

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

March 5, 2013

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Himanshu Patel, from the Hindu Temple BAPS Swaminarayan Mandir. Councilman Strickland presented Himanshu Patel 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.

(Councilman Lowery made a motion, without objection, to Table Items #24 & #25, until the Committee, who will review the renaming of these parks, is formed. Councilman Harrison objected to this motion)

(Special Item #1 -Lowery's Motion)

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

NAYS: Fullilove, Halbert and Harris

APPROVED, items #24 & #25 are tabled

MINUTES

Approval of the Minutes of the regular meeting of February 19, 2013 with the following motion:

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

APPROVED

- 18. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR T H I R D AND F I N A L READING. (HELD FROM 9/4; 1/8)**

Ordinance No. 5456

Held until March 19, 2013

- 22. **ORDINANCE TO AMEND ORDINANCE NO. 5460, TO ALLOW THE MAXIMUM LOCAL OPTION SALES TAX BE LEVIED IN THE CITY OF MEMPHIS AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, AT A SPECIAL ELECTION TO BE HELD BY SEPTEMBER 30, 2013, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5495

Held until April 2, 2013

- 28. **RESOLUTION TO SET THE SALES TAX REFERENDUM TO ALLOCATE MONEY IN THE AMOUNT OF \$27,000,000.00 FOR PRE-KINDERGARTEN PROGRAMS AND PROPERTY TAX DECREASE IN THE AMOUNT OF \$20,000,000.00. (HELD FROM 2/5)**

Held until April 2, 2013

- 33. **RESOLUTION CREATING A BLIGHT AND RENTAL PROPERTY REPORTING HOTLINE. (HELD FROM 12/4; 1/22; 2/19)**

Held until March 19, 2013

- 34. **RESOLUTION ACCEPTING \$3,000,000.00 FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CLEAN WATER STATE REVOLVING LOAN FOR THE CONSTRUCTION OF THE MARY’S CREEK INTERCEPTOR SEWER PHASE 2.**

Held until March 19, 2013

- 37. **RESOLUTION PROVIDING FUNDING IN THE AMOUNT OF \$1,693,039.00 IN STATE REVOLVING LOANS TO LOOSAHATCHIE AND MARY’S CREEK, PROJECT NUMBER SW04008 TO CONSTRUCT A PORTION OF A NEW 36 INCH DIAMETER INTERCEPTOR SEWER.**

Held until March 19, 2013

- 38. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR CROWN PLAZA – MEMPHIS, LOCATED AT 300 N. SECOND STREET.**

Case No. HMW 13-02

Held until March 19, 2013

- 16. **RESOLUTION COMMENDING OFFICER ANTHONY MORRIS FOR HIS LIFESAVING ACTIONS.**

MOTION: Ford
 SECOND: Fullilove

APPROVED, unanimous voice vote

- 17. **RESOLUTION COMMENDING OFFICER JAMES GRAHAM FOR HIS LIFESAVING ACTIONS.**

MOTION: Ford
 SECOND: Fullilove

APPROVED, unanimous voice vote

- 1. **ORDINANCE REZONING 2,025.35 FEET WEST OF CENTERLINE OF PLEASANT HILL, CONTAINING 8.222 ACRES IN THE CA DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5496
 Case No. Z 12-109

Applicant: DCT – Shelby 18 L.P.
 The Reaves Firm, Inc. – Representative

Request: Warehouse facility

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

- 2. **ORDINANCE REZONING THE SOUTH SIDE OF RAINES +/-312 FEET EAST OF MICHAEL DR., CONTAINING 0.396 ACRE IN THE R-10 DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5497
Case No. Z 12-108

Applicant: Linda & Earl Mosley
Linda Mosley – Representative

Request: Re-zone from R-10 (Single-family Residential) to O-G (General Office) District

LUCB and OPD recommendation: Property be rezoned from R-10 to O-G

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

APPROVED

CONSENT AGENDA – Items 3 – 7 & #40 may be acted upon by one motion: SEE PAGE 2522 FOR ROLL CALL

- 3. **ORDINANCE TO AMEND TITLE 6 – BUSINESS LICENSES AND REGULATIONS, CHAPTER 6-96, SECTION 1, OF THE CODES OF ORDINANCES, TO CREATE LOCAL PREFERENCE AND WORKFORCE TRAINING PREFERENCE FOR AWARD OF CITY CONTRACTS, UP FOR F I R S T READING.**

Ordinance No. 5503

APPROVED, on First reading

- 4. **ORDINANCE TO AMEND CHAPTER 21, RELATIVE TO PARADES AND PUBLIC ASSEMBLIES, UP FOR S E C O N D READING.**

Ordinance No. 5502

APPROVED, on Second reading

- 5. **ORDINANCE REZONING THE WEST SIDE OF MILL BRANCH ROAD; +/-356 FEET NORTH OF E. SHELBY DRIVE, CONTAINING 0.10 ACRE (3,920 SQ. FT.) IN THE COMMERCIAL MIXED USE (CMU-1) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5501
Case No. Z 13-101

APPROVED, on Second reading

- 6. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SAC 12-605 – Autumn Avenue (Brack Alley) Closure

Public Hearing Set for March 19, 2013

- 7. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF BEALE STREET BETWEEN LAUDERDALE AND DANNY THOMAS FOR 1968 STRIKERS.**

APPROVED

- 40. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR S E C O N D READING. (HELD FROM 9/4; 1/8)**

Ordinance No. 5456

APPROVED, on Second reading

ROLL CALL CONSENT ITEMS

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

APPROVED

(Councilman Collins made a motion to vote on MLGW’s item #8, separately, without objection)

MLGW FISCAL CONSENT – Items 9 - 15 may be acted upon by one motion (Item #8 was voted on separately)

(Special Item #2 - Collins' Motion)

8. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11423, SMART METER DEMONSTRATION, WITH ITRON INCORPORATED, IN THE FUNDED AMOUNT OF \$10,000.00. (THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT FUNDING IN THE AMOUNT OF \$10,000.00, FOR A NEW CONTRACT VALUE OF \$390,300.00. OF THIS AMOUNT, \$5,161.00 IS FOR SERVICES PROVIDED OUTSIDE THE SCOPE OF THE ORIGINAL CONTRACT AND, THEREFORE, THE AUTHORITY TO PAY IS BEING REQUESTED. THE REMAINING AMOUNT COVERS UPCOMING DATA SERVICES FOR A PERIOD NOT TO EXCEED SIX MONTHS IN 2013.) (HELD FROM 2/5; 2/19).**

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

Donna Bohannon, 5343 Sea Isle, Memphis, Tennessee, 38119
 Yvonne Burton, 442 Dove Valley, Collierville, Tennessee, 38017
 Trudy Stamps, 1801 Whatling Street, Cordova, Tennessee, 38016

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

APPROVED

9. **RESOLUTION RATIFYING THE AWARD OF CONTRACT NO. 11613, EMERGENCY STORM RESTORATION, TO SERVICE ELECTRIC. (THIS CONTRACT WAS EXECUTED ON JANUARY 15, 2013 IN ANTICIPATION OF THE FORECASTED ICE STORM FOR THE MLGW SERVICE DELIVERY AREA THAT DAY. NO WORK HAS BEEN PERFORMED UNDER THIS CONTRACT. THE TERM OF THIS CONTRACT IS FOR A 3-YEAR PERIOD, WITH THE OPTION TO RENEW FOR TWO ONE-YEAR TERMS, UPON MUTUAL AGREEMENT OF THE PARTIES UP TO FIVE YEARS TOTAL.)**

APPROVED

10. **RESOLUTION RATIFYING THE AWARD OF CONTRACT NO. 11576, EMERGENCY STORM RESTORATION TO DAVIS H. ELLIOT. (THIS CONTRACT WAS EXECUTED ON JANUARY 15, 2013 IN ANTICIPATION OF THE FORECASTED ICE STORM FOR THE MLGW SERVICE DELIVERY AREA THAT DAY. NO WORK HAS BEEN PERFORMED UNDER THIS CONTRACT. THE TERM OF THIS CONTRACT IS FOR A THREE-YEAR PERIOD WITH THE OPTION TO RENEW FOR TWO ONE YEAR TERMS, UPON MUTUAL AGREEMENT OF THE PARTIES, UP TO FIVE YEARS TOTAL.)**

APPROVED

11. **RESOLUTION AWARDING CONTRACT NO. 11567, HICKORY HILL EMERGENCY GENERATOR WITH TRANSFER SWITCH TO BARNES AND BROWER, INCORPORATED, IN THE FUNDED AMOUNT OF \$288,146.00.**

APPROVED

12. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM THE TENNESSEE REGULATORY AUTHORITY (TRA), FOR THE INSPECTION FEE FOR THE YEAR OF 2012, IN THE AMOUNT OF \$78,000.00.**

APPROVED

13. **RESOLUTION APPROVING PAYMENT OF 2013 MEMBERSHIP DUES, TO TENNESSEE VALLEY PUBLIC POWER ASSOCIATION, IN THE AMOUNT OF \$50,783.04.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11292, CASHIERING SYSTEM REPLACEMENT, WITH SYSTEM INNOVATORS, IN THE FUNDED AMOUNT OF \$5,000.00. (THIS CHANGE IS TO MODIFY THE SYSTEM TO ACCEPT DEBIT AND CREDIT CARD PAYMENTS AND THE CAPABILITY TO DISTINGUISH BETWEEN COMMERCIAL AND RESIDENTIAL CUSTOMERS. THE NEW CONTRACT AMOUNT IS \$349,631.26.)**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11531, CUSTOMER SATISFACTION SURVEY, WITH RENEE ENTERPRISES, IN THE FUNDED AMOUNT OF \$33,774.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS COVERING THE PERIOD APRIL 1, 2013 THROUGH MARCH 31, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. THE NEW CONTRACT AMOUNT WILL BE \$67,548.00.)**

APPROVED**MLGW ROLL CALL CONSENT ITEMS**

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

APPROVED

39. **APPOINTMENT**

MEMPHIS LIGHT, GAS AND WATER PRESIDENT & CHIEF EXECUTIVE OFFICER

REAPPOINTMENT

JERRY COLLINS

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

APPROVED

(Chairman Ford recognized (2) former Elected Officials, Deidra Malone and Berlin Boyd, who were visiting in the audience.

19. **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 T H I R D AND F I N A L READING. (HELD FROM 11/6; 12/18; 1/8; 1/22; 2/5)**

Ordinance No. 5474

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

APPROVED

20. **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 T H I R D AND F I N A L READING. (HELD FROM 11/6; 12/18; 1/8; 1/22; 2/5)**

Ordinance No. 5475

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

APPROVED

- 21. **ORDINANCE TO AMEND CHAPTER 34 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD ARTICLE VII WHICH SHALL GOVERN THE MANAGEMENT OF PUBLIC TREES AND CREATE AND ESTABLISH A MEMPHIS TREE BOARD, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5494

Chairman Ford recognized the following person who spoke from the audience:
 Wesley K. Hopper, 2588 Kilgore Cove, Bartlett, Tennessee, 38133

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

APPROVED

- 23. **ORDINANCE TO AMEND CHAPTER 33, ARTICLE III, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO MODIFY THE EXISTING SEWER FEE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5498

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

APPROVED

- 26. **RESOLUTION REQUESTING THAT THE ADMINISTRATION CONSIDERS REQUESTS FOR PROPOSALS AND/OR QUALIFICATIONS FOR THE MANAGEMENT OF THE PERCENT-FOR-ART PROGRAM.**

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

APPROVED

27. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$27,083.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE GRANT FOR THE TITLE ONE INCENTIVES FUNDS.**

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

APPROVED

29. **RESOLUTION FOR MID -YEAR CLEAN-UP TO AMEND THE FY 2013 BUDGET FOR UNANTICIPATED EXPENDITURES.**

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

APPROVED, as amended

30. **RESOLUTION ADOPTING A REDEVELOPMENT PLAN FOR CLEABORN HOMES/CLEABORN POINTE AREA. (HELD FROM 2/19)**

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

APPROVED

31. **RESOLUTION INCREASING THE LINE-OF-DUTY DEATH BENEFIT.**

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

APPROVED

32. **RESOLUTION ACCEPTING AND APPROPRIATING \$590,349.00 IN GRANT FUNDS FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR CIP PROJECT NUMBER PK07113 – GREENWAY IMPROVEMENTS PHASE IV. RESOLUTION ALSO SEEKS TO APPROPRIATE \$1,350,000.00 IN CONTRACT CONSTRUCTION FOR CIP PROJECT NUMBER PK07012 – GREENWAY IMPROVEMENTS FUNDED BY G.O. BONDS GENERAL.**

MOTION: Boyd

SECOND: Collins

AYES: Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Harris, Hedgepeth, Lowery and Chairman Ford

Flinn, Morrison and Strickland did not cast a vote

APPROVED

35. **RESOLUTION ACCEPTING \$22,000,000.00 FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CLEAN WATER STATE REVOLVING LOAN FOR IMPROVEMENTS TO SLUDGE LAGOON NO. 5 AT THE T.E. MAXSON WWTP AND MODIFICATIONS TO THE OUTFALL STRUCTURE AT THE M.C. STILES WWTP.**

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Hedgepeth, Lowery and Chairman Ford

Flinn, Harris, Morrison and Strickland did not cast a vote

APPROVED

36. **RESOLUTION ACCEPTING \$100,000,000.00 FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CLEAN WATER STATE REVOLVING LOAN FOR SEWER REHABILITATION OF THE CITY OF MEMPHIS SANITARY SEWER COLLECTION SYSTEM.**

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Boyd, Collins, Conrad, Fullilove, Halbert, Hedgepeth, Morrison and Chairman Ford

Harris abstained

Brown, Flinn, Lowery and Strickland did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Betsy Warren, 3593 Gillia Circle West, Bartlett, Tennessee, 38135
Donna Bohannon, 5343 Sea Isle, Memphis, Tennessee, 38119
Steven Simmons, 781 Leath, Memphis, Tennessee, 38107
Stephen Puckett, 1085 Carrolton Avenue, Memphis, Tennessee, 38127
Lee Cochran, 179 Richbriar Street, Memphis, Tennessee, 38120
Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:50 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