

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS**

September 4, 2007

3:30 P.M. SCHEDULED SESSION**3:35 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 and Vice Chairman Brent Taylor
Tom Marshall was absent

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

INVOCATION

The meeting was opened with prayer by Rev. Waring Porter from All Saints Presbyterian Church. Councilwoman Chumney presented Rev. Porter 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 – 5 may be acted upon by one motion: SEE PAGE 2271 FOR ROLL CALL

1. **ORDINANCE TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES, CHAPTER 23, PARKS AND RECREATION, SECTION, 76, ESTABLISHED ENTRANCES TO BE USED, REMAINING IN PARKS AFTER MIDNIGHT, UP FOR F I R S T READING.**

Ordinance No. 5222

APPROVED, on First reading

2. **ORDINANCE ASSIGNING NEWLY ANNEXED AREAS TO COUNCIL DISTRICTS AND TO REVISE AND CHANGE ALL COUNCIL DISTRICTS AS A RESULT OF NEWLY ANNEXED AREAS, SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICTS WILL COMPLY WITH THE INJUNCTION DECREE, ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER, PERTAINING TO VOTING RIGHTS ACT REMEDIES, UP FOR S E C O N D READING.**

Ordinance No. 5221

APPROVED, on Second reading

3. **RESOLUTION APPROVING FINAL PLAT OF ALLENTOWN-SOUTH PD.**

Case No. PD 06-322

Contract No. CR-5091

Resolution approves the final plat located on the southeast corner of Raleigh-Millington Road and Gibbs 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.

City Engineer recommends approval

APPROVED

4. **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 07-321

Public Hearing Set for September 18, 2007

5. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET ON OCTOBER 31, 2007 FROM 7:30 P.M. TO 8:30 P.M. FOR RUNNING SCARED 5K RACE.**

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

38. **RECOGNITION OF MR. JACKIE WELCH AND THOSE WHO MADE A CONTRIBUTION TO THE RALEIGH COMMUNITY CENTER DAY CAMP AND OTHER COMMUNITY CENTERS THAT NEEDED ASSISTANCE.**

The following people spoke on this item:

Councilman Jones
 Mr. Jackie Welch
 Mr. Jimmy Moore
 Cindy Buchannan
 Councilwoman Ware
 Councilman Lowery

(No Vote Required on this Item)

(Councilman Lowery made a special presentation to some Visitors from Africa)

MINUTES

Approval of the Minutes of the regular meeting of August 21, 2007 with the following motion:

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

APPROVED

37. **RESOLUTION COMMENDING THE MEMPHIS AREA PLUMBING ASSOCIATION FOR THEIR CONTRIBUTION TO THE COMMUNITY FUND THAT WAS ESTABLISHED TO PROVIDE AIR-CONDITIONING WINDOW UNITS TO QUALIFYING CITIZENS AFFECTED BY HIGH TEMPERATURES IN THE MID**

SOUTH.

The following people spoke on this item:

Councilwoman Chumney

Memphis Area Plumbing Association President

MOTION: Chumney

SECOND: Ware

APPROVED, unanimous voice vote

MLGW FISCAL CONSENT – Items 6 - 23 may be acted upon by one motion

6. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10637, CLAIMS AND LEGAL MANAGEMENT SYSTEMS, WITH COMPUTER SCIENCES CORPORATION, IN THE AMOUNT OF \$113,058.99. (THIS COVERS CONTINUED PROVISION OF MAINTENANCE, ENHANCEMENTS AND SERVICES DURING THE PERIOD AUGUST 1, 2007 TO JULY 30, 2010). (HELD FROM 8/21)**

APPROVED

7. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10406, INVESTMENT MANAGEMENT CONSULTANT, WITH GERBER TAYLOR ASSOCIATES, INC., IN THE AMOUNT OF \$544,500.00. (THIS AMENDS THE RECORD AND RATIFIES PRIOR PAYMENTS TOTALING \$423,500.00, AND APPROVES EXTENSION OF THE CONTRACT TO JUNE 30, 2008, IN THE AMOUNT OF \$121,000.00).**

APPROVED

8. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10562, INSTALLATION OF A PBS/ACD SYSTEM, WITH BLACK BOX NETWORK SERVICES, IN THE TOTAL AMOUNT OF \$395,307.00. (THIS UPGRADES THE PROCENTER APPLICATION FOR THE CUSTOMER CARE CENTER FROM VERSION 5.1 TO VERSION 7 IN THE AMOUNT OF \$99,879.00, AND COVERS COST OF MAINTENANCE FOR YEARS 2008 THROUGH 2012 IN THE AMOUNT OF \$295,428.00.)**

APPROVED

9. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11018, TRASH REMOVAL SERVICES, WITH WASTE CONNECTION OF TENNESSEE, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$40,000.00. (THIS COVERS ADDITIONAL TRASH REMOVAL SERVICE CALLS TO THE WORK CENTERS AND ELECTRIC OPERATIONS.)**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11109, SYSTEM FURNITURE, WITH CORPORATE EXPRESS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$463,000.00. (THIS COVERS REORGANIZATION REQUESTS AND RENEWS THE CONTRACT FOR THE FIRST TERM OF FOUR RENEWAL TERMS, SEPTEMBER 20, 2007 TO SEPTEMBER 19, 2008.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11131, TRANSMISSION LINE CONSTRUCTION FOR SUBSTATION 79 AND SUBSTATION 86, WITH DILLARD SMITH CONSTRUCTION COMPANY, IN THE FUNDED AMOUNT OF \$78,472.72. (THIS COVERS COSTS ASSOCIATED WITH CONSTRUCTION DELAYS RESULTING FROM LATE DELIVERIES AND FABRICATION ISSUES FROM THE SUPPLIER TO THE PROJECT.)**

APPROVED

12. **RESOLUTION AWARDING CONTRACT FOR ELECTRO FUSION PIPE FITTINGS AS FOLLOWS:**

| | |
|--------------------------------|------------------|
| CGS, Inc..... | \$32,401.00 |
| M. T. Deason Company, Inc..... | <u>50,233.00</u> |
| Total..... | \$82,634.00 |

APPROVED

13. **RESOLUTION AWARDING CONTRACT FOR COUPLING CAPACITOR VOLTAGE TRANSFORMERS TO TRENCH LIMITED C/O JEANES ENTERPRISES, IN THE AMOUNT OF \$37,140.00.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT FOR DIGGER DERRICKS AS FOLLOWS:**

| | |
|----------------------------|-------------------|
| Terex Utilities..... | \$94,739.00 |
| Altec Industries, Inc..... | <u>219,035.00</u> |
| Total | \$313,774.00 |

APPROVED

15. **RESOLUTION AWARDING CONTRACT FOR TRACTORS TO BARTLETT SMALL ENGINES, IN THE AMOUNT OF \$26,500.00.**

APPROVED

16. **RESOLUTION REQUESTING RATIFICATION OF EMERGENCY PURCHASE ORDER NO. 131714 ISSUED TO BARNHART CRANE & RIGGING FOR RENTAL OF TRACTORS, IN THE AMOUNT OF \$52,495.00.**

APPROVED

17. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CORPORATE REMOVABLE STORAGE LAN BACKUP/RESTORATION SYSTEM UPGRADE WITH FUJITSU COMPUTER SYSTEMS, IN THE AMOUNT OF \$120,437.00.**

APPROVED

18. **RESOLUTION APPROVING THE EMPLOYMENT OF THE HAY GROUP, INC., AN EMPLOYEE COMPENSATION CONSULTING FIRM, TO PROVIDE COMPENSATION ADMINISTRATION/MANAGEMENT SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

19. **RESOLUTION APPROVING THE EMPLOYMENT OF WEINTRAUB, STOCK & GRISHAM, P.C. TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

20. **RESOLUTION APPROVING THE EMPLOYMENT OF FORD & HARRISON, LLP TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

21. **RESOLUTION APPROVING THE EMPLOYMENT OF AON CONSULTING, INC. TO PROVIDE INSURANCE AND RISK MANAGEMENT SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

22. **RESOLUTION APPROVING THE EMPLOYMENT OF STEPHANIE GREEN COLE TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

23. **RESOLUTION APPROVING THE EMPLOYMENT OF LORENZO DEREK RENFROE TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

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

APPROVED

24. **APPOINTMENT**

Memphis and Shelby County Convention Center Commission

Appointment

Robert Mayweather

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

APPROVED

25. **ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, SECTION 2-18 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH CITY COUNCIL STAFF POSITIONS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5219

The following people spoke on this item:

Councilwoman Chumney
 Councilwoman Ware

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

APPROVED

26. **ORDINANCE TO FIX AND DETERMINE SALARY AND COMPENSATION OF MAYOR, PURSUANT TO HOME RULE AMENDMENTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5220

The following person spoke on this item:

Councilwoman Chumney

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

FAILED

27. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$412,800.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE ADMINISTRATION SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

28. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$779,500.00 FROM THE U. S. DEPARTMENT OF HOMELAND SECURITY – FEMA FOR THE URBAN SEARCH AND RESCUE TO ANNUAL SUSTAINMENT OF TENNESSEE TASK FORCE ONE. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS AND MATCHING FUNDS IN THE AMOUNT OF \$779,500.00.**

MOTION: Sammons
 SECOND: Jones
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Vice Chairman Taylor
 Marshall was absent

APPROVED

29. **RESOLUTION TRANSFERRING A PREVIOUS ALLOCATION AND APPROPRIATION OF \$75,884.00 FUNDED BY G.O. BONDS WITH CD01013, HCD FIRESTONE PROJECT, FROM ARCHITECTURE AND ENGINEERING TO LAND ACQUISITION FOR ACQUISITION RELATED EXPENSES.**

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

APPROVED

- 30. **JOINT RESOLUTION URGING THE MEMPHIS METROPOLITAN PLANNING ORGANIZATION TO EXPAND THE SCOPE AND AUTHORITY OF THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC).**

The following people spoke on this item:

Councilman Sammons
Councilman McCormick

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

APPROVED

- 31. **RESOLUTION APPROPRIATING \$603,714.00 FUNDED BY SEWER FUNDS FOR ROLAND ROAD SEWER EXTENSION, PROJECT NUMBER SW03014 FOR A CONSTRUCTION CONTRACT WITH MILLS & SONS, INC., TO PROVIDE SERVICE TO AN UNSEWERED AREA.**

Director of Public Works and City Engineer recommends approval

MOTION: Sammons
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Vice Chairman Taylor
Marshall was absent

APPROVED

- 32. **RESOLUTION APPROPRIATING \$220,000.00 FUNDED BY SEWER FUNDS FOR SIDEWALK REPLACEMENT 08, PROJECT NUMBER SW02071 FOR A CONSTRUCTION CONTRACT WITH TRIPPLE K CONSTRUCTION COMPANY.**

Director of Public Works and City Engineer recommends approval

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

APPROVED

- 33. **ORDINANCE REZONING THE EAST SIDE OF AIRWAYS BOULEVARD; +250 SOUTH OF KILARNEY AVENUE, CONTAINING 52.74 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) & MULTIPLE RESIDENTIAL (R-M) DISTRICTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5218
Case No. Z 07-110

Applicant: William H. Thomas, Jr.
Jud TePaske - Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

The following people spoke on this item:

Councilman Sammons

Councilwoman Chumney

Councilman Jones

Jud TePaske

Councilwoman Ware

Alan Wade

Councilwoman Cooper Taylor

Vice Chairman Taylor

Councilman Lowery

Mary Baker

Eugene Bryan made a presentation from OPD

(Councilwoman Cooper Taylor made a motion to have this item sent back to LUCB and have it converted to a PD case instead of a Zoning Case. This motion FAILED, due to not getting a second. After further discussion of this item, Councilwoman Ware made a motion to have this item sent back to LUCB and have it converted to a PD case.

(Special Item #1)

MOTION: Ware

SECOND: Cooper Taylor

AYES: Brittenum, Chumney, Cooper Taylor, Ware, Lowery, Hooper and
Vice Chairman Taylor

NAY: McCormick

Brown, Jones and Sammons did not cast a vote

Ford recused

Marshall was absent

(APPROVED, item #33 will be sent back to LUCB)

34. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF NORTH WATKINS STREET AND BURNHAM AVENUE, CONTAINING 19,600 SQ. FT. (0.45 ACRE) IN THE LOCAL COMMERCIAL (C-L) DISTRICT. (HELD FROM 8/7)**

Case No. SUP 07-208

Applicant: Catfish Investment, LLC

Request: Special use permit for a motor vehicle service use

LUCB and OPD recommendation: APPROVAL, with conditions

DROPPED

35. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHSIDE OF DUTRA PLACE; +176 FEET EAST OF LAUDERDALE STREET, CONTAINING 0.12 ACRE IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. SUP 07-213

Applicant: Cricket Communications
Jim Yarbrough – Representative

Request: Cellular Communications Tower (195) feet

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

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

APPROVED

36. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF NORTH PARKWAY AND DUNLAP STREET, CONTAINING ± 11,500 SQUARE FEET (0.264 ACRE) IN THE SINGLE-FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. PD 07-318

Applicant: Jordan and Associates, LLC
 Vanecia Belser Kimbrow, Esq. – Representative

Request: Six residential condominium units in an existing vacant building

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

39. **RESOLUTION OUTLINING THE PROCESS FOR DEVELOPING THE LEGISLATIVE AGENDA.**

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

APPROVED

40. **RESOLUTION ESTABLISHING A STANDARD PAPER SIZE FOR PAPERS SUBMITTED TO THE CITY COUNCIL.**

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

APPROVED

(Councilman Brown made a motion to reconsider item#26, that was voted on earlier in the meeting. Vice Chairman Taylor stated that the motion was out of order).

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Vice Chairman Taylor recognized the following people from the audience:

Alma Morris, 981 Alaska St., Memphis, TN. 38107

Walter Broady, III, 4256 Ledbetter, Mphs, TN 38109

ADJOURNED MEETING AT 5:30 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