSIONAL ENGINEERING SERVICES, TO SSR ELLER CONSULTING ENGINEERS, IN AN ESTIMATED FUNDED AMOUNT OF \$50,000.00.**

APPROVED

11. **RESOLUTION AWARDING CONTRACT NO. 11229, PROFESSIONAL ENGINEERING SERVICES, TO ALLEN & HOSHALL, IN AN ESTIMATED FUNDED AMOUNT OF \$50,000.00.**

APPROVED

12. **RESOLUTION REQUESTING AN AMENDMENT TO PURCHASE ORDER NO. 121272 FOR URD CABLE WITH THE OKONITE COMPANY, IN THE AMOUNT OF \$3,576,853.82.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Chumney
 SECOND: McCormick
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons, Taylor and Chairman Marshall
 Brown did not cast a vote

APPROVED

16. **RESOLUTION ACCEPTING AN OFFER FROM ROBERT D. PELTS AND WIFE, ELEANOR M. PELTS, TO PURCHASE CITY OF MEMPHIS AND COUNTY OF SHELBY UNIMPROVED LAND, CONTAINING APPROXIMATELY 0.807 ACRES, LOCATED ON THE NORTH SIDE OF LEVEE ROAD WEST OF I-240/240 IN MEMPHIS, SHELBY COUNTY, TENNESSEE.(HELD FROM 6/5; 6/19).**

DROPPED

23. **RESOLUTION APPROVING A ONE YEAR TIME EXTENSION LOCATED ON RIVERBROOK DRIVE & PINEBROOK DRIVE @ MILLBRANCH ROAD, CONTAINING 166,198 SQUARE FEET/3.8 ACRES AND 68'/148' X APPROXIMATELY 3,380' (0.64 MILE) -WIDTH X LENGTH OF R.O.W., IN THE STREET RIGHT-OF-WAY ~ HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. SAC 03-611
(Previously SAC 07-601)

Held until July 24, 2007

25. **RESOLUTION COMMENDING SHUNTELL WILLIAMS ON HER HEROIC ACTIONS WHICH SAVED THE LIFE OF HER 5-YEAR OLD NEIGHBOR.**

MOTION: Ware
SECOND: Lowery

APPROVED, unanimous voice vote

24. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON HANLEY STREET BETWEEN SPOTTSWOOD AVENUE AND CARNES AVENUE, IN HONOR OF RUBY JACKSON PAYNE, PRINCIPAL OF HANLEY ELEMENTARY SCHOOL.**

MOTION: Brittenum
SECOND: Brown

APPROVED, unanimous voice vote

18. **JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AND MEMPHIS CITY COUNCIL ESTABLISHING A JOINT COMMITTEE TO STUDY THE BENEFITS OF CONSOLIDATION OF THE MEMPHIS POLICE DEPARTMENT AND SHELBY COUNTY SHERIFF'S DEPARTMENT.**

MOTION: Sammons
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Lowery, McCormick, Hooper, Sammons, Taylor and Chairman Marshall
Jones did not cast a vote

APPROVED

19. **RESOLUTION APPROPRIATING \$1,080,000.00 FUNDED BY G.O. BONDS (STORM WATER) IN DRAINAGE DITCH REHAB FY 07, PROJECT NUMBER ST03091 FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING, INC.**

MOTION: Sammons
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Lowery, McCormick, Hooper, Taylor and Chairman Marshall
Jones and Sammons did not cast a vote

APPROVED

29. **RESOLUTION ACCEPTING GRANT FUNDS IN THE OF \$100,000.00 FROM THE SHELBY COUNTY OFFICE OF PREPAREDNESS TO CONDUCT A TERRORISM EARLY WARNING CLASSIFIED EXERCISE DESIGNED TO PROVIDE ENHANCED SECURITY. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$100,000.00.**

MOTION: Sammons

SECOND: Ware

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Lowery, McCormick, Hooper, Sammons, Taylor and Chairman Marshall
Jones did not cast a vote

APPROVED

13. **APPOINTMENTS**

Memphis & Shelby County Center City Revenue Finance Corporation Board

REAPPOINTMENTS

LEE ASKEW, III
GENE HOLCOMB

APPOINTMENTS

ROBERT L. MAYWEATHER, JR.
LUCY SHAW

Memphis & Shelby County Music Commission

APPOINTMENT

KRIS KOURDOUVELIS

MOTION: Lowery

SECOND: Ware

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper and Chairman Marshall
Sammons and Taylor did not cast a vote

APPROVED

14. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FOUR THOUSAND, THIRTY-FIVE DOLLARS, NINETY-SIX CENTS (\$4,035.96) FROM THE STATE OF TENNESSEE DEPARTMENT OF HUMAN SERVICES VOCATIONAL REHABILITATION DIVISION FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum

SECOND: Ware

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Taylor and Chairman Marshall
Sammons did not cast a vote

APPROVED

15. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF ONE THOUSAND, FOUR HUNDRED DOLLARS (\$1,400.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF HUMAN SERVICES DIVISION FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum
 SECOND: Ware
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,
 McCormick, Hooper, Taylor and Chairman Marshall
 Sammons did not cast a vote

APPROVED

- 17. **RESOLUTION TO RECOGNIZE CERTAIN POSITIONS AS APPOINTED AND EXEMPT FROM CIVIL SERVICE AND TO CLARIFY THE STATUS OF THESE EMPLOYEES.**

Held until July 24, 2007

- 20. **RESOLUTION APPROPRIATING \$540,000.00 FUNDED BY G.O. BONDS (STORM WATER) IN DRAINAGE DITCH REHAB FY07, PROJECT NUMBER ST03092 FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING, INC.**

Director of Public Works recommends approval

MOTION: Brittenum
 SECOND: Jones
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,
 McCormick, Hooper, Taylor and Chairman Marshall
 Sammons did not cast a vote

APPROVED

- 21. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF JEFFERSON AVENUE, 58 FEET WEST OF NORTH THIRD STREET, CONTAINING 10,200 SQUARE FEET IN THE CENTRAL BUSINESS (CBD) DISTRICT.**

Case No. SUP 07-205

Applicant: Vibrant Hotels, Inc.

Request: Special Use Permit for a hotel

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery
 SECOND: Jones
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,
 McCormick, Hooper, Taylor and Chairman Marshall
 Sammons did not cast a vote

APPROVED

- 22. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST SIDE OF CHANNEL AVENUE (2957 CHANNEL AVENUE); AT THE SOUTHERN TERMINUS OF JETTY STREET, CONTAINING 22 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.**

Case No. SUP 07-206

(Councilman Taylor made a motion that if this item is approved, the Council will lift the 3 yr. restriction on incinerators, for RACE. This motion FAILED, due to not getting a second.)

Applicant: Energy Solutions, LLC
 Homer B. Branan, III – Representative

Request: Scrap Metal/Radiological Material Processing

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brown, Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Taylor and Chairman Marshall

NAY: Chumney

Brittenum and Sammons did not cast a vote

APPROVED

30. **RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$40,000,000.00 GAS SYSTEM REVENUE ANTICIPATION NOTES OF THE CITY OF MEMPHIS FOR THE BENEFIT OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO PROVIDE FUNDS, IN ANTICIPATION OF THE COLLECTION OF REVENUES FROM THE CITY'S GAS SYSTEM, TO PURCHASE NATURAL GAS, INCLUDING STORAGE COSTS AND PIPELINE CAPACITY COSTS AS PERMITTED BY § 7-34-111(D) OF TENNESSEE CODE ANNOTATED; FIXING THE TERMS OF SAID NOTES; AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF THE NOTES AND OTHER DOCUMENTS TO EFFECTUATE THE FINANCING; AUTHORIZING THE SALE OF THE NOTES TO THE PURCHASERS; DESIGNATING THE PAYING AGENT AND REGISTRATION AGENT AND AUTHORIZING CERTAIN OTHER ACTS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF SAID NOTES.**

MOTION: Chumney

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Taylor and Chairman Marshall

Sammons did not cast a vote

APPROVED

31. **RESOLUTION REQUIRING FULL DISCLOSURE AND AUDIT OF MEMPHIS LIGHT, GAS AND WATER'S INTEREST IN MEMPHIS NETWORK.**

MOTION: Chumney

SECOND: Marshall

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Lowery, Hooper, Taylor and Chairman Marshall

NAY: McCormick

Jones and Sammons did not cast a vote

APPROVED

33. **RESOLUTION AMENDING THE FY 08 O&M BUDGET, BY RELEASING THE CONTINGENT \$500,000.00 FOR THE SUMMER YOUTH EMPLOYMENT PROGRAM WITH NO AGE RESTRICTION.**

MOTION: Ware

SECOND: Brown

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Taylor and Chairman Marshall

Sammons did not cast a vote

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of June 19, 2007 with the following motion:

MOTION: Jones
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,
McCormick, Hooper, Taylor and Chairman Marshall
Sammons did not cast a vote

APPROVED, as amended. (Item #30, SAC 07-603 was amended and Councilman Brittenum recused himself from voting on this amendment)

32. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET FOR GOD HOLY WORD TEMPLE CHURCH, JULY 21-29, 2007.**

MOTION: Lowery
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, McCormick,
Hooper, Taylor and Chairman Marshall
Jones, Lowery and Sammons did not cast a vote

APPROVED

(Special Item #1 - The Minutes for items #30, #31 & #33, from tonight's meeting)

MOTION: Cooper Taylor
SECOND: Ware
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Lowery, McCormick,
Hooper, Taylor and Chairman Marshall
Jones and Sammons did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Marshall recognized the following person from the audience:

Frankie Grace, 615 E. Davant, Memphis, TN. 38106

ADJOURNED MEETING AT 6:30 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records