

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

October 16, 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, Lee Harris, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Jim Strickland and Chairman Bill Morrison.

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

INVOCATION

The meeting was opened with prayer by Pastor James B. Collins from Progressive Missionary Baptist Church. Councilwoman Fullilove presented Pastor Collins 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 October 2, 2012 with the following motion:

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

APPROVED

1. **RESOLUTION CONGRATULATING BENJAMIN HALL, ELIJAH JONES AND ANTONIO SLOAN, WHO CAPTURED THE FIRST PLACE WIN IN THE FUTURE BUSINESS LEADERS OF AMERICA PHI BETA LAMBDA NATIONAL COMPETITION.**

MOTION: Boyd
SECOND: Strickland

APPROVED, by unanimous voice vote

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 1325 LAMAR AVENUE; SOUTH SIDE OF LAMAR AVENUE AT THE INTERSECTION OF LAMAR AVENUE AND SNOWDEN CIRCLE, CONTAINING 7.22 ACRES IN THE RESIDENTIAL URBAN (RU-4) DISTRICT.**

Case No. PD 12-314

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

- Carissa Hussong, 1293 Central, Memphis, TN 38104
- Judith Johnson, 158 Windover Pl., Apt. #6, Memphis, TN 38111
- Linda Rendtorff, 519 S. Edgewood, Apt. #106, Memphis, TN 38104
- Stanton Thomas, 1301 Agnes Pl., Memphis, TN 38104
- Joanne Turnage, 188 Dorothy Pl., Memphis, TN 38104

Applicant: Ken Robison
Solomito Land Planning (Brenda Solomito) – Representative

Request: The ability to hold special events on the grounds and smaller events in the existing home within the Residential Urban (RU-4) District

LUCB and OPD recommendation: APPROVAL, with conditions

109 NOTICES WERE MAILED ON OCTOBER 5, 2012

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

APPROVED, as amended

CONSENT AGENDA – Items 3, 4 and 25 may be acted upon by one motion: SEE PAGE 2379 FOR ROLL CALL

3. **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.**

Ordinance No. 5474

APPROVED, on Second reading

4. **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. 5475

APPROVED, on Second reading

25. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO. 5331 TO BE CONSISTENT WITH COUNCIL'S AUTHORITY AND INTENT, UP FOR S E C O N D READING.** (Held from 10/2)

Ordinance No. 5473

APPROVED, on Second reading

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 5-10 may be acted upon by one motion:

5. **RESOLUTION AWARDING CONTRACT TO AMERICAN AIRWORKS FOR SELF-CONTAINED BREATHING APPARATUS EQUIPMENT IN THE AMOUNT OF \$66,000.00.**

APPROVED

6. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10765, PRIVATE LABEL SERVICE AGREEMENT, WITH ACLARA SOFTWARE, IN THE FUNDED AMOUNT OF \$105,800.00.**

(THIS CHANGE IS TO EXTEND THE TERMS OF LOAD ANALYSIS, RATE COMPARISON CALCULATOR AND CARBON FOOTPRINT CALCULATOR THROUGH DECEMBER 31, 2014, MATCHING THE AGREEMENT TERM OF THE REMAINING APPLICATIONS UNDER THE CONTRACT AND ALSO TO UPGRADE TO THE NEW OPERATING PLATFORMS: HOME ENERGY ANALYSIS, BUSINESS ENERGY ANALYSIS AND AMI DATA PRESENTMENT. THIS CHANGE ALSO INCLUDES ALL FEES TO HOST THIS TOOL THROUGH DECEMBER 2014. OF THE REQUESTED AMOUNT, \$59,800.00 IS RELATED TO THE SMART GRID DEMONSTRATION).

APPROVED

7. **RESOLUTION AMENDING PURCHASE ORDER NO. 141051 WITH ELECTRICAL & MECHANICAL COMPONENTS DEPOT, INC. FOR THE PURCHASE AND INSTALLATION OF ONE VERTICAL TURBINE PUMP MOTOR CONTROLLER IN THE AMOUNT OF \$5,000.00, FOR A NEW CONTRACT VALUE OF \$81,899.00. (THIS AMENDMENT IS TO INCREASE THE VALUE OF THE PURCHASE ORDER BY AN ADDITIONAL \$5,000.00 AND GAIN APPROVAL AFTER THE FACT TO PAY THE INVOICE FOR WORK PREVIOUSLY PERFORMED).**

APPROVED

8. **RESOLUTION AUTHORIZING MLGW TO SPEND UP TO \$2,500,000.00 TO PURCHASE FROM ONE OR MORE VENDORS EQUIPMENT, APPARATUS, MATERIAL AND SUPPLIES WHICH ARE NECESSARY TO EFFECT THE INSTALLATION AND COMMISSIONING OF ELECTRIC DISTRIBUTION AND TRANSMISSION LINES TO ALLOW FOR THE EXPANSION OF THE NIKE PLANT WITHOUT FURTHER APPROVAL BY THE COUNCIL OF THE CITY OF MEMPHIS, SUBJECT TO COMPLIANCE WITH ALL OF MLGW'S PURCHASING POLICIES AND PROCEDURES INCLUDING SUPPLIER DIVERSITY AND BID SOLICITATION AND ADVERTISING REQUIREMENTS.**

APPROVED

9. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11424, CERTIFIED LABORATORY FOR DRUG TESTING, WITH ADVANCED TOXICOLOGY NETWORK, IN THE FUNDED AMOUNT OF \$12,000.00, FOR A NEW CONTRACT VALUE OF \$60,000.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, OCTOBER 28, 2012 TO OCTOBER 27, 2013, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

10. **RESOLUTION AWARDED CONTRACT FOR VIRTUAL TAPE LIBRARY SYSTEM UPGRADE TO FUJITSU AMERICA, INC. IN THE AMOUNT OF \$380,975.20.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

Councilman Collins requested same night minutes for Item #8. Chairman Morrison stated that without objection, we will have same night minutes for Item #8.

23. **RESOLUTION APPROPRIATING \$1,931,285.00 FUNDED BY G.O. BONDS-GENERAL, IN ELVIS PRESLEY/SHELBY/WINCHESTER STREET IMPROVEMENTS, PROJECT NUMBER PW01064, CHARGEABLE TO THE FISCAL YEAR 2013 CAPITAL IMPROVEMENT BUDGET.**

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

APPROVED

Chairman Collins requested same night minutes for Item #23. Chairman Morrison stated that without objection, we will have same night minutes for Item #23.

11. **APPOINTMENTS**

CITY OF MEMPHIS ALCOHOL COMMISSION

Appointment

Johnsie Helen Wallace

FIRE DEPARTMENT BOARD OF APPEALS

Reappointments

Majid E. Hatamzadeh
Robert C. Jacobson

MEMPHIS CONVENTION CENTER COMMISSION

Appointments

Douglass V. Browne
Jason J. Fair

MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

Appointment

John Jackson

MEMPHIS AND SHELBY COUNTY CENTER CITY REVENUE FINANCE CORPORATION

Appointment

Marija Sokolov

MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY

Reappointments

Michael R. Frick
Deborah R. Massie

PUBLIC ARTS OVERSIGHT COMMITTEE

Reappointments

Carl E. Moore
Peter H. Warren

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

APPROVED

13. **ORDINANCE TO AMEND TITLE 7 – ALCOHOLIC BEVERAGES, CHAPTER 7-8 – BEER AND LIGHT ALCOHOLIC BEVERAGES, ARTICLE 2 – LICENSE TO STORE, SELL, DISTRIBUTE OR MANUFACTURE, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ALLOW OFF-PREMISE LICENSE HOLDERS TO CONDUCT BEER TASTINGS FOR SALES, PROMOTIONAL AND EDUCATIONAL PURPOSES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5472

Held until November 6, 2012

12. **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 T H I R D AND F I N A L READING.** (Held from 9/18)

Ordinance No. 5470

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

Chaplain Novella Smith Arnold, 985 Forrest Ave., Memphis, TN 38105
 Donna Bohannon, 5343 Sea Isle, Memphis, TN 38119
 Jake Brown, 1594 Galloway, Memphis, TN 38105 (no card)
 Yvonne Burton, 442 Dove Valley, Collierville, TN 38017
 Nate Callum, 699 Oak Leaf Ln., Memphis, TN 38117 (no card)
 Jonathan Cole, 1889 Nelson Ave., Memphis, TN 38114
 Valentine Handwerker, 1695 Central, Memphis, TN 38104
 Rev. Yeshua A. Holiday, 1374 N. Parkway, Memphis, TN 38104
 Paul Houghland, 4056 Davies Manor Dr., Bartlett, TN 38133
 Pastor Larry Hunter, P.O. Box 471, Memphis, TN 38101
 Gillian Marie Klee, 4577 Aldersgate, Memphis, TN 38117
 Brad Snyder, 3559 Bruton Cv., Memphis, TN 38135
 Minister Kenneth Van Buren, 4273 Glenbrook St., Memphis, TN 38109
 Terri Weaver, 3763 Windy Ave., Memphis, TN 38128
 Professor Steven Wirls, 1906 Mignon, Memphis, TN 38107 (no card)

MOTION: Fullilove – Include gender identity
 SECOND: Harris

Friendly Amendment: Include definition of gender identity

MOTION: Ford

Councilwoman Fullilove accepted Councilman Ford’s Friendly Amendment.

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

APPROVED, set up as Special Item #1

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

APPROVED, as amended

Councilwoman Fullilove called for the question.

MOTION: Flinn – Suspend the Rules for the purpose of adding Item #24
 SECOND: Fullilove
 AYES: Collins, Flinn, Ford, Fullilove, Harris, Hedgepeth, Lowery, Strickland and Chairman Morrison
 NAYS: Boyd, Brown and Halbert
 Conrad did not cast a vote

APPROVED, rules suspended, set up as Special Item #2

24. **RESOLUTION REQUESTING THAT THE DIRECTOR OF PERSONNEL DEVELOP A NON-DISCRIMINATION POLICY APPLICABLE TO ALL EMPLOYEES OF BUT NOT LIMITED TO RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, DISABILITY, GENETIC INFORMATION, VETERAN STATUS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, OR GENDER IDENTITY.**

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

APPROVED

MOTION: Harris – Same night minutes for Item #24
 SECOND: Fullilove

Chairman Morrison had objection to having same night minutes for Item #24.

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

FAILED, set up as Special Item #3

14. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS, IN THE AMOUNT OF \$1,345,108.00 FROM FEMA FOR TENNESSEE TASK FORCE ONE, THIS GRANT IS FOR THE DEVELOPMENT AND MAINTENANCE OF NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM RESOURCES TO BE PREPARED FOR MISSION RESPONSE AND TO PROVIDE QUALIFIED PERSONNEL IN SUPPORT OF EMERGENCY SUPPORT FUNCTION-9 ACTIVITIES UNDER NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN.**

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

APPROVED

15. **RESOLUTION ACCEPTING FEMA/TEMA HAZARD MITIGATION GRANT PROGRAM (HMGP) FUNDS FROM THE MAY 2010 PRESIDENTIAL DECLARED DISASTER FOR THE ACQUISITION AND DEMOLITION OF A SEVERELY DAMAGED RESIDENCE, IN THE AMOUNT OF \$94,587.50.**

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

APPROVED

16. **RESOLUTION ACCEPTING FEMA/TEMA HAZARD MITIGATION GRANT PROGRAM (HMGP) FUNDS FROM THE MAY 2010 PRESIDENTIAL DECLARED DISASTER FOR THE ACQUISITION AND DEMOLITION OF A SEVERELY DAMAGED RESIDENCE, IN THE AMOUNT OF \$40,862.50.**

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

APPROVED

17. **RESOLUTION FUNDING THE A.D.A. CURB RAMP CONTRACT FOR THE CONSTRUCTION OF EIGHT HUNDRED THIRTY FOUR (834) CURB RAMPS CITY WIDE, IN THE AMOUNT OF \$873,027.00.**

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

APPROVED

18. **RESOLUTION TRANSFERRING \$30,000.00 FROM CONSTRUCTION (\$24,000.00 FROM FEDERAL GRANT CIP AND \$6,000.00 G.O. BONDS) TO ARCHITECTURE AND ENGINEERING IN STP REPAVING GROUP 3, PROJECT NUMBER PW01202.**

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

APPROVED

19. **RESOLUTION SUPPORTS EXTENDING AN EXISTING CONTRACT WITH ACUFF ENTERPRISES TO REPLACE SANITARY SEWER LINES AT VARIOUS LOCATIONS WITHIN THE CITY, IN THE AMOUNT OF \$1,934,801.00.**

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

APPROVED

20. **RESOLUTION TRANSFERRING \$170,000.00 FROM CONSTRUCTION TO A&E AND APPROPRIATING \$2,750,000.00 FY 2013 CIP FUNDS, TO FUND MAJOR REPAIRS AND/OR IMPROVEMENTS TO VARIOUS CITY FACILITIES PER THE FY2013 CIP PROJECT LIST.**

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

APPROVED

21. **RESOLUTION AMENDING THE FISCAL YEAR 2013 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING \$36,000.00 IN GRANT FUNDS PASSED THROUGH SHELBY COUNTY GOVERNMENT TO THE DIVISION OF ENGINEERING FOR TRANSPORTATION PLANNING ACTIVITIES.**

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

APPROVED

22. **RESOLUTION APPROPRIATING \$3,000,000.00 IN OTHER COST FUNDED BY G.O. BONDS FROM PROJECT #CE01068 FOR THE ANTI BLIGHT INITIATIVE, TO FUND DEMOLITION AND CLEANUP IN TARGETED NEIGHBORHOODS, FOR THE DIVISION OF PUBLIC WORKS.**

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

APPROVED

26. **RESOLUTION TO ACCEPT A MOBILE SERVICE VEHICLE FROM THE MEMPHIS LIBRARY FOUNDATION FOR THE PROVISION OF JOB/CAREER SERVICES AT THE MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER.**

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of October 16, 2012 for items #8 and #23 only with the following motion:

MOTION: Fullilove
 SECOND: Collins

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Sidney Chism, 5335 Bethune Dr., Memphis, TN 38109
Brian Green, Memphis Union Mission, 383 Poplar Ave., Memphis, TN 38105
Keith Ellis Hart, 498 E. Shelby Dr., Memphis, TN 38109
Henry Long, Jr., 745 Solitaire Cv., Memphis, TN 38109
Lloyd Nesbitt, 4942 Lions Gate Dr., Memphis, TN 38116

ADJOURNED MEETING AT 6:42 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records