

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**October 4, 2011**

**3:30 P.M. SCHEDULED SESSION**

**3:31 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Walter Smith from Union Grove M.B. Church. Councilman Conrad presented Pastor Smith 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 September 20, 2011 with the following motion:**

**MOTION:** Collins - Pull Item #40, Ordinance No. 4515, establishing the Memphis Transportation Commission, from the Minutes of September 20, 2011 to go back to Committee and be put on the Council Agenda on October 18, 2011

**Without Objection,** Item pulled from the Minutes of September 20, 2011 to go back to Committee and be put on the Council Agenda on October 18, 2011

**MAIN MOTION:** Ford

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

**APPROVED**, as amended, Item #40 removed from the Minutes of September 20, 2011

- 31. **RESOLUTION ESTABLISHING THE MEMPHIS LIGHT GAS AND WATER DIVISION IN LIEU OF TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2012. (GAS & ELECTRIC) (Held from 6/7; 6/21; 7/5; 7/19; 8/2; 8/16; 9/6; 9/20)**

Held to October 18, 2011

- 1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF ALICE AVENUE, TO HONOR MR. ELMORE NICKLEBERRY, ON HIS OUTSTANDING ACHIEVEMENTS.**

MOTION: Brown  
 SECOND: Morrison

**APPROVED**, by unanimous voice vote

- 2. **RESOLUTION APPROVING A HOTEL WAIVER FOR SUN INN HOTEL, LOCATED AT 1543 ELVIS PRESLEY BOULEVARD. (This case was approved on 10/12/2010 and had to come back before full Council in 1 year).**

Case No. HMW 10-01

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

Joe Townsend, 5104 Stage Road, Memphis, TN 38128

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

**APPROVED**

**CONSENT AGENDA – Items 3-12 and 39, may be acted upon by one motion: SEE PAGE 2023 FOR ROLL CALL**

- 3. **ORDINANCE TO AMEND CHAPTER 39, ARTICLE II, SECTION 39-148 OF THE CODE OF ORDINANCES, SO AS TO REQUIRE CARRIAGE DRIVERS TO IMMEDIATELY CLEAN WASTE, UP FOR F I R S T READING.**

Ordinance No. 5421

APPROVED, on First reading

4. **ORDINANCE TO AMEND CHAPTER 5, ANIMALS AND FOWL OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO PREVENT CRUELTY TO ANIMALS AND COCK AND ANIMAL FIGHTING, UP FOR S E C O N D READING.**

Ordinance No. 5417

APPROVED, on Second reading

5. **ORDINANCE TO AMEND CHAPTER 21 OF THE MEMPHIS CITY CODE OF ORDINANCES, GOVERNING MOTOR VEHICLES AND TRAFFIC, SO AS TO REGULATE VALET PARKING SERVICES, UP FOR S E C O N D READING.**

Ordinance No. 5418

APPROVED, on Second reading

6. **ORDINANCE TO AMEND CHAPTER 25 – PENSION AND RETIREMENT SYSTEM OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO PROTECT PENSION BENEFITS FROM THE 4.62% SALARY REDUCTION POLICY, UP FOR S E C O N D READING.**

Ordinance No. 5420

APPROVED, on Second reading

7. **ORDINANCE REZONING THE SOUTHWEST CORNER OF DANNY THOMAS BOULEVARD AND LINDEN AVENUE, CONTAINING 2.67 ACRES IN THE SPORTS & ENTERTAINMENT (SE) AND SOUTH DOWNTOWN RESIDENTIAL (R-SD) DISTRICTS, UP FOR F I R S T READING.**

Case No. Z 11-108

Ordinance No. 5422

APPROVED, on First reading

8. **ORDINANCE REZONING THE EAST SIDE OF GETWELL ROAD; +/-510 FEET NORTH OF COCHESE AVENUE, CONTAINING 0.80 ACRE IN THE COMMERCIAL MIXED USE-1 (CMU-1) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 11-107

Ordinance No. 5419

APPROVED, on Second reading

9. **RESOLUTION APPROVING FINAL PLAT OF AMBERCROMBIE SUBDIVISION.**

Case No. S 11-003

Resolution approves the final plat located on the northeast corner of Jackson Ave. and North Hollywood.

City Engineer recommends approval

**APPROVED**

10. **RESOLUTION APPROVING FINAL PLAT OF CLEARBORN HOPE VI SECTION 1 SENIOR BUILDING SUBDIVISION AND SITE PLAN.**

Case No. S 10-023 &  
SE 10-01

Resolution approves the final plat located on the eastside of Lauderdale St., north of Georgia Ave.

City Engineer recommends approval

**APPROVED**

11. **RESOLUTION APPROVING FINAL PLAT OF HERNANDO PLACE SUBDIVISION, RESUBDIVISION OF LOT 2.**

Case No. S 11-008

Resolution approves the final plat located north of E. Winchester Rd., on the west side of Elvis Presley Blvd.

City Engineer recommends approval

**APPROVED**

12. **RESOLUTION APPROVING CONTRACT AND SITE PLAN OF MEMPHIS BIOWORKS FOUNDATION, PHASE 1.**

Case No. MO 11-01  
Contract No. CR-5173

Resolution approves the final plat located on the west side of Dudley Street, between Madison Avenue and Union Avenue. Cost 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**

39. **RESOLUTION APPROVING FINAL PLAT OF LEGENDS PARK PLANNED DEVELOPMENT, PHASE 5.**

Case No. PD 07-338

Contract No. CR-5174

Resolution approves the final plat located on the northeast corner of Ayers Street and Delmar 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: Ford  
SECOND: Flinn  
AYES: B. Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Strickland and Chairman Lowery  
W. Boyd, Ford, Hedgepeth and Morrison did not cast a vote

**APPROVED**

**MLGW FISCAL CONSENT – Items 14 - 30 may be acted upon by one motion:**

14. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 9955, PARTIAL FUNDING OF POLLUTION CONTROL, GROUND WATER QUALITY CONTROL PROGRAM, WITH MEMPHIS & SHELBY COUNTY HEALTH DEPARTMENT, IN THE FUNDED AMOUNT OF \$140,267.60. (THIS RENEWS THE CONTRACT FOR 2011 WITH NO INCREASE IN METERS FROM THE PREVIOUS YEAR).**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11173, WELD TESTING AND INSPECTION SERVICES, WITH AMERICAN INDUSTRIAL TESTING, IN THE FUNDED AMOUNT OF \$17,747.50, FOR A NEW CONTRACT VALUE OF \$88,247.50.**

**APPROVED**

16. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11193, JANITORIAL SERVICES, WITH EUREST SERVICES, IN THE FUNDED AMOUNT OF \$117,906.39. (THIS INCREASES THE CURRENT CONTRACT VALUE TO COMPLETE THE FINAL TERM OF THE CONTRACT ENDING MARCH 1, 2012. AN ERROR WAS MADE IN CALCULATING THE AMOUNT REQUIRED FOR THE CURRENT RENEWAL PERIOD).**

**APPROVED**

17. **RESOLUTION AWARDING CONTRACT FOR ONE PLASMA-CUTTING MACHINE TO MACHINERY SALES COMPANY, INC., IN THE AMOUNT OF \$56,900.00.**

**APPROVED**

18. **RESOLUTION AUTHORIZING CONTRACT NO. 11522, PIPELINE CAPACITY RELEASE CONTRACT, FOR THE PURCHASE OF ONE OR MORE PIPELINE CAPACITY RELEASES THROUGH THE PIPELINE BULLETIN BOARD FOR THE TRANSMISSION OF NATURAL GAS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$36,000,000.00 UNDER TERMS THAT DO NOT EXCEED A MAXIMUM OF FIVE YEARS.**

**APPROVED**

19. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11307, VOICE SYSTEM NETWORK PBX MAINTENANCE, WITH BLACK BOX NETWORK SERVICES, IN A FUNDED AMOUNT NOT TO EXCEED \$258,003.89. (THIS RENEWS THE CONTRACT FOR THE FIRST OF TWO RENEWAL TERMS, JANUARY 14, 2012 TO JANUARY 13, 2013, WITH NO INCREASE IN RATES).**

**APPROVED**

20. **RESOLUTION AWARDING CONTRACT NO. 11483, 10 MBPS METRO ETHERNET FOR MLGW CAPLEVILLE PLANT, TO AT&T, IN THE FUNDED AMOUNT OF \$32,400.00.**

**APPROVED**

21. **RESOLUTION AWARDING CONTRACT NO. 11492, 2012 EXTERNAL CORROSION DIRECT ASSESSMENT INSPECTION/SURVEY OF NATURAL GAS PIPELINE, TO BGL ASSET SERVICES, LLC, IN THE FUNDED AMOUNT OF \$292,950.00.**

**APPROVED**

22. **RESOLUTION AWARDING CONTRACT FOR TELECOMMUNICATIONS EQUIPMENT TO MOTOROLA SOLUTIONS, INC., IN THE AMOUNT OF \$132,005.24.**

**APPROVED**

23. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10614, BLOOMBERG DATA LICENSE AND MAINTENANCE, WITH BLOOMBERG, L.P., IN AN ESTIMATED FUNDED AMOUNT OF \$62,880.00. (THIS CHANGE MODIFIES THE RENEWAL PROVISION OF THE CONTRACT FROM AUTOMATIC RENEWALS TO RENEWALS AFTER REQUEST AND APPROVAL. THIS ALSO RENEWS ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES AND LICENSE FEES.**

**THE TERM OF THE MAINTENANCE COVERS THE PERIOD SEPTEMBER 2, 2011 TO SEPTEMBER 1, 2013, WITH NO INCREASE FROM THE PREVIOUS TERM. MLGW IS REQUESTING APPROVAL OF CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM WHICH CAN ONLY BE PERFORMED BY BLOOMBERG, L.P.).**

**APPROVED**

24. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11240, INFLUENZA VACCINE, WITH METHODIST HEALTHCARE ALLIANCE HEALTH SERVICES IN AN ESTIMATED FUNDED AMOUNT OF \$28,770.00, FOR A NEW CONTRACT VALUE OF \$157,106.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, OCTOBER 20, 2011 TO OCTOBER 19, 2012, WITH A 48.44% INCREASE IN COST PER INJECTION FROM \$17.00 TO \$25.00 FROM THE PREVIOUS YEAR. THE VALUE OF THE RENEWAL IS \$47,500.00; HOWEVER, MLGW WILL RECEIVE A WELLNESS CREDIT FROM HEALTH CHOICE (A DIVISION OF METHODIST HEALTHCARE SYSTEMS) IN THE AMOUNT OF \$18,730.00 WHICH OFFSETS THE COST PER INJECTION FROM \$25.00 TO \$15.14).**

**APPROVED**

25. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11424, CERTIFIED LABORATORY FOR DRUG TESTING, WITH ADVANCED TOXICOLOGY NETWORK, IN THE FUNDED AMOUNT OF \$24,000.00, FOR A NEW CONTRACT VALUE OF \$48,000.00. (THIS RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, OCTOBER 28, 2011 TO OCTOBER 27, 2012, WITH NO INCREASE IN RATES).**

**APPROVED**

26. **RESOLUTION AWARDDING CONTRACT FOR HAND-HELD DEVICES TO ITRON, INC., IN THE AMOUNT OF \$74,008.00.**

**APPROVED**

27. **RESOLUTION AWARDDING CONTRACT FOR THE EXPANSION OF THE WIRELESS NETWORK TO VENTURE TECHNOLOGIES, IN THE AMOUNT OF \$152,742.90.**

**APPROVED**

28. **RESOLUTION AWARDDING CONTRACT FOR HEWLETT PACKARD HARDWARE AND SOFTWARE TO LOGICALIS, INC., IN THE AMOUNT OF \$906,886.12.**

**APPROVED**

29. **RESOLUTION AWARDDING 12-MONTH CONTRACT FOR A MAINTENANCE AGREEMENT TO MITCHELL GRAPHIC REPAIR FOR PRINTING EQUIPMENT IN THE AMOUNT OF \$11,856.00.**

**APPROVED**

30. **RESOLUTION AWARDDING 36-MONTH CONTRACT TO KONICA MINOLTA BUSINESS SOLUTIONS FOR THE RENTAL OF A COLOR PRINTING SYSTEM IN THE AMOUNT OF \$263,513.88.**

**APPROVED**

Chairman Lowery asked if anyone had any objection to removing Item #13 from the MLGW Fiscal Consent Agenda so that we can discuss the item and hear from the public. There was no objection. Item #13 was removed from the MLGW Fiscal Consent Agenda and voted on separately.

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**, the exception of Item #13, which removed from the MLGW Fiscal Consent Agenda and voted on separately, below.

13. **RESOLUTION AWARDDING CONTRACT NO. 11472, HEALTHCARE ADMINISTRATION, TO CIGNA CORPORATION, IN AN ESTIMATED FUNDED AMOUNT OF \$122,100,710.36. (Held from 9/20)**

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

Calvin Anderson, 4639 Perkins Manor Cove, Memphis, TN 38117  
 Bill Hawkins, 4000 Clearpool, Memphis, TN 38118  
 Sandra Kinsey, 7613 Dexter Hill, Cordova, TN 38016  
 Charles Perry, 220 S. Main St., Memphis, TN 38103  
 Ruth Taylor, 4000 Clearpool, Memphis, TN 38118

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

W. Boyd did not cast a vote

**APPROVED**, set up as Special Item #1

32. **RESOLUTION APPROPRIATING \$500,000.00 FOR CIP PROJECT IS01007, REPLACE OBSOLETE EQUIPMENT (ENTERPRISE), WHICH WAS APPROVED BY CITY COUNCIL IN THE FY2012 CIP BUDGET.**

MOTION: Conrad

SECOND: Boyd

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

**APPROVED**

33. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$5,250,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT#GA03018, PREVENTIVE MAINTENANCE, TO FUND COSTS FOR MAINTENANCE OF CAPITAL ASSETS FOR THE MEMPHIS AREA TRANSIT AUTHORITY, IN FISCAL YEAR 2012 AS PART OF THE FISCAL YEAR 2012 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hedgepeth

SECOND: Ford

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

**APPROVED**

34. **RESOLUTION APPROPRIATING THE ALLOCATED SUM OF \$500,000.00 OF THE FY2012CIP BUDGET FOR SRVS PROJECT TO PROVIDE SUPPORT AND OPPORTUNITIES FOR THE PEOPLE WITH DEVELOPMENTAL DISABILITIES, AS PART OF SRVS' SECOND PHASE BUILDING DREAMS CAMPAIGN.**

MOTION: Brown

SECOND: Ford

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

**APPROVED**

35. **RESOLUTION TO APPROVE AN AGREEMENT TO RECOUP THE COST OF PROVIDING IMPROVEMENTS, FACILITIES AND SERVICE WILLOW CREEK HOUSING, INC., A MARYLAND NONPROFIT CORP., AS REQUIRED BY APPLICABLE TAX EXEMPTION STATUTE, TENN. CODE ANN. §67-5-207, ET SEQ., AT AN AMOUNT OF FIVE DOLLARS (\$5) PER UNIT PER MONTH.**

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

**APPROVED**

36. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$691,222.00 FROM SHELBY COUNTY GOVERNMENT GRANTED THROUGH THE U.S. DEPARTMENT OF JUSTICE FOR THE JUSTICE ASSISTANCE GRANT SPECIFICALLY FOR PUBLIC SAFETY PROJECTS. RESOLUTION ALSO AMENDS FY 2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

37. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$130,693.00 FUNDED BY SEWER REVENUE BONDS FROM MISC. SUBDIVISION OUTFALLS, PROJECT NUMBER SW01001 TO SCS BUS BARN SEWER EXTENSION, PROJECT NUMBER SW01031 FOR THE EXTENSION OF SEWER AND FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC.**

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

**APPROVED**

38. **RESOLUTION IN SUPPORT OF CHANGES TO THE GENERAL SERVICES DIVISION'S FISCAL YEAR 2012 CAPITAL IMPROVEMENT BUDGET FOR PUBLIC WORKS CAPITAL ACQUISITION, PROJECT NUMBER GS0212F; WHEREBY, ONE TANDEM AXLE DUMP TRUCK, ONE SKID STEER LOADER, ONE COLD PLANNER ATTACHMENT HAS BEEN SUBSTITUTED FOR THREE POTHOLE CREW VEHICLES AS A PUBLIC WORKS PRIORITY. THERE IS NO CHANGE IN THE TOTAL BUDGETED AMOUNT OF \$282,500.00.**

MOTION: Hedgepeth

SECOND: Strickland

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

**APPROVED**

40. **RESOLUTION ACCEPTING AND APPROPRIATING \$52,530.00 FROM THE FOUNDATION FOR THE MEMPHIS AND SHELBY COUNTY LIBRARY (MEMPHIS LIBRARY FOUNDATION) TO FUND THE LINC/2-1-1 DATABASE MANAGER WITH FUNDING PROVIDED BY THE UNITED WAY.**

MOTION: Morrison

SECOND: B. Boyd

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of October 4, 2011 for Items 13, 39 and 40 only, with the following motion:

MOTION: Fullilove

SECOND: Ford

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

**APPROVED**, set up as Special Item #2

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

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

Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN 38109  
Sylvester Brooks, 300 Poplar Ave., Memphis, TN 38103  
Demetrius L. Pierce, 4828 Elmore Road, Memphis, TN 38128  
Marcus White, 4828 Elmore Road, Memphis, TN 38128

**ADJOURNED MEETING AT 5:08 P.M.**

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

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C H A I R M A N

Attest:

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Deputy Comptroller/Council Records