

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
February 1, 2011

3:30 P.M. SCHEDULED SESSION

3:53 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Pastor Marty Holman from New Songs Baptist Church. Councilwoman Fullilove presented Pastor Holman 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.

MOTION: Morrison – Move to adjourn the Meeting of January 18, 2011
SECOND: Ford

APPROVED, by unanimous voice vote

1. **RESOLUTION** approving a special use permit, located on the east side of Kirby Parkway; +/- 437 feet north of Stout Road, containing 4.76 acres in the Single Family Residential (RS-10) District.

Case No. SUP 10-232

Applicant: TV6-W, LLC (Billy Orgel)
Prime Development Group – Michael Fahy – Representative

Request: Cell Tower – 150’

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

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

APPROVED

- 2. **ORDINANCE TO REZONE THE SOUTH SIDE OF INTERSTATE 240 EAST, +/-1,760 FEET EAST OF GETWELL ROAD, CONTAINING 7.62 ACRES IN THE AGRICULTURAL (AG) [FP] DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 10-115
Ordinance No. 5391

Applicant: Patricia Tanner
The Reaves Firm – Representative

Request: Change the zoning from AG (FP) Agricultural (Floodplain) to I-L (FP) Light Industrial (Floodplain)

LUCB and OPD recommendation: APPROVAL

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

APPROVED

CONSENT AGENDA – Items 3-5 may be acted upon by one motion: SEE PAGE 1771 FOR ROLL CALL

- 3. **ORDINANCE REZONING THE SOUTHWEST CORNER OF JACKSON AVENUE AND HEMINGWAY STREET, CONTAINING 0.3070 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-114
Ordinance No. 5392

APPROVED, on First reading

- 4. **ORDINANCE REZONING THE SOUTH SIDE OF E. RAINES ROAD; +/-617 FEET WEST OF MARLIN ROAD, CONTAINING 0.27 ACRE IN THE MULTIPLE DWELLING RESIDENTIAL (R-ML) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-118
Ordinance No. 5393

APPROVED, on First reading

- 5. **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 10-605 – Lamar Avenue Alley Closing
- B. Case No. SUP 10-223

Public Hearing Set for February 15, 2011

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 6-12 may be acted upon by one motion:

- 6. **RESOLUTION AWARDDING CONTRACT NO. 11411, CONSTRUCT WASHWATER RECOVERY BASIN, TO ARGO CONSTRUCTION COMPANY, IN THE FUNDED AMOUNT OF \$2,198,025.00.**

APPROVED

- 7. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11109, SYSTEMS FURNITURE, WITH STAPLES ADVANTAGE COMPANY, IN THE FUNDED AMOUNT OF \$351,536.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, JANUARY 1, 2011 TO DECEMBER 31, 2011, WITH NO INCREASE IN RATES).**

APPROVED

8. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11190, MOWING/GROUNDS MAINTENANCE WELL LOTS, WITH BEAN & PRINCE CONTRACTORS, INC., IN THE FUNDED AMOUNT OF \$61,228.44. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, MAY 17, 2011 TO MAY 16, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

9. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11193, JANITORIAL SERVICES, WITH EUREST SERVICES, IN THE FUNDED AMOUNT OF \$65,000.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, FEBRUARY 28, 2011 TO MARCH 1, 2012, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR).**

APPROVED

10. **RESOLUTION AWARDDING CONTRACT NO. 11417, ESO VAV BOX REPLACEMENT AND DDC CONTROLS, TO AIR TECHNICAL SERVICES, INC., IN THE FUNDED AMOUNT OF \$324,041.00.**

APPROVED

11. **RESOLUTION AWARDDING CONTRACT NO. 11446, RE-ROOF VARIOUS MLGW BUILDINGS, TO B FOUR PLIED, INC., IN THE FUNDED AMOUNT OF \$159,969.00.**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10961, BMC COMBINED SOFTWARE PRODUCTS, WITH BMC SOFTWARE DISTRIBUTION, INC., IN THE FUNDED AMOUNT OF \$29,143.30, FOR A NEW CONTRACT TOTAL OF \$166,447.42. (THIS CHANGE RENEWS THE CONTRACT FOR A THREE-YEAR PERIOD, OCTOBER 31, 2010 THROUGH OCTOBER 30, 2013).**

APPROVED**MLGW ROLL CALL CONSENT ITEMS**

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

APPROVED13. **APPOINTMENTS** (Held from 1/18)**Memphis and Shelby County New Arena Public Building Authority**Appointments

Henry R. Evans (Joint Appointment)
 David L. Levine (Joint Appointment)
 Allison Kay Moody (Joint Appointment)
 Senator Mark Norris (Joint Appointment)

Councilwoman Fullilove requested a separate vote for Senator Mark Norris. The Chairman stated that without objection we will vote separately

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

APPROVED, for Henry R. Evans, David L. Levine and Allison Kay Moody only

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

APPROVED, for Senator Mark Morris only

14. **RESOLUTION AUTHORIZING THE OFFICE OF YOUTH SERVICES AND COMMUNITY AFFAIRS TO AWARD \$362,583.00 IN FUNDING FROM APPROVED FY 2011 GENERAL FUNDS OPERATING BUDGET TO 14 DESIGNATED 501 (C) 3 ORGANIZATIONS; WITH EACH ORGANIZATION RECEIVING THEIR FUNDING FOR THE PURPOSE OF COMMUNITY DEVELOPMENT, YOUTH DEVELOPMENT, HUMAN SERVICES AND/OR ENVIRONMENTAL DEVELOPMENT ACTIVITIES.**
 (Held from 1/18)

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

NAYS: Conrad
Hedgepeth did not cast a vote
Flinn and Ware were absent

APPROVED

15. **RESOLUTION BY THE MEMPHIS CITY COUNCIL APPROVING THE 2011 STATE LEGISLATIVE AGENDA WHICH INCLUDES JOINT PRIORITIES FOR THE CITY OF MEMPHIS AND SHELBY COUNTY GOVERNMENT AND REQUESTING THE SHELBY COUNTY DELEGATION TO SUPPORT, AND MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO ENACT LEGISLATION AS PROPOSED BY THE 2011 STATE LEGISLATIVE AGENDA.** (Held from 1/18)

MOTION: Boyd – Hold Items #3 and #4 for two weeks
SECOND: Fullilove

Chairman Lowery asked if there was any objection to holding Items 3 and 4 for two weeks. After a discussion by Councilman Collins, Chairman Lowery considered the discussion as an objection.

MOTION: Boyd – Take Item #3 off
SECOND: Fullilove

After a discussion by Councilman Morrison, Councilman Boyd withdrew his motion.

MOTION: Fullilove – Omit Item #4

Motion failed for the lack of a second.

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of January 18, 2011 with the following motion:

MOTION: Conrad – Reconsider Item #29 from the Minutes of 1/18/2011 for the purpose of approving the EDGE Board as approved by the County Commission

WITHOUT OBJECTION, item reconsidered

MOTION: Conrad – Accept the amendment of the EDGE Board as approved as approved by County Commission
SECOND: Strickland

WITHOUT OBJECTION, amendment is approved

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

APPROVED, as amended

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Walter Broady, 4256 Ledbetter Avenue, Memphis, TN 38109
Lillian Hodges, 7138 Mirage, Cordova, TN 38018

MINUTES

Approval of the Minutes of the regular meeting of February 1, 2011 for Item #15 only

MOTION: Collins
SECOND: Ford

APPROVED, by unanimous voice vote

COUNCILMAN COLLINS MOVED TO RECESS THIS MEETING, UNTIL CALLED TO ORDER BY THE CHAIRMAN, UPON 24 HOUR WRITTEN NOTICE TO ALL APPROPRIATE NEWS MEDIA AND NEWSPAPER OF GENERAL CIRCULATION AND BE POSTED OUTSIDE THE COUNCIL’S CHAMBERS AND THAT THE COUNCIL MAY CONSIDER ANY ITEM ON TODAY’S AGENDA OR ANY EMERGENCY MOTION PERMITTED BY ANY PREVIOUSLY ADOPTED RESOLUTION OR ORDINANCE.

The Chairman stated we are in recess based on a 24 hour notice called by the Chairman

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

FEBRUARY 3, 2011

The City Council meeting of February 1, 2011 was re-convened at 4:34 p.m. on February 3, 2011 for the transaction of business and a quorum was declared present. The following Council members were present: 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. Barbara Swearngen Ware was absent.

MOTION: Collins – Move a substitute motion
SECOND: Brown

NO ACTION TAKEN

MOTION: Strickland – Move to recess until Monday, February 7, 2011 at 5:00 p.m.
SECOND: Flinn

Friendly Amendment: Boyd – recess until Tuesday, February 8, 2011 at 5:00 p.m.

Friendly Amendment accepted by Councilman Strickland

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

FAILED

MOTION: Collins – Move a substitute motion
SECOND: Brown

WITHOUT OBJECTION, motion will substitute for the previous one

MOTION: Flinn – Delay until Friday, February 4, 2011 at 4:30 p.m.
SECOND: Strickland
AYES: Boyd, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Collins, Fullilove, Halbert and Chairman Lowery
Ford and Morrison recused
Ware was absent

FAILED

MAIN MOTION: Collins – Recess until Thursday, February 10, 2011 at 4:30 p.m. at such time we hear a report from the Mayor and the Legislative Liaison respectful to Senator Norris' movement between now and then

SECOND: Halbert

Friendly Amendment: 24 hour notice given by the Chairman or Vice Chairman

MOTION: Flinn

Friendly Amendment accepted by Councilman Collins

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth and Strickland

NAYS: Chairman Lowery
Ford and Morrison recused
Ware was absent

APPROVED, meeting recessed at 5:27 p.m. until Thursday, February 10, 2011 at 4:30 p.m.

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

FEBRUARY 10, 2011

The City Council meeting of February 1, 2011 was re-convened at 5:02 p.m. on February 10, 2011 for the transaction of business and a quorum was declared present. The following Council members were present: 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. Barbara Sweargen Ware was absent.

Friendly Amendment: Add language – “A court has ordered that a referendum vote take place on March 8, 2011; it is not the Council’s intent to interfere with the court ordered election and in fact encourages every citizen to participate in that court ordered election”.

MOTION: Strickland

SECOND: Conrad

WITHOUT OBJECTION, Friendly Amendment accepted by Councilman Collins

Friendly Amendment: Add language in the Third paragraph of the Resolve clause pertaining to commencement of the implementation of the plan of dissolution – “Shall commence on or after March 8, 2011”.

MOTION: Conrad
SECOND: Flinn

WITHOUT OBJECTION, Friendly Amendment accepted by Councilman Collins

Friendly Amendment: Change date from February 4, 2011 to February 11, 2011

MOTION: Collins
SECOND: Fullilove

Chairman Collins moved previous question

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Walter Bailey, 100 N. Main, Memphis, TN 38103
Martha Burkhead, 184 S. Willett, Memphis, TN 38104
Tom Wood, 316 N. McNeil St., Memphis, TN 38112

MAIN MOTION: Collins – Move a substitute motion
SECOND: Brown
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Strickland,
and Chairman Lowery
Ford and Morrison recused
Ware was absent

APPROVED, as amended

Chairman Lowery recognized Wallace Leopard and 2 other Memphis City School students who voiced their support for the school merger.

MINUTES

Approval of the Minutes of the re-convened meeting of February 1, 2011 on February 10, 2011 for Item #1 only

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

APPROVED, at 5:22 p.m.

ADJOURNED MEETING AT 5:27 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