

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

September 20, 2011

3:30 P.M. SCHEDULED SESSION

3:37 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 Rev. Richie Sessions, from Independent Presbyterian Church. Councilman Boyd presented Rev. Sessions 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 6, 2011 with the following motion:

MOTION: Ford
SECOND: Morrison

APPROVED, unanimous voice vote

- 39. **ORDINANCE TO AMEND TITLE 6 – BUSINESS LICENSES AND REGULATIONS – CHAPTER 6-88 –WRECKERS AND TOWING OPERATORS, SECTION 6-88-15- PRIVATE PROPERTY TOW AUTHORIZATION FORMERLY CHAPTER 41 – WRECKERS OR TOWING OPERATOR – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5414

Held until October 18, 2011

- 41. **ORDINANCE TO AMEND MEMPHIS, TENNESSEE, CODE OF ORDINANCES TITLE 4 – PENSION AND RETIREMENT SYSTEM, SO AS TO MODIFY THE PENSION BENEFITS ALLOWABLE UNDER THE ORDINANCE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5416

Held until October 18, 2011

- 36. **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)**

Held until October 4, 2011

- 50. **IMPASSE - FIRE DEPARTMENT. (HELD FROM 8/2; 9/6)**

DROPPED

- 1. **PRESENTATION IN HONOR OF WHITEHAVEN BUSINESSES.**

MOTION: Collins
SECOND: Ford

APPROVED, unanimous voice vote

- 2. **RESOLUTION IN HONOR OF JUSTICE BOLDEN AND HIS RECENT NATIONAL RECREATION AND PARK ASSOCIATION SCHOLARSHIP.**

MOTION: Conrad
SECOND: Hedgepeth

APPROVED, unanimous voice vote

- 3. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF DUNLAP TO HONOR THE UNIVERSITY OF TENNESSEE HEALTH SCIENCE CENTER UPON ITS 100TH YEAR ANNIVERSARY.**

MOTION: Lowery
SECOND: B. Boyd

APPROVED, unanimous voice vote

4. **RESOLUTION HONORING JOEL COX ON HIS OUTSTANDING ACHIEVEMENTS.**

MOTION: Lowery
SECOND: B. Boyd

APPROVED, unanimous voice vote

(Councilman Ford recognized a group of Boy Scouts of America, who were in the audience.)

5. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTH SIDE OF STEVE ROAD; +/-182.59 FEET WEST OF ELLSWORTH STREET, CONTAINING 12.18 ACRES AND IS CURRENTLY GOVERNED BY STEVE ROAD PLANNED DEVELOPMENT, AMENDED (P.D.06-332). (HELD FROM 9/6)**

Case No. PD 06-332

Held until November 1, 2011

(The meeting recessed from 4:11 p.m. until 4:17 p.m., due to the Granicus System malfunctioning.)

6. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN THIRD STREET AND A.W. WILLIS AVENUE, CONTAINING 4.38 ACRES.**

Case No. SAC 10-611

Applicant: St. Jude Children's Research Hospital

Request: Close and vacate North Parkway through the St. Jude Hospital Campus

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

7. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF EAST PERSON AVENUE AND HERNANDO ROAD, CONTAINING 4.24 ACRES IN THE RESIDENTIAL URBAN-1 (RU-1) AND COMMERCIAL MIXED-USE (CMU-3) DISTRICTS GOVERNED BY TEMPLE**

ISRAEL (SUP 91-231).

Case No. PD 11-312

Applicant: Temple Israel
Solomito Land Planning – Representative

Request: Planned Development to allow the expansion of burial plots to an existing cemetery, including new fencing, landscaping and site amenities

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: B. Boyd

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

APPROVED

CONSENT AGENDA – Items 8 – 11 & #52, may be acted upon by one motion: SEE PAGE 2006 FOR ROLL CALL

- 8. **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 F I R S T READING.**

Ordinance No. 5417

APPROVED, on First reading

- 9. **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 F I R S T READING.**

Ordinance No. 5418

APPROVED, on First reading

- 10. **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 F I R S T READING.**

Case No. Z 11-107

Ordinance No. 5419

APPROVED, on First reading

11. **RESOLUTION APPROVING FINAL PLAT OF RALEIGH-RAMILL SUBDIVISION.**
Case No. S 11-006

Resolution approves the final plat located on Yale Road between Raleigh Millington and Ramill. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

52. **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 F I R S T READING.**

Ordinance No. 5420

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

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

APPROVED

FISCAL CONSENT AGENDA

53. **RESOLUTION AMENDING THE FY2012 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$235,000.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE INCENTIVE GRANT.**

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

APPROVED

MLGW FISCAL CONSENT – Items 12 – 16 & 18 - 35 may be acted upon by one motion:

12. **RESOLUTION AWARDED CONTRACT FOR MULTI-POSITION WATT-HOUR METER DEMAND TEST BOARD TO WATTHOUR ENGINEERING COMPANY, INC., IN THE AMOUNT OF \$135,375.00.**

APPROVED

13. **RESOLUTION AWARDING CONTRACT NO. 11474, GENERATOR PREVENTATIVE MAINTENANCE AGREEMENT, TO CUMMINS MID-SOUTH, LLC, IN THE FUNDED AMOUNT OF \$61,569.03.**

APPROVED

14. **RESOLUTION APPROVING PAYMENT TO THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE ANNUAL FACILITY MAINTENANCE FEE FOR PUBLIC WATER SYSTEMS IN THE AMOUNT OF \$125,126.75.**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11075, COMMUNITY OFFICE PAY STATIONS, WITH TIO NETWORKS CORPORATION, IN THE FUNDED AMOUNT OF \$50,004.00. (THIS CHANGE RENEWS MAINTENANCE FOR AN ADDITIONAL TWO-YEAR TERM, JULY 1, 2011 TO JUNE 30, 2013, IN THE AMOUNT OF \$24,960.00, AND INCLUDES AN ADDITIONAL \$25,044.00 FOR UPGRADES AND ANY INCIDENTALS THAT MAY ARISE REGARDING THE UNITS INCLUDED IN THIS CONTRACT).**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11279, THIRD PARTY ADMINISTRATOR FOR WORKER'S COMPENSATION, WITH BRENTWOOD SERVICES ADMINISTRATORS, INC., IN THE FUNDED AMOUNT OF \$70,036.00. (THIS CHANGE IS TO CORRECT THE CURRENT CONTRACT VALUE BY INCREASING THE AMOUNT \$70,036.00 DUE TO AN ERROR IN THE CALCULATION OF THE MAXIMUM CONTRACT VALUE DURING THE PREVIOUS (CHANGE NO. 2) RENEWAL DATED OCTOBER 21, 2010, WHICH COVERED THE PERIOD JANUARY 1, 2011 TO DECEMBER 31, 2011).**

APPROVED

17. **RESOLUTION AWARDING CONTRACT NO. 11472, HEALTHCARE ADMINISTRATION, TO CIGNA CORPORATION, IN AN ESTIMATED FUNDED AMOUNT OF \$122,100,710.36.**

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

Ricky E. Wilkins, 66 Monroe Avenue, Memphis, Tennessee 38103
Anthony Tate, 5100 Poplar Avenue, Memphis, Tennessee 38137
Homer Branan, 999 S. Shady Grove, Memphis, Tennessee, 38120
Gertie Ryan, 871 Ridgeway Loop Road, Memphis, Tennessee, 38120

(Councilman Strickland made a motion to hold item#17 for (2) weeks – Special Item#1)

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

APPROVED, item #17 will be (Held until October 4, 2011)

18. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10346, DATABASE NAVIGATION EDITOR SOFTWARE PRODUCT, WITH ALLEN SYSTEM GROUP, INC. (ASG), IN THE FUNDED AMOUNT OF \$9,197.69, FOR A NEW CONTRACT VALUE OF \$180,295.76. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE, LICENSES AND SUPPORT. THE TERM OF THE ANNUAL MAINTENANCE IS FOR THE PERIOD COVERING JULY 1, 2011 TO JUNE 30, 2012, WITH NO INCREASE FROM THE PREVIOUS YEAR).**

APPROVED

19. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11023, SECURE32 PRODUCTS, WITH SUNGARD AVANTGARD, LLC, IN THE FUNDED AMOUNT OF \$28,675.00, FOR A NEW CONTRACT AMOUNT OF \$81,541.50. (THIS CHANGE RENEWS ANNUAL SOFTWARE MAINTENANCE, SUPPORT SERVICES AND LICENSE FEES FOR A FIVE-YEAR TERM. THE TERM OF ANNUAL MAINTENANCE IS FOR THE PERIOD COVERING APRIL 22, 2011 TO APRIL 21, 2016).**

APPROVED

20. **RESOLUTION AWARDED CONTRACT FOR UNIVERSAL LOG COLLECTION AND MANAGEMENT SYSTEM TO LOGRHYTHM, INC., IN THE AMOUNT OF \$138,900.00.**

APPROVED

21. **RESOLUTION AWARDED CONTRACT FOR CORPORATE NETWORK UPGRADE TO VENTURE TECHNOLOGIES IN THE AMOUNT OF \$198,225.19.**

APPROVED

22. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10783, EMERGENCY AID AGREEMENT, WITH DILLARD SMITH CONSTRUCTION, IN THE FUNDED AMOUNT OF \$263,505.39. (THIS CHANGE COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF APRIL 4, 2011).**

APPROVED

23. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 11071, EMERGENCY STORM RESTORATION, WITH DAVIS H. ELLIOT COMPANY, INC., IN THE FUNDED AMOUNT OF \$327,625.72. (THIS COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF APRIL 27, 2011).**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11274, EMERGENCY AID AGREEMENT, WITH HENKELS AND MCCOY, INC., IN THE FUNDED AMOUNT OF \$67,027.37. (THIS COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF JUNE 13, 2011).**

APPROVED

25. **RESOLUTION AWARDDING CONTRACTS FOR FORKLIFT TRUCKS TO SHAW MATERIALS HANDLING, INC., IN THE AMOUNT OF \$28,962.40 AND RSC EQUIPMENT RENTAL, IN THE AMOUNT OF \$150,848.91, FOR A TOTAL OF \$179,811.31.**

APPROVED

26. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11427, AUDIOLOG RECORDERS UPGRADE, WITH CAROLINA RECORDING SYSTEM, INC., IN THE FUNDED AMOUNT OF \$84,008.25. (THIS CHANGE UPGRADES THE EXISTING AUDIOLOG RECORDER (CCC1), ADDS 10 SEATS TO APPLY TO CCC1 AND CCC2 AND INCLUDES THE FOLLOWING: (1) ONE CONCURRENT LICENSE FOR AUDIOLOG INTERACTION QUALITY (AIQ) SOFTWARE; (2) IRIS 1000 AGENT/1 CLIENT PACKAGE TO APPLY TO CCC2; (3) UPGRADE CCC1 TO EXPAND MAX-PRO SERIES 3000 WITH WIN 2003 SERVER. ALL CCC1 EXISTING CHANNEL CARDS AND LICENSES WILL TRANSFER TO NEW HARD WARE (HW) CHASSIS; (4) 1ST AND 2ND TIER MAINTENANCE FEE FOR FIVE (5) YEARS, COVERING THE PERIOD OCTOBER 1, 2010 TO SEPTEMBER 30, 2015; AND (5) PROFESSIONAL SERVICES TO INCLUDE INSTALLATION, CONFIGURATION, TESTING, AND TRAINING. THIS CHANGE WILL ALLOW MORE MLGW SUPERVISORS TO CONCURRENTLY ASSESS QUALITY OF EMPLOYEE'S INTERACTION WITH CUSTOMERS AS WELL AS ALLOW SYNCHRONIZED VIDEO RECORDING AND MONITORING WITH AUDIO. MLGW IS REQUESTING THIS CHANGE OF THE SYSTEM, WHICH CAN ONLY BE PERFORMED BY CAROLINA RECORDING SYSTEM, INC.).**

APPROVED

27. RESOLUTION AWARDING CONTRACT NO. 11496, ALLEN AND MCCORD WATER PRODUCTION WELLS, TO LAYNE CHRISTENSEN COMPANY, IN THE FUNDED AMOUNT OF \$2,478,388.00.

APPROVED

28. RESOLUTION AWARDING 36-MONTH CONTRACT TO DOBLE ENGINEERING COMPANY FOR SOFTWARE AGREEMENT AND RENTAL EQUIPMENT RENEWAL, IN THE AMOUNT OF \$196,932.00.

APPROVED

29. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11292, CASHIERING SYSTEM REPLACEMENT, WITH SYSTEM INNOVATORS, IN THE FUNDED AMOUNT OF \$32,742.00, FOR A NEW CONTRACT VALUE OF \$257,742.00. (THIS RENEWS ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE FIRST OF FOUR RENEWAL TERMS, MARCH 1, 2011 TO FEBRUARY 29, 2012).

APPROVED

30. RESOLUTION AWARDING CONTRACT NO. 11508, UTILITY PAYMENT CENTERS, TO FIRSTECH, IN THE FUNDED AMOUNT OF \$254,058.00.

APPROVED

31. RESOLUTION APPROVING THE SELECTION OF PRESERVERPARTNERS (MULTI-ASSET FUND) TO MANAGE APPROXIMATELY \$4,000,000.00 FOR THE BENEFIT OF THE RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.

APPROVED

32. RESOLUTION AWARDING CONTRACT NO. 11507, ONLINE LEGAL RESEARCH, TO LEXIS NEXIS, IN THE FUNDED AMOUNT OF \$47,616.00.

APPROVED

33. RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 10985, MASTER LEASE AGREEMENT, WITH SKILLSOFT CORPORATION, IN THE FUNDED AMOUNT OF \$783.42, FOR A NEW CONTRACT VALUE OF \$188,288.31. (THIS COVERS THE PURCHASE OF ADDITIONAL COURSES FOR THE IT COURSE LIBRARY).

APPROVED

34. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11050, TAPE REPORTING TOOL, WITH ESTORIAN, INC., IN THE FUNDED AMOUNT OF \$30,900.00, FOR A NEW CONTRACT VALUE OF \$131,366.78. (SPACEFINDER, AN ENTERPRISE SERVER DISK MANAGEMENT PRODUCT, WAS PURCHASED UNDER CONTRACT NO. 10276, AND TAPEFINDER, AN ENTERPRISE SERVER TAPE MANAGEMENT PRODUCT, WAS PURCHASED UNDER CONTRACT NO. 11050. THE VENDOR, ESTORIAN INC., INFORMED MLGW THE SPACEFINDER FUNCTIONALITY WAS INCORPORATED INTO THE TAPEFINDER TSF PRODUCT. THEREFORE, THE SPACEFINDER MAINTENANCE (CONTRACT NO. 10276) WILL NOT BE RENEWED IN 2011. THIS WILL RESULT IN A 37% REDUCTION IN MAINTENANCE COSTS FOR MLGW. THE VENDOR HAS AGREED TO NO MAINTENANCE INCREASE IN 2011 AND A MAXIMUM 3% INCREASE FOR PERIOD COVERING NOVEMBER 1, 2011 TO OCTOBER 31, 2014. THE OVERALL NET SAVINGS FOR MLGW IS 34%. MLGW ACQUIRED THE TAPE REPORTING SOFTWARE TOOL THROUGH THE MLGW PROPOSAL SOLICITATION PROCESS. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY ESTORIAN, INC.).**

APPROVED

35. **RESOLUTION APPROVING A TWO-MONTH EXTENSION OF PURCHASE ORDER NO. 135003 WITH R. J. YOUNG COMPANY FOR THE RENTAL OF A COLOR PRINTING SYSTEM IN THE AMOUNT OF \$18,826.00, BRINGING THE TOTAL AWARD TO \$401,614.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED, with the exception of item#17

37. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO REQUIRE A TWO-THIRDS MAJORITY APPROVAL OF THE CITY COUNCIL IN ORDER TO INCREASE THE AD VALOREM TAX RATE IF THE INCREASE IS A HIGHER PERCENTAGE THAN THE RATE OF INFLATION AND TO SUBMIT THE PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 2012, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/2;**

8/16; 9/6)

Ordinance No. 5408

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

- Brad Watkins, 210 Summit, Memphis, Tennessee, 38104
- Chad Johnson, 1191 Vance Avenue, Memphis, Tennessee, 38104
- Michael R. Williams, 1784 Myrna, Memphis, Tennessee, 38117

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

FAILED

38. **ORDINANCE TO AMEND CHAPTER 4 – ALCOHOLIC BEVERAGE, ARTICLE I, IN GENERAL, SECTION 7 – SALE TO CERTAIN PERSONS PROHIBITED, DRINKING IN OR ON PREMISES OF RETAIL, LIQUOR STORES PROHIBITED, PENALTY – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5413

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

APPROVED

40. **ORDINANCE TO AMEND CHAPTER 39 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO ESTABLISH THE MEMPHIS TRANSPORTATION COMMISSION, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5415

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

APPROVED

42. **RESOLUTION APPROPRIATING \$300,000.00 IN OTHER PROJECT COST FUNDED BY G.O. BONDS GENERAL TO CONTINUE THE IMPLEMENTATION OF THE**

URBAN ART PLAN, CIP PROJECT NUMBER EN01003 CHARGEABLE TO THE FY 2012 CAPITAL IMPROVEMENT BUDGET.

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

APPROVED

43. **RESOLUTION ADOPTING THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 (GASB 54), FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS.**

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

APPROVED

44. **RESOLUTION APPROPRIATING \$1,500,000.00 OF THE FY 2012 CAPITAL IMPROVEMENT BUDGET FOR THE MHA-TRIANGLE NOIR (CLEABORN HOMES REDEVELOPMENT) PROJECT.**

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

APPROVED

45. **RESOLUTION AMENDING THE FY 2012 OPERATING BUDGET BY TRANSFERRING A LEGAL DIVISION SERVICE CENTER TO THE HUMAN RESOURCES DIVISION, THUS TRANSFERRING AN ALLOCATION AND APPROPRIATION OF \$950,281.91 FROM THE LEGAL DIVISION TO THE HUMAN RESOURCES DIVISION OPERATING BUDGET TO COVER PERSONNEL AND M&S EXPENSES.**

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

W. Boyd, Collins, Flinn and Fullilove did not cast a vote

APPROVED

46. **RESOLUTION PROVIDING A \$750,000.00 GRANT TO THE FAMILY SAFETY CENTER TO HELP IMPLEMENT OPERATION: SAFE COMMUNITY'S STRATEGY 14; TO IMPLEMENT A COORDINATED DOMESTIC VIOLENCE INITIATIVE TO HELP COMBAT HOMICIDES INVOLVING FAMILY VIOLENCE AND TO STOP THE CYCLE OF FAMILY VIOLENCE IN PART BY PROVIDING A FACILITY TO ADDRESS THE NEEDS OF DOMESTIC VIOLENCE VICTIMS. THIS PROJECT PROVIDES FUNDING TO CONSTRUCT AND FURNISH A NEW FAMILY SAFETY CENTER PURSUANT TO A PREVIOUSLY APPROVED COUNCIL RESOLUTION.**

MOTION: Strickland

SECOND: B. Boyd

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

APPROVED

47. **RESOLUTION ACCEPTING AND APPROPRIATING \$51,876.00 FROM THE STATE OF TENNESSEE, DEPARTMENT OF STATE, TENNESSEE STATE LIBRARY AND ARCHIVES TO PURCHASE LIBRARY BOOKS AND MATERIALS FOR THE MEMPHIS PUBLIC LIBRARY.**

MOTION: Morrison

SECOND: B. Boyd

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

APPROVED

48. **RESOLUTION AMENDING THE FISCAL YEAR 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$381,854.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) FROM BRIDGE REPAIR STORM WATER, PROJECT NUMBER ST03083 TO WATKINS STORM WATER, PROJECT NUMBER ST03084. RESOLUTION ALSO APPROPRIATES \$1,381,854.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) IN WATKINS STORM WATER, PROJECT NUMBER ST03084 FOR A CONTRACT WITH CHRIS HILL CONSTRUCTION.**

MOTION: Hedgepeth

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Chairman Lowery

Brown, Flinn and Morrison did not cast a vote

APPROVED

49. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF 1,594,175.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO SEWER LINE REPLACE FY 2012, PROJECT NUMBER SW02092. RESOLUTION ALSO APPROPRIATES \$1,594,175.00 FUNDED BY SEWER FUNDS FOR SEWER LINE REPLACE FY 2012, PROJECT NUMBER SW02092 FOR A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES.**

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

APPROVED

51. **RESOLUTION AMENDING THE COUNCIL RULES OF PROCEDURE BY ADOPTING A PROCEDURE FOR THE ACCEPTANCE OF GRANTS TO ENSURE THE EFFICIENT AND TIMELY ACCEPTANCE OF GRANTS.**

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

FAILED

54. **RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A SCHEDULE TO THE MASTER LEASE BETWEEN BANC OF AMERICA PUBLIC CAPITAL CORP AND THE CITY OF MEMPHIS, TENNESSEE, RELATING TO THE ACQUISITION OF SOLID WASTE REFUSE TRUCKS AND TO APPROVE CERTAIN OTHER MATTERS RELATING THERETO FOR THE LEASE.**

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

APPROVED

(Councilwoman Fullilove made a motion to approve Same Night Minutes on items #16, #30, #46 & #54, from tonight's meeting) - Special Item #2

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

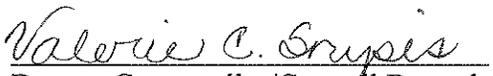
- Peter Alfonso, 1857 Evelyn Avenue, Memphis, Tennessee, 38114
- Michael Williams, 1784 Myrna, Memphis, Tennessee, 38117
- Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 6:15 P.M.

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

Attest:


CHAIRMAN


Deputy Comptroller/Council Records

