

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**August 10, 2010**

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

**3:30 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Vernon Robinson from Ford Chapel AME Zion Church. Councilman Ford presented Pastor Robinson 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.**

13. **ORDINANCE TO AMEND CHAPTER 2 CODE OF ORDINANCES, CITY OF MEMPHIS, SECTION 2-272 RELATING TO PAYMENTS INTO THE GENERAL FUND, UP FOR F I R S T READING.**

Ordinance No. 5376

**DROPPED**

29. **ORDINANCE REGULATING THE ENCROACHMENT OF CABLE AND VIDEO SERVICES IN THE CITY'S RIGHTS-OF-WAY, UP FOR T H I R D AND F I N A L READING. (Held from 7/6)**

Ordinance No. 5365

Held until September 14, 2010

35. **RESOLUTION REQUESTING THE ADMINISTRATION TO PREPARE A REQUEST FOR PROPOSALS TO IDENTIFY INTERESTED PARTIES TO OPERATE THE REMAINING CITY-OWNED COMMUNITY CENTERS IN AN EFFORT TO INCREASE EFFICIENCIES.** (Held from 7/20)

Held until September 14, 2010

36. **RESOLUTION REQUESTING THE ADMINISTRATION TO REMOVE FUNDING FROM PROPOSED FY 2011 O&M BUDGET TO COVER COSTS ASSOCIATED WITH VEHICLE INSPECTIONS.** (Held from 4/13; 5/11; 6/22;7/20).

Held until September 14, 2010

37. **RESOLUTION REQUESTING THAT PREVIOUS LICK CREEK STUDY BE UPDATED AND RECOMMENDATIONS BE MADE FOR IMPROVING THE DRAINAGE ISSUES.**

**DROPPED**

1. **RESOLUTION RECOGNIZING “MISS TENNESSEE 2010” NICOLE JORDAN.**

MOTION: Boyd  
SECOND: Ford

**APPROVED**, by unanimous voice vote

2. **PRESENTATION OF CERTIFICATES TO 2010 CITY OF MEMPHIS LAW DIVISION INTERNS.**

**NO VOTE WAS NECESSARY**

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF MCLEAN BOULEVARD; BETWEEN HUNTER AVENUE AND HUBERT AVENUE, CONTAINING 2.58 ACRES IN AN AREA CURRENTLY GOVERNED BY THE REGULATIONS FOR MCLEAN PLANNED DEVELOPMENT (P.D. 87-312).**

Case No. PD 10-307

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

Floyd Rogers, 1776 Greenview, Memphis, TN 38108

Applicant: NexAir – Chuck Britton and Timmothy Sammarco  
Solomito Land Planning – Brenda Solomito – Representative

Request: Revise the conditions to allow for the expansion of the NexAir Facility

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Fullilove

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

NAYS: Brown

**APPROVED**

- 4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE EAST SIDE OF CHERRY ROAD, OPPOSITE AND SOUTH OF INTERSECTION WITH DUNN ROAD, CONTAINING 0.482 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT.** (Held from 7/20)

Case No. SUP 09-218

Applicant: Allen Parker, Jr.  
Whit Gurkin, Attorney at Law – Representative

Request: Motor Vehicle Service

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

MOTION: Ford

SECOND: Fullilove

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

**APPROVED**

- 5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST CORNER OF SANDERLIN ROAD AND WINTON STREET, CONTAINING 3.925 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. SUP 10-220

Applicant: Bright Glade Southern Health Care Center Inc.  
SR Consulting, LLC – Cindy Reaves

Request: Nursing Home

LUCB and OPD recommendation: APPROVAL

**No Opposition at LUCB; No Public Hearing Required**

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

**APPROVED**, as amended

6. **RESOLUTION APPROVING A HOTEL WAIVER FOR DRURY INN & SUITES,  
 LOCATED AT 1556 SYCAMORE VIEW ROAD.**

Case No. HMW 10-05

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

**APPROVED**

7. **RESOLUTION APPROVING A HOTEL WAIVER FOR THE IRIS MOTEL, LOCATED  
 AT 1950 ELVIS PRESLEY BLVD.**

Case No. HMW 09-01

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

**APPROVED**

30. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO. 4159, EXTENDING  
 THE FRANCHISE ORDINANCE AS AMENDED, UP FOR T H I R D AND F I N A L  
 READING. (Held from 12/1; 12/15; 1/26; 2/23; 3/23; 5/25; 7/20)**

Ordinance No. 5331

MOTION: Boyd  
 SECOND: Ford

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

**APPROVED**

31. **RESOLUTION AUTHORIZING ACCEPTANCE OF THE NIKE PHASE II STATE INDUSTRIAL ACCESS ROAD (SIA) IMPROVEMENTS TO BE MADE BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) AT NO COST TO THE CITY OF MEMPHIS. WORK WILL BE COMPLETED BY TDOT THAT INCLUDES CONSTRUCTION OF AN INTERSECTION AT THE SIA ROAD AT NEW ALLEN ROAD AND IMPROVEMENTS TO THE INTERSECTION AT FRAYSER BOULEVARD AND NEW ALLEN ROAD. RESOLUTION FURTHER AUTHORIZES THE MAYOR OF THE CITY OF MEMPHIS TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE ACCEPTANCE OF THESE INFRASTRUCTURE AND ROAD IMPROVEMENTS.**

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

**APPROVED**

41. **RESOLUTION AMENDING THE FY2011 HCD OPERATING BUDGET BY INCREASING THE PYRAMID REDEVELOPMENT BUDGET LINE IN THE AMOUNT OF \$105,000.00 AND BY INCREASING THE AMOUNT OF REVENUE FROM CONTRACT #25189 BY \$105,000.00 AND AUTHORIZING THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT TO EXPEND SAID FUNDS IN FURTHERANCE OF AND IN ACCORDANCE WITH THE TERMS AND AGREEMENTS AS SET FORTH IN CONTRACT #25189.**

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

**APPROVED**

42. **RESOLUTION TO 1) ACCEPT AND APPROVE THE 51± ACRE PYRAMID AND PINCH DISTRICT REDEVELOPMENT PROJECT, 2) ACCEPT AND APPROVE BASS PRO MEMPHIS DEVELOPMENT COMPANY, LLC AS THE DEVELOPER FOR THE PROJECT, 3) AUTHORIZE THE MAYOR OF THE CITY OF MEMPHIS TO EXECUTE THE LEASE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MEMPHIS, AND BASS PRO MEMPHIS DEVELOPMENT COMPANY, LLC, FOR THE DEVELOPMENT OF THE SITE, AND TO TAKE ALL MEASURES NECESSARY TO COMPLETE THE TERMS, CONDITIONS AND OBLIGATIONS AS SET FORTH THEREIN SAID AGREEMENT, 4) ALLOCATE AN AMOUNT UP TO AND INCLUDING SIXTY THREE MILLION DOLLARS (\$63,000,000.00) TO THE PYRAMID AND PINCH DISTRICT REDEVELOPMENT, WHICH SHALL BE NECESSARY TO COMPLETE THE TERMS, CONDITIONS, AND OBLIGATIONS AS SET FORTH THEREIN SAID AGREEMENT.**

MOTION: Hedgepeth

SECOND: Strickland

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

**APPROVED**, as amended

9. **ORDINANCE REZONING THE WEST SIDE OF WHITE STATION ROAD; 255 FEET NORTH OF POPLAR AVENUE, CONTAINING 0.679 ACRE IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 10-106

Ordinance No. 5369

Held until September 14, 2010

8. **JOINT ORDINANCE REPEALING THE MEMPHIS AND SHELBY COUNTY ZONING REGULATIONS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ON OCTOBER 6, 1981 AND BY THE MEMPHIS CITY COUNCIL ON OCTOBER 7, 1981, BEING JOINT ORDINANCE AND RESOLUTION NO. 3064, AS AMENDED; REPEALING THE MEMPHIS AND SHELBY COUNTY SUBDIVISION REGULATIONS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AND THE MEMPHIS CITY COUNCIL ON DECEMBER 19, 1983, BEING JOINT ORDINANCE AND RESOLUTION NO. 3352, AS AMENDED; AND ADOPTING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE TO ESTABLISH JOINT ZONING AND SUBDIVISION REGULATIONS, TO PROVIDE FOR A BOARD OF ADJUSTMENT AND A LAND USE CONTROL BOARD, AND TO PROVIDE FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE REGULATIONS, UP FOR T H I R D AND F I N A L READING.** (Held from 7/20)
- Case No. ZTA 09-001cc  
Ordinance No. 5367

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

Jerry Collins, 220 S. Main, Memphis, TN 38103  
Sam Goff, 2111 Jefferson, Memphis, TN 38104  
Steven W. King, 1771 Carr Ave., Memphis, TN 38104  
June West, 1650 Peabody Ave., Memphis, TN 38104

Applicant: Division of Planning and Development  
Josh Whitehead, Assistant City Attorney – Representative

Request: Adopt the Unified Development Code

OPD and LUCB recommendation: APPROVAL

MOTION: Halbert – Send back to Committee in absence of today’s Committee presentation  
SECOND: Ware  
AYES: Brown, Fullilove and Halbert  
NAYS: Boyd, Conrad, Flinn, Ford, Hedgepeth, Lowery, Morrison, Strickland and  
Chairman Collins  
Ware did not cast a vote

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

MOTION: Conrad – Hold amendments 1 and 3 (MLGW portion) for two weeks and  
approve amendments 2, 4, 5, 6, 7 and 8  
SECOND: Boyd  
AYES: Boyd, Flinn, Ford, Hedgepeth, Lowery, Strickland, Ware and Chairman  
Collins  
NAYS: Halbert  
Brown, Conrad, Fullilove and Morrison did not cast a vote

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

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

**APPROVED**, as amended

10. **ORDINANCE REZONING THE SOUTHEAST CORNER OF MARIANA STREET AND MIDLAND AVENUE, CONTAINING 0.50 ACRE IN THE RESIDENTIAL DUPLEX (R-D) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 10-104  
Ordinance No. 5370

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

Thomas J. Greer, 2836 Midland Ave., Memphis, TN 38111

Applicant: Sarah Carver  
Al Thompson, Attorney at Law and Israel Katz, CPA – Representatives

Request: Planned Commercial (C-P) District

LUCB recommendation: APPROVAL

OPD recommendation: Hold for feasibility assessment

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

**APPROVED**

11. **ORDINANCE REZONING THE SOUTH SIDE OF POPLAR AVENUE BETWEEN N. TUCKER STREET AND N. REMBERT STREET, CONTAINING 1.65 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) AND HIGHWAY COMMERCIAL (C-H) DISTRICTS, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 10-107  
Ordinance No. 5372

Applicant: Memphis College of Art

Request: College and University (CU) District

LUCB and OPD recommendation: APPROVAL

MOTION: Ford

SECOND: Fullilove

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of July 20, 2010 with the following motion:

MOTION: Ford

SECOND: Strickland

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

**APPROVED**

32. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FIFTY THREE THOUSAND, TWO HUNDRED NINETY EIGHT DOLLARS, (\$53,298.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION OF WIA TITLE NATIONAL EMERGENCY GRANT (NEG). RESOLUTION ALSO AMENDS FY 2010-2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Conrad

SECOND: Ford

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

**APPROVED**

**CONSENT AGENDA – Items 12, 13, & 15-21 may be acted upon by one motion: SEE PAGE 1585 FOR ROLL CALL**

12. **ORDINANCE TO AMEND CHAPTER 2 CODE OF ORDINANCES, CITY OF MEMPHIS TO AMEND CERTAIN SECTIONS OF 2-291 RELATING TO REAL PROPERTY, UP FOR F I R S T READING.**

Ordinance No. 5375

**APPROVED**, on First reading

13. **ORDINANCE TO AMEND CHAPTER 2 CODE OF ORDINANCES, CITY OF MEMPHIS, SECTION 2-272 RELATING TO PAYMENTS INTO THE GENERAL FUND, UP FOR F I R S T READING.**

Ordinance No. 5376

**DROPPED**, on First reading

15. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 2, 2010, UP FOR S E C O N D READING.**

Ordinance No. 5373

**APPROVED**, on Second reading

16. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 3, OF THE CODE OF ORDINANCES, SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE COSTS AND ADD NOTIFICATION PROCESS OF ALARM USER OPERATING WITHOUT A PERMIT, UP FOR S E C O N D READING.**

Ordinance No. 5374

**APPROVED**, on Second reading

17. **RESOLUTION ACCEPTING WALNUT GROVE/HALL ROAD PD, AMENDED, PH. 4, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 01-305cc  
(Contract No. CR-5110)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located on the southwest corner of Houston Levee and Hall Rd. The standard improvement contract was approved on June 17, 2008. Resolution also authorizes the release of the performance bond in the amount of \$170,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

18. **RESOLUTION ACCEPTING WALNUT GROVE/HALL ROAD PD, AMENDED, PH. 4 SEWER EXT., AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5110)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located on the southwest corner of Houston Levee and Hall Rd. The standard sewer extension contract was approved on June 17, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$220,000.00. This action is subject to county approval.

City Engineer recommends approval

**APPROVED**

19. **RESOLUTION ACCEPTING WHITTEN/I-40 PD, 2<sup>ND</sup> AMENDMENT, PH. 18, SEWER EXTENSION, AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5148)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Century Center Pkwy. and Whitten Rd. The standard improvement contract was approved on October 20, 2009. Resolution also authorizes the release of the performance bond in the amount of \$89,600.00.

City Engineer recommends approval

**APPROVED**

20. **RESOLUTION APPROVING THE SUPPLEMENTAL AGREEMENT #2 TO RAINES ROAD, PD, PHASE 2, PART OF PARCEL F.**

Contract No. CR-3881AM

Resolution approves the Supplemental Agreement #2 located on the southeast corner of Raines Road and Tchulahoma Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #2.

City Engineer recommends approval

**APPROVED**

21. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. SAC 07-607
- B. Case No. SAC 10-602
- C. Case No. PD 10-308cc – Mid-South Christian College P.D.
- D. Case No. PD 10-309 – Union Avenue and Cooper Street P.D.

Public Hearing Set for August 24, 2010

Councilwoman Ware requested that Item #14 be taken off the Consent Agenda because it was not voted on in Committee. After a short discussion, the Chairman of the Committee (Councilman Strickland) stated that the item was moved down stairs with no recommendation. The Chairman (Chairman Collins) accepted the rule of the Chairman of the Committee

Councilwoman Fullilove requested that Item #14 go back to Committee. The Chairman stated that without objection, this item will go back to Committee. There was objection by Councilman Strickland to this item going back to Committee. A Special Item #3 was set up to take a vote, but after a short discussion, Councilman Strickland withdrew his objection. Special Item #3 was never voted on

Mrs. Ware made a motion to remove Item #14 from the Consent Agenda and vote on it separately. Chairman Collins stated that we will vote on the Consent Agenda first, with the exception of Item #14

### **ROLL CALL CONSENT ITEMS**

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

**APPROVED**, as amended, with the exception of Item #14 which was voted on separately below

14. **ORDINANCE TO AMEND CHAPTER 9 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO INCLUDE NONDISCRIMINATION BASED UPON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, UP FOR F I R S T READING.**

Ordinance No. 5377

**Councilman Morrison's motion was made after Councilwoman Ware's motion, but Councilman Morrison's motion was voted on first. So Special Item #5 will appear before Special Item #4**

MOTION: Morrison – Offer a substitute Ordinance  
 SECOND: Conrad  
 AYES: Boyd, Brown, Conrad and Morrison  
 NAYS: Flinn, Ford, Fullilove, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins  
 Halbert abstained

**FAILED**, set up as Special Item #5

MAIN MOTION: Ware - Pull off Consent Agenda and vote on the item separately  
 SECOND: Hedgepeth

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

**APPROVED**, on First reading, set up as Special Item #4

**MLGW FISCAL CONSENT – Items 22 - 27 may be acted upon by one motion:**

22. **RESOLUTION AWARDING CONTRACT NO. 11392, ETHICS HOTLINE, TO GLOBAL COMPLIANCE SERVICES, INC. IN THE FUNDED AMOUNT OF \$34,509.38.**

**APPROVED**

23. **RESOLUTION AWARDING CONTRACT FOR AN E-MAIL SYSTEM UPGRADE TO VENTURE TECHNOLOGIES IN THE AMOUNT OF \$156,033.50.**

**APPROVED**

24. **RESOLUTION AWARDING CONTRACT FOR TANDEM AXLE TRAILERS AS FOLLOWS.**

Globe Trailer Manufacturing.....	\$32,780.00
Memphis Equipment Company.....	<u>3,575.00</u>
Total:	<u><u>\$36,355.00</u></u>

**APPROVED**

25. **RESOLUTION AWARDING 24-MONTH CONTRACT FOR GALVANIZED STEEL EXPRESSWAY POLES TO VALMONT C/O ACF ASSOCIATES, INC. IN THE AMOUNT OF \$57,260.00.**

**APPROVED**

26. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10637, CLAIMS AND LEGAL MANAGEMENT SYSTEM, WITH COMPUTER SCIENCES CORPORATION, IN THE FUNDED AMOUNT OF \$118,711.95. (THIS COVERS CONTINUED PROVISION OF MAINTENANCE, ENHANCEMENTS AND SERVICES FOR THE PERIOD AUGUST 1, 2010 TO JULY 31, 2013.**

**APPROVED**

27. **RESOLUTION GIVING THE VICE PRESIDENT AND GENERAL COUNSEL OF MLGW CONTRACT AUTHORITY IN THE AMOUNT OF \$77,500.00 FOR A CLAIMS SETTLEMENT.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

28. **APPOINTMENTS**

**Memphis Board of Ethics**

Appointment

Edward L. Vaughn

**Memphis Alcohol Commission**

Reappointment

Sherman Greer

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

**APPROVED**

33. **RESOLUTION AMENDING THE FY2010 OPERATING BUDGET TO ACCEPT REVENUE FROM THE STATE OF TENNESSEE AND ALSO APPROPRIATE SAID REVENUES TO COVER MARKETING EXPENSES RELATED TO THE FEDEX FORUM, IN THE AMOUNT OF \$757,500.00.**

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

**APPROVED**

34. **RESOLUTION CHANGING ELIGIBILITY REQUIREMENTS FOR THE UTILITY ASSISTANCE PROGRAM.** (Held from 7/20)

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

**APPROVED**, as amended

38. **RESOLUTION AMENDING THE FY 2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$2,718,720.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO SEWER LINE REPLACEMENT FY2008, PROJECT NUMBER SW02074 AND FOR AN EXTENSION TO A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES, INC. DBA SCOTT CONTRACTORS, INC.**

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

**APPROVED**

39. **RESOLUTION AMENDING THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$220,000.00 FUNDED BY SEWER REVENUE BONDS FROM REHAB EXISTING SEWERS PROJECT NUMBER SW02001 TO CONCRETE REPLACEMENT, PROJECT NUMBER SW02085 TO REPLACE CURBS, GUTTERS, SIDEWALKS, ETC., IN VARIOUS LOCATIONS AND FOR A CONSTRUCTION CONTRACT WITH BARNES & BROWER.**

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

**APPROVED**

40. **RESOLUTION REQUESTING THAT CITY OF MEMPHIS INTERNAL AUDITING CONDUCT AN AUDIT OF THE PROCESS OF DETERMINING THE AVERAGE DAILY MEMBERSHIP NUMBERS REPORTED ON THE BASIC EDUCATION PROGRAM ALLOCATION 2010-2011 AS WELL AS, TOTAL ATTENDANCE AND THE PROCESS BY WHICH THIS DATA IS COMPILED AT THE SCHOOL LEVEL.**

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of August 10, 2010 for Items 26, 27, 32, 34, 41 & 42 with the following motion:

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

**APPROVED**

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

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

- Walter Broady, 4256 Ledbetter Cove, Memphis, TN 38109
- Georgia A. King, 741 Adams Ave., Apt. 101, Memphis, TN 38105
- Bessie M. Parker, 268 N. Manassas, Memphis, TN 38105
- Gardenia Parker, 268 N. Manassas, Memphis, TN 38105
- Linda L. Williams, 990 S. Willett, Memphis, TN 38114

**ADJOURNED MEETING AT 8:10 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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CHAIRMAN

Attest:

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Deputy Comptroller/Council Records