

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

October 26, 2010

3:30 P.M. SCHEDULED SESSION

3:31 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, and Chairman Harold Collins. Barbara Swearngen Ware was absent

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

INVOCATION

The meeting was opened with prayer by Danielle Spears from the Memphis City Council Office.

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 12, 2010 with the following motion:

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

Bert Wolf, 200 Jefferson Ave., Suite 1501, Memphis, TN 38103

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

NAYS: Boyd and Fullilove
Ware was absent

APPROVED

- 2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF N. THOMAS STREET, 260 FEET NORTH OF STAGE ROAD, CONTAINING 24.4 ACRES IN AN AREA CURRENTLY GOVERNED BY THE CONDITIONS OF THE FRAYSER BUSINESS CENTER PLANNED DEVELOPMENT (P.D. 07-310), PLAT BOOK 245, PAGE 29. (Held from 9/28)**

Case No. PD 10-312

Held until November 9, 2010

- 1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR MR. E.C. JONES. (Held from 10/12).**

MOTION: Morrison
SECOND: Ford

APPROVED, by unanimous voice vote

Chairman Collins recognized Airline Pilots from Pinnacle Airlines and Memphis City School Students. This was not an item on the agenda.

- 3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF SOUTHWIND PARK COVE; +/- 182.82 FEET NORTH OF WINCHESTER ROAD, CONTAINING 0.99 ACRE (43,124 SQ. FT.) AND IS CURRENTLY GOVERNED BY OFFICES OF SOUTHWIND PLANNED DEVELOPMENT (P.D. 08-310CC).**

Case No. PD 10-311cc

Owner/Applicants: Trustmark National Bank
Prime Development Group – Representative

Request: Planned development amendment to allow a veterinary clinic

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

- 4. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHWEST CORNER OF GRIGGS AVENUE AND HYDE PARK BOULEVARD; AND ON THE NORTH SIDE OF GRIGGS AVENUE AT AUSTIN STREET, CONTAINING 1.10 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. UV 10-13

Applicant: Macedonia Missionary Baptist Church Hyde Park, Inc.
Carter Hord (Hord Architects) – Representative

Request: Use variation for two non-contiguous church parking lots

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, Lowery, Morrison, Strickland and Chairman Collins
Ware was absent

APPROVED

CONSENT AGENDA – Items 5-8 may be acted upon by one motion: SEE PAGE 1669 FOR ROLL CALL

- 5. **ORDINANCE REZONING THE SOUTH SIDE OF RAINES ROAD; 400 FEET EAST OF MARLIN ROAD, CONTAINING 0.47 ACRE IN THE SINGLE FAMILY RESIDENTIAL (RS-10) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-111
Ordinance No. 5387

APPROVED, on First reading

- 6. **ORDINANCE REZONING THE WEST SIDE OF RALEIGH LAGRANGE ROAD; 130' SOUTH OF GOODLETT FARMS PARKWAY, CONTAINING 0.41 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 10-113cc
Ordinance No. 5386

APPROVED, on Second reading

- 7. **RESOLUTION APPROVING FINAL PLAT OF YOUSEF SUBDIVISION.**

Case No. S 07-013

Resolution approves the final plat located at the south east corner of Raleigh Millington Road and St. Elmo Road.

City Engineer recommends approval

APPROVED

8. 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 10-314

Public Hearing Set for November 9, 2010

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 9-18 may be acted upon by one motion:

9. RESOLUTION APPROVING CONTRACT NO. 11430, INTERLOCAL AGREEMENT BETWEEN MLGW AND MEMPHIS HOUSING AUTHORITY, FOR A SERVICES LOAN FOR UTILITY INSTALLATION FOR LEGENDS PARK WEST PHASE IV PLANNED REDEVELOPMENT IN AN ESTIMATED AMOUNT OF \$300,000.00.

APPROVED

10. RESOLUTION AWARDDING CONTRACT NO. 11442, TELEPHONE OPERATOR'S CONSOLE, TO BLACK BOX NETWORK SERVICES, IN THE FUNDED AMOUNT OF \$87,702.00.

APPROVED

11. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11229, PROFESSIONAL ENGINEERING SERVICES, WITH ALLEN AND HOSHALL ENGINEERS, IN THE FUNDED AMOUNT OF \$151,800.00. (THIS ADDS THE DESIGN OF A NEW WASH WATER RECOVERY BASIN AT PALMER PUMPING STATION TO CONFORM TO NEW AND TIGHTER ENVIRONMENTAL REGULATIONS).

APPROVED

12. **RESOLUTION RATIFYING CHANGE NO. 1 TO CONTRACT NO. 11309, INSTALLATION OF GROUND WELLS AT COLLIERVILLE GATE #86, WITH M & W DRILLING, LLC, IN THE FUNDED AMOUNT OF \$30,250.00. (THIS IS DUE TO A FIELD CHANGE ORDER PERFORMED TO DRILL AN EXTRA DEPTH OF 110 FT. (55 FT. PER WELL) REQUIRED TO INSTALL GROUND WELLS AS DESCRIBED IN THE SPECIFICATIONS OF THE CURRENT CONTRACT).**

APPROVED

13. **RESOLUTION AWARDED CONTRACT FOR DATA CONCENTRATORS TO TEL-XL IN THE AMOUNT OF \$44,700.00.**

APPROVED

14. **RESOLUTION AWARDED THREE-MONTH CONTRACT FOR EQUIPMENT RENTAL TO WAGNER SMITH EQUIPMENT COMPANY IN THE AMOUNT OF \$95,660.00.**

APPROVED

15. **RESOLUTION AWARDED CONTRACT FOR THREE WALK-IN VANS TO TAG TRUCK CENTER IN THE AMOUNT OF \$215,850.00.**

APPROVED

16. **RESOLUTION APPROVING A FEE INCREASE FOR CONSULTING SERVICES GROUP, LLC, FROM \$40,000.00 TO \$55,000.00 ANNUALLY (CONTRACT NO. 11471) FOR INVESTMENT MANAGEMENT CONSULTANT SERVICES FOR THE MLGW OPEB TRUST FUND.**

APPROVED

17. **RESOLUTION GIVING CONTRACT AUTHORITY TO MLGW'S VICE PRESIDENT AND GENERAL COUNSEL IN THE AMOUNT OF \$39,702.43 FOR A LEGAL SETTLEMENT.**

APPROVED

18. **RESOLUTION GIVING CONTRACT AUTHORITY TO MLGW'S VICE PRESIDENT AND GENERAL COUNSEL IN THE AMOUNT OF \$90,000.00 FOR A LEGAL SETTLEMENT.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

19. **APPOINTMENTS**

Memphis and Shelby County Board of Adjustment

Appointment

Olliette Murry-Drobot

Memphis and Shelby County Cross Connection Board

Reappointment

Cindy Cook

Public Art Oversight Committee

Appointments

Adrian Duran
Robert F. Fogelman II
Krystal F. Johnson
Marina Pacini
Beverly A. Perkins

Reappointment

Marc Willis

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

APPROVED

- 20. **ORDINANCE TO REPEAL, IN ITS ENTIRETY, PREVIOUS ORDINANCE NO. 4388, CODIFIED AS CITY CODE, CHAPTER 2, DIVISION 5, SECTION 2-325 THRU SECTION 2-331 AND REPLACE WITH THE ATTACHED ORDINANCE INSERTED IN LIEU THEREOF AS A RESULT OF THE FINDINGS OF THE 2010 DISPARITY STUDY AS PERFORMED BY GRIFFIN & STRONG, PC, UP FOR T H I R D AND F I N A L READING.** (Held from 10/12)

Ordinance No. 5384

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

APPROVED

- 21. **RESOLUTION AMENDING THE FY2011 OPERATING BUDGET TO INCREASE THE FUNDING LEVEL OF THE TUITION REIMBURSEMENT PROGRAM BY TRANSFERRING AN ALLOCATION AND APPROPRIATION OF \$240,000.00 ACROSS THE HUMAN RESOURCES DIVISION LEGAL LEVELS AND OPERATING CATEGORIES.**

MOTION: Strickland – Approve Substitute resolution
 SECOND: Fullilove
 AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Collins
 Ware was absent

APPROVED, as amended, resolution substituted. Also, the caption was changed from its original version. See October 12, 2010 agenda for original version.

- 22. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$193,515.00 FROM THE STATE OF TENNESSEE, DEPARTMENT OF STATE, TENNESSEE STATE LIBRARY AND ARCHIVES TO BE USED FOR THE PURCHASE OF COMPUTERS.**

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

APPROVED

23. **RESOLUTION AMENDING THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$20,000.00 FUNDED BY FEDERAL GRANT FUNDS (AMERICAN RECOVERY AND REINVESTMENT ACT) FROM CONSTRUCTION TO ARCHITECTURE AND ENGINEERING, IN PROJECT NUMBER PW02031, ARRA BRIDGE GUARDRAIL FOR CONSTRUCTION, ENGINEERING AND INSPECTION (CEI) SERVICES AND OTHER ENGINEERING COSTS.**

Resolution appropriating \$154,672.00 funded by Federal Grant Funds (American Recovery and Reinvestment Act) in project number PW02031, ARRA Bridge Guardrail, for a construction contract with Chris – Hill Construction.

MOTION: Hedgepeth

SECOND: Strickland

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

APPROVED

24. **RESOLUTION ACCEPTING ADDITIONAL FEDERAL GRANT FUNDS (AMERICAN RECOVERY AND REINVESTMENT ACT), IN THE AMOUNT OF \$83,340.00, TO ENSURE ADEQUATE PROJECT FUNDING OF PW02029, ARRA SAM COOPER/RR.**

Resolution amending the Fiscal Year 2011 Capital Improvement Budget by increasing Federal Grant Fund allocations in the amount of \$28,000.00 for Architecture and Engineering and \$55,340.00 in Construction.

Resolution appropriating \$255,340.00 funded by Federal Grant Funds (American Recovery and Reinvestment Act) in project number PW02029, ARRA Sam Cooper/RR, for a construction contract with Chris – Hill Construction.

MOTION: Hedgepeth

SECOND: Strickland

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

APPROVED

25. **RESOLUTION ACCEPTING ADDITIONAL FEDERAL GRANT FUNDS (AMERICAN RECOVERY AND REINVESTMENT ACT), IN THE AMOUNT OF \$112,548.00, TO ENSURE ADEQUATE PROJECT FUNDING OF PW02030, ARRA WINCHESTER TUNNEL REPAIR.**

Resolution to amend the Fiscal Year 2011 Capital Improvement Budget by increasing Federal Grant Fund allocations in the amount of \$45,000.00 for Architecture and Engineering and \$67,548.00 in Construction.

Resolution appropriating \$327,548.00 funded by Federal Grant Funds (American Recovery and Reinvestment Act) in project number PW02030, ARRA Winchester Tunnel Repair, for a construction contract with Chris – Hill Construction.

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

APPROVED

26. **RESOLUTION APPROPRIATING \$8,167,225.00 FUNDED BY SEWER REVENUE BONDS IN WOLF RIVER INTERCEPTOR, PROJECT NUMBER SW04004 FOR A CONSTRUCTION CONTRACT WITH OSCAR RENDA CONTRACTING, INC.**

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

APPROVED

27. **RESOLUTION ACCEPTING FEDERAL GRANT FUNDS (HPP), IN THE AMOUNT OF \$4,638,472.00, FUNDING PROJECT EN01026, MEDICAL CTR STREETScape.**

Resolution amending the Fiscal Year 2011 Capital Improvement Budget by transferring an allocation of \$180,000.00 funded by Federal Grant Funds (HPP) from Construction to Architecture and Engineering, in project number EN01026, Medical CTR Streetscape, for design consultant services and other engineering costs.

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

APPROVED

28. **RESOLUTION OPPOSING A CONSOLIDATED GOVERNMENT.**

DROPPED

29. **RESOLUTION APPROPRIATING \$267,300.00 FUNDED BY G. O. BONDS GENERAL FOR THE CONSTRUCTION OF THE DOUGLASS POOL BATH HOUSE, CIP PROJECT NUMBER PK04015, WHICH COUNCIL INCLUDED AS PART OF THE FY 2011 CIP BUDGET.**

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

APPROVED

30. **RESOLUTION TO CONVEY PROPERTY OWNED BY THE CITY OF MEMPHIS COLLEGE OF ART, SPECIFICALLY THE RUST HALL FACILITY LOCATED AT OVERTON PARK IN MEMPHIS, TENNESSEE WHICH IS CURRENTLY BEING LEASED TO THE COLLEGE OF ART, PURSUANT TO THEIR GROUND LEASE WITH THE CITY OF MEMPHIS.**

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

APPROVED

Chairman Collins stated that he did not want to be in the wrong because Robert's Rules states that the Chairman cannot chair the resolutions and move them on the floor unless there is no objection. He asked Attorney Wade if that was correct. After Attorney Wade's response, the Chairman asked if there was objection, there was no objection, so the Chairman proceeded to move Item #31 and Item #32.

31. **RESOLUTION ADDING THE HOMICIDES OF LARRY JOSEPH LARKIN AND LORENZEN WRIGHT, TO THE ELIGIBILITY LIST FOR THE CRIME REWARD FUND.**

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

Hedgepeth and Morrison did not cast a vote
Ware was absent

APPROVED

32. RESOLUTION ADDING THE 722 LESTER STREET HOMICIDES, TO THE ELIGIBILITY LIST FOR THE CRIME REWARD FUND.

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of October 26, 2010 for Items 9, 11, 17, 18, 26, 27, 29, 30, 31 and 32 only, with the following motion:

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Ashley King, 1215 Tanglewood, Memphis, TN 38114

ADJOURNED MEETING AT 4:46 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