

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
September 4, 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 and Jim Strickland. Myron Lowery and Chairman Bill Morrison were absent.

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

INVOCATION

The meeting was opened with prayer by Pastor Herbert Lester from Asbury United Methodist Church. Councilman Collins presented Pastor Lester 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.

MINUTES

Approval of the Minutes of the regular meeting of August 21, 2012 with the following motion:

(Councilwoman Halbert made a motion to Suspend the Rules and reconsider Item#6 from the Minutes – Special Item #1)

MOTION: Halbert
SECOND: Harris
AYES: Brown, Collins, Halbert and Harris
NAYS: Boyd, Conrad, Strickland and Vice Chairman Ford

Fullilove recused
Flinn and Hedgepeth did not cast a vote
Lowery and Chairman Morrison were absent

(Special Item #1 – FAILED)

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

APPROVED

- 2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST CORNER OF WHITNEY AVENUE AND RANGE LINE ROAD, CONTAINING 4.58 ACRES IN THE RESIDENTIAL SINGLE FAMILY (R-10) DISTRICT.**

Case No. SUP 12-216

Held until September 18, 2012

- 3. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR S E C O N D READING. (SECOND READING HELD TO SEPTEMBER 4, 2012 VIA E-MAIL ON JUNE 7, 2012)**

Ordinance No. 5456

Held until January 2013

- 4. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH A MOTOR VEHICLE INSPECTION FEE, UP FOR S E C O N D READING. (SECOND READING HELD TO SEPTEMBER 4, 2012 VIA E MAIL ON JUNE 7, 2012)**

Ordinance No. 5461

Held until January 2013

- 5. **ORDINANCE TO AMEND CHAPTER 9-60 (LITTER CONTROL) OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD VEHICLE IMPOUNDMENT FOR ILLEGAL DUMPING, UP FOR S E C O N D READING.**

DROPPED

- 7. **ORDINANCE TO AMEND CHAPTER 9-58 (TIRE BUSINESS AND TIRE HAULER REGISTRATION) OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD VEHICLE IMPOUNDMENT FOR ILLEGAL DUMPING, UP FOR S E C O N D READING.**

Ordinance No. 5471

DROPPED

- 15. **ORDINANCE TO AMEND SECTION 2-73 OF THE CITY CODE OF ORDINANCES TO ESTABLISH THE CITY ATTORNEY’S OFFICE AS THE CITY’S CENTRALIZED REVENUE OFFICE FOR THE COLLECTION OF DELINQUENT CITY RECEIVABLES, JUDGMENTS, AND RELATED COURT COSTS, FEES, FINES AND AUTHORIZED CIVIL PENALTIES ON BEHALF OF THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5466

Held until September 18, 2012

- 1. **RESOLUTION CONGRATULATING LOGAN GULEFF ON HIS INVITATION TO THE WHITE HOUSE KIDS’ STATE DINNER RESULTING FROM HIS WIN OF THE “HEALTHY LUNCHTIME CHALLENGE.”**

MOTION: Strickland

SECOND: Conrad

APPROVED, unanimous voice vote

CONSENT AGENDA – Items 6 & 8 may be acted upon by one motion: SEE PAGE 2346 FOR ROLL CALL

- 6. **ORDINANCE TO AMEND CHAPTER 9 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO INCLUDE NONDISCRIMINATION BASED UPON NATIONAL ORIGIN, ETHNICITY, AGE, AND DISABILITY, UP FOR S E C O N D READING.**

Ordinance No. 5470

APPROVED, on Second reading

- 8. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. PD 12-311 – Calvary Rescue Mission P.D.

Public Hearing Set for September 18, 2012

ROLL CALL CONSENT ITEMS

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

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

9. **RESOLUTION AWARDING CONTRACT NO. 11518, MCCORD WELL 206 STEEL LINER, TO LAYNE CHRISTENSEN COMPANY, IN THE FUNDED AMOUNT OF \$53,800.00.**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11474, GENERATOR PREVENTATIVE MAINTENANCE AGREEMENT, WITH CUMMINS MID-SOUTH, LLC, IN THE FUNDED AMOUNT OF \$61,569.03. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS, JANUARY 21, 2013 THROUGH JANUARY 20, 2014, WITH NO INCREASE IN RATES).**

APPROVED

11. **RESOLUTION AWARDING CONTRACT FOR STATIONARY REFRIGERATED AUTOMATIC SAMPLERS TO WESTERN TENNESSEE WATERWORKS IN THE AMOUNT OF \$69,223.00.**

APPROVED

12. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE ANNUAL FACILITY MAINTENANCE FEE FOR PUBLIC WATER SYSTEMS IN THE AMOUNT OF \$124,017.95.**

APPROVED

13. **RESOLUTION AWARDING 12-MONTH BLANKET CONTRACT TO WESCO DISTRIBUTION, INC. FOR UNDERGROUND FITTINGS IN THE AMOUNT OF \$619,450.10.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

(Councilman Collins requested that on item#14, the Director of Finance Appointment, be voted on separately).

14. **APPOINTMENTS**

DIRECTOR OF FINANCE

Appointment

Brian Collins

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

APPROVED

MEMPHIS CITY BEAUTIFUL COMMISSION

Reappointments

Jake E. Allen, Jr.
Valesa S. J. Wells

MEMPHIS AND SHELBY COUNTY DOWNTOWN PARKING AUTHORITY

Joint Appointment

Donnell R. Cobbins, Jr.

MOTION: Collins
SECOND: Boyd

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

APPROVED

16. **ORDINANCE TO AMEND TITLE 11 – VEHICLES AND TRAFFIC, CHAPTER 11-28, SECTION 11-28-3, OF THE CODE OF ORDINANCES (RIGHT-OF-WAY IN CROSSWALKS), UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5467

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

APPROVED

17. **ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO INCREASE THE PENSION BENEFIT OF CERTAIN RETIREES OVER THE AGE OF SIXTY-FIVE, WITH AT LEAST TWENTY FIVE YEARS OF SERVICE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5468

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

APPROVED

18. **RESOLUTION APPROPRIATING \$200,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03005, RAIL FACILITY IMPROVEMENTS FOR MATA, TO FUND THE LOCAL SHARE FOR THE PURCHASE OF RAIL FACILITY IMPROVEMENTS IN FISCAL YEAR 2013 AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

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

APPROVED

19. **RESOLUTION APPROPRIATING \$2,314,602.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03018, PREVENTIVE MAINTENANCE FOR MATA, TO FUND COSTS FOR MAINTENANCE OF CAPITAL ASSETS IN FISCAL YEAR 2013 AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hedgepeth

SECOND: Fullilove

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

APPROVED

20. **RESOLUTION APPROPRIATING \$45,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03022, ADVANCED PUBLIC TRANSPORTATION SYSTEM FOR MATA, TO FUND THE LOCAL SHARE FOR ADVANCED PUBLIC TRANSPORTATION SYSTEMS AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hedgepeth

SECOND: Strickland

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

APPROVED

21. **RESOLUTION APPROPRIATING \$33,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GA03001, SERVICE VEHICLES FOR MATA, TO FUND THE LOCAL SHARE FOR THE PURCHASE OF SERVICE VEHICLES IN FISCAL YEAR 2013 AS PART OF THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hedgepeth

SECOND: Fullilove

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

APPROVED

22. **RESOLUTION TO ACKNOWLEDGE AND ACCEPT THE DONATION OF THE SHELBY COUNTY GOVERNMENT'S INTEREST IN THE MID SOUTH COLISEUM AND THE LIBERTY BOWL MEMORIAL STADIUM AND TO DISSOLVE THE MEMPHIS AND SHELBY COUNTY COLISEUM BOARD.**

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

APPROVED

23. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$1,341,600.00 FROM THE STATE OF TENNESSEE FOR THE IN-SERVICE TRAINING PROGRAM FOR TRAINING OF 2,236 COMMISSIONED OFFICERS. RESOLUTION ALSO AMENDS THE FY 2013 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

(Councilman Flinn made a motion to amend item#24. The amendment is requesting for proposals be issued to award up to \$200,000.00 in FY 2014, to a responsive vendor with a proven track record serving the needs of our citizens returning to the community from incarceration to partner with the City in providing re-entry services and aid the City in leveraging other not-for-profit resources to further this mission). – (Special Item #2)

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

APPROVED

24. **RESOLUTION AMENDING THE FY 2013 OPERATING BUDGET TO RESTORE FUNDING IN THE AMOUNT OF \$264,626.00 TO THE SECOND CHANCE PROGRAM.**

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

APPROVED, as amended

25. **RESOLUTION APPROVING A PERMANENT EASEMENT AGREEMENT WITH NUCOR STEEL MEMPHIS, INC., AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON MAY 16, 2012.**

Contract No. CR-5192

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

APPROVED

(Councilwoman Fullilove made a motion to approve Same Night Minutes for items#14, #23 & #24 from tonight's meeting) – Special Item #3

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Vice Chairman Ford recognized the following people who spoke from the audience:
Bryant Branch, 151 N. Belvedere Boulevard, #7, Memphis, Tennessee, 38104
Samantha Rayapakse, 5261 Algiers, Memphis, Tennessee, 38116
Josue Rodriguez, 128 Angelus, Memphis, Tennessee, 38104
Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:06 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