

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

March 18, 2014

3:30 P.M. SCHEDULED SESSION

3:34 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Elder Steven Moore, from Temple of Deliverance Church of God in Christ. Councilman Brown presented Elder Moore 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 March 4, 2014 with the following motion:

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

APPROVED

1. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF B. F. GOODRICH BOULEVARD AND PIDGEON ROOST ROAD, CONTAINING 4.50 ACRES IN THE EMPLOYMENT (EMP) DISTRICT.**

Case No. PD 14-301

Applicant: Spirit of '76 Fireworks, LLC
Colliers International – Representative

Request: Planned development to allow warehouse, distribution and wholesale of fireworks within an existing warehouse storage building

LUCB and OPD recommendation: APPROVAL, with conditions

DROPPED

2. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED AT THE SOUTHERN TERMINUS OF S. FRONT STREET BETWEEN E. GEORGIA AVENUE AND W. CAROLINA AVENUE, CONTAINING 0.466 ACRE IN THE BLUFFVIEW RESIDENTIAL (BR) RESIDENTIAL DISTRICT.**

Case No. SAC 14-601

Applicants: City Mark Construction & Development, LLC & South Junction Partners
SR Consulting, LLC – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with five (5) conditions

MOTION: Collins

SECOND: Ford

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

APPROVED

3. **ORDINANCE TO DELETE A PORTION OF QUINCE ROAD RESIDENTIAL CORRIDOR, LOCATED ON THE NORTH SIDE OF QUINCE ROAD @ RIDGEWAY ROAD, CONTAINING 3.58 ACRES IN THE COMMERCIAL MIXED USE (CMU 2) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. RC 13-402

Ordinance No. 5546

Applicant(s): Balmoral Shopping Center, LLC

Request: Delete a portion of Quince Road Residential Corridor

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Brown

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

APPROVED

CONSENT AGENDA – Items 4 - 8 may be acted upon by one motion: SEE PAGE 2912 FOR ROLL CALL

4. RESOLUTION APPROVING CONTRACT TIME EXTENSION FOR DAVENPORT P.D.

Case No. PD 04-371
(Contract No. CR-5063)

Resolution approves the extension of time from April 14, 2008 to April 14, 2017. The project is located on the northeast corner of Tchulahoma Road and Holmes Road.

APPROVED

5. RESOLUTION ACCEPTING KROC CENTER P.D. AND AUTHORIZING RELEASE OF BOND.

Case No. PD 07-306
(Contract No. CR-5157)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of East Parkway South, 391 feet south of Central Avenue . The standard improvement contract was approved on May 11, 2010. Resolution also authorizes the release of the performance bond in the amount of \$88,900.00.

City Engineer recommends approval

APPROVED

6. RESOLUTION ACCEPTING TOURNAMENT CENTER P.D. (APARTMENTS), PHASE 2 AND AUTHORIZING RELEASE OF BOND.

Case No. PD 09-305
(Contract No. CR-5180)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Tournament Drive, west of Hacks Cross. The standard improvement contract was approved on May 1, 2012. Resolution also authorizes the release of the Cashier's Check in the amount of \$130,600.00.

City Engineer recommends approval

APPROVED

7. NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:

- A. Case No. PD 90-346 – Spottswood Village P.D.
- B. Case No. PD 14-302 – Shelby Drive Office Park P.D.
- C. Case No. SUP 13-230cc

Public Hearing Set for April 1, 2014

8. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR MR. AND MRS. A. L. BURNS.

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 9 - 15 may be acted upon by one motion:

9. RESOLUTION AWARDDING CONTRACTS FOR LIGHT DUTY VEHICLES TO COUNTRY FORD, IN THE AMOUNT OF \$125,640.00 AND TO AUTONATION FORD MEMPHIS, IN THE AMOUNT OF \$561,723.00.

APPROVED

10. **RESOLUTION AWARDDING CONTRACT TO AUTONATION FORD MEMPHIS FOR LIGHT DUTY CNG (COMPRESSED NATURAL GAS) VEHICLES, IN THE AMOUNT OF \$784,279.00.**

APPROVED

11. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM TENNESSEE ONE CALL SYSTEM, INC., FOR THE 2014 ANNUAL MEMBERSHIP DUES PLUS LOCATE REQUEST TICKETS, IN THE AMOUNT OF \$92,165.27.**

APPROVED

12. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM TENNESSEE REGULATORY AUTHORITY, FOR THE TRA INSPECTION FEE FOR 2013, IN THE AMOUNT OF \$78,000.00.**

APPROVED

13. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM TENNESSEE VALLEY PUBLIC POWER ASSOCIATION, FOR THE 2014 ANNUAL MEMBERSHIP DUES, IN THE AMOUNT OF \$51,021.89.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 11320, LOCAL DIAL TONE SERVICES WITH WINDSTREAM COMMUNICATIONS, IN THE FUNDED AMOUNT OF \$66,300.00. (THIS CHANGE IS TO EXTEND THE CURRENT CONTRACT TERM FOR THE PERIOD COVERING APRIL 1, 2014 TO OCTOBER 1, 2014 TO SOLICIT PROPOSALS AND SELECT A VENDOR. IN THE EVENT A NEW VENDOR IS SELECTED, THIS EXTENSION WILL ALLOW TIME FOR A TRANSITION PERIOD FROM THE CURRENT PROVIDER TO THE NEW PROVIDER. THE CURRENT TERM ENDS MARCH 31, 2014.)**

APPROVED

15. **RESOLUTION APPROVING THE SELECTION OF THE INVESTMENT CONSULTANT FOR THE BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND IN THE AMOUNT OF \$175,000 ANNUALLY UNDER CONTRACT #11599.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

16. **ORDINANCE TO EXPAND THE CLASS OF CONTRACTS COVERED UNDER THE PREVAILING WAGE ORDINANCE, ALIGN THE CITY OF MEMPHIS PREVAILING WAGE ORDINANCE WITH STATE LEVEL PREVAILING WAGE REQUIREMENTS AND AMEND SECTION 5-4-12(A) AND 5-4-12(F-1) (PREVAILING WAGE), UP FOR T H I R D AND F I N A L READING. (HELD FROM 1/7; 1/21)**

Ordinance No. 5543

Held until April 1, 2014

17. **RESOLUTION ACCEPTING AND APPROPRIATING \$22,376.10 IN LOCAL PRIVATE FUNDS FOR THE PURPOSE OF FUNDING A PROFESSIONAL SERVICES CONTRACT TO ESTABLISH A “RAILROAD QUIET ZONE” ALONG POPLAR AVENUE.**

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

APPROVED

18. **RESOLUTION SUPPORTING A PROPOSED AMENDMENT TO THE TENNESSEE STATE IMPLEMENTATION PLAN REMOVING THE REQUIREMENT FOR CONDUCTING A VEHICLE EMISSIONS TESTING PROGRAM IN SHELBY COUNTY.**

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

APPROVED

19. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$46,476.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE I INCENTIVE PROGRAM.**

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

APPROVED

20. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$60,550.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE I RAPID RESPONSE PROGRAM.**

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

APPROVED

(Special Item #1 – Councilwoman Fullilove made a motion to approve Same Night Minutes on Items # 12, #17, #19 & #20 from tonight’s Meeting).

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Teresa Fiala, 505 Tennessee Street, #128, Memphis, Tennessee, 38103
Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 4:18 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