

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**May 5, 2015**

**3:30 P.M. SCHEDULED SESSION**

**3:31 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Rev. Jerry Randolph from Messiah Baptist Church. Councilman Brown presented Rev. Randolph 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.**

25. **ORDINANCE TO SET FORTH UNIFORM REQUIREMENTS FOR TRANSPORTATION NETWORK SERVICES; TO DEFINE TRANSPORTATION NETWORK SERVICES, APPLICATIONS, COMPANIES, AND OPERATORS AND TO CREATE REGISTRATION PROVISIONS FOR OPERATORS; AND TO PROVIDE FOR OTHER RELATED MATTERS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5569 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND CO-SPONSORED BY CHAIRMAN MYRON LOWERY. (Held from 11/4; 11/18; 1/6; 1/20; 2/3; 2/17; 3/3; 3/17; 4/21)**

**DROPPED**

26. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES OF THE CITY OF MEMPHIS, SO AS TO ESTABLISH COMMUNITY ADVISORY COUNCILS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5557 IS SPONSORED BY COUNCILWOMAN WANDA HALBERT.** (Held from 8/19; 9/16; 10/21; 11/18; 12/16; 1/20; 2/3; 2/17; 3/17; 4/21).

Held until June 2, 2015

27. **ORDINANCE AMENDING THE TAXI ORDINANCE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5578 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND CHAIRMAN MYRON LOWERY.** (Held from 1/6; 1/20; 2/3; 2/17; 3/3; 3/17; 4/21)

Held until June 2, 2015

30. **RESOLUTION REQUESTING A MINIMUM OF \$13,500,000.00 FOR PAVING AND \$7,000,000.00 FOR COMMUNITY PROJECTS BE INCLUDED IN THE FY2016 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN HALBERT. CO-SPONSORED BY COUNCILMAN BERLIN BOYD, COUNCILMAN BILL MORRISON AND COUNCILMAN EDMUND FORD, JR.** (Held from 4/21)

Held until May 19, 2015

33. **RESOLUTION TO APPROVE AN INCREASE OF THE CITY ATTORNEY'S OFFICE AUTHORIZED COMPLEMENT TO TAKE EFFECT UPON THE APPROVAL OF THE MINUTES. THIS RESOLUTION IS SPONSORED BY THE LAW DIVISION.** (Held from 4/7; 4/21)

Held until May 19, 2015

## MINUTES

Approval of the Minutes of the regular meeting of April 21, 2015 with the following motion:

MOTION: Ford  
 SECOND: B. Boyd  
 AYES: B. Boyd W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth,  
 Strickland and Vice Chairman Conrad  
 Lowery and Morrison were absent

## APPROVED

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR DR. CHARLES CHAMPION.**

MOTION: B. Boyd  
SECOND: Ford

**APPROVED**, by unanimous voice vote

2. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR DR. CHARLES L. DINKINS.**

MOTION: Ford  
SECOND: Hedgepeth

**APPROVED**, by unanimous voice vote

3. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR RODEWAY INN LOCATED AT 5119 AMERICAN WAY, MEMPHIS, TN 38115. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.** (Held from 4/21)

Case No. HMW 15-06

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

**APPROVED**

4. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED AT THE INTERSECTION OF CROMWELL ROAD AND EDISON ROAD TO INTERSECTION POINT OF CONTACT, CONTAINING 2.32 ACRES IN THE EMP DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SAC 15-603

Applicant: JM Smucker, LLC  
Brenda Solomito – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

MOTION: Collins  
SECOND: B. Boyd  
AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth,  
Strickland and Vice Chairman Conrad  
Morrison and Lowery were absent

**APPROVED**

35. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR HOLIDAY INN MEMPHIS LOCATED AT 2240 DEMOCRAT ROAD, MEMPHIS, TN 38132. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. HMW 15-08

MOTION: Collins  
SECOND: Brown  
AYES: B. Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth and  
Vice Chairman Conrad  
W. Boyd did not cast a vote  
Lowery and Morrison were absent

**APPROVED**

36. **RESOLUTION INITIATING A PROPOSED AMENDMENT TO SECTION 9.7.7H OF THE UNIFIED DEVELOPMENT CODE BY SUBMITTING A PROPOSED AMENDMENT TO THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT FOR REVIEW AND RECOMMENDATION BY THE LAND USE CONTROL BOARD. THIS RESOLUTION IS SPONSORED BY COUNCILMAN REID HEDGEPEETH AND COUNCILMAN BERLIN BOYD.**

**Councilman Hedgepeth requested same night minutes for this item. Vice Chairman Conrad asked if there was any objection to having same night minutes. There was no objection.**

MOTION: Collins  
SECOND: B. Boyd  
AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth,  
Strickland and Vice Chairman Conrad  
Lowery and Morrison were absent

**APPROVED**

**CONSENT AGENDA – Items 5-10 may be acted upon by one motion: SEE PAGE 3301 FOR ROLL CALL**

5. **ORDINANCE TO APPROPRIATE THE PROCEEDS OF THE TAX LEVY ON THE ASSESSED VALUES ON ALL PROPERTIES OF EVERY SPECIES WITHIN THE CITY LIMITS FOR GENERAL PURPOSES FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, UP FOR F I R S T READING. ORDINANCE NO. 5587 IS SPONSORED BY ADMINISTRATION.**

**APPROVED**, on First reading

6. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2016, UP FOR F I R S T READING. ORDINANCE NO. 5588 IS SPONSORED BY ADMINISTRATION.**

**APPROVED**, on First reading

7. **JOINT ORDINANCE TO AMEND THE PROVISIONS OF THE 2012 JOINT MECHANICAL CODE OF MEMPHIS AND SHELBY COUNTY RELATED TO THE OPERATION AND SAFETY MONITORING OF CERTAIN POWER BOILERS TO MAKE THESE REQUIREMENTS MORE CLOSELY ALIGN WITH STATE OF TENNESSEE REQUIREMENTS FOR THE OPERATION OF SUCH EQUIPMENT, UP FOR S E C O N D READING. ORDINANCE NO. 5584 IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

**APPROVED**, on Second reading

8. **ORDINANCE TO AMEND ARTICLE II, CHAPTER 4-14, CITY OF MEMPHIS CODE OF ORDINANCES, AND ARTICLE III, CHAPTER 39 TO ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY AN INDIVIDUAL(S) WHO IS A PASSENGER IN CERTAIN NON-MOTORIZED VEHICLES FOR HIRE, UP FOR S E C O N D READING. ORDINANCE NO. 5585 IS SPONSORED BY COUNCILMAN REID HEDGEPEETH.**

**APPROVED**, on Second reading

9. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VII, CITY OF MEMPHIS CODE OF ORDINANCES, ESTABLISHING THE CIVILIAN LAW ENFORCEMENT REVIEW BOARD, UP FOR S E C O N D READING. ORDINANCE NO. 5586 IS SPONSORED BY COUNCILMAN SHEA FLINN.**

**APPROVED**, on Second reading

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

A. Case No. SUP 15-205

Public Hearing Set for May 19, 2015

**ROLL CALL CONSENT ITEMS**

MOTION: Ford  
SECOND: Hedgepeth  
AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth,  
Strickland and Vice Chairman Conrad  
Lowery and Morrison were absent

**APPROVED**

**Councilman Ford recognized State Representative Barbara Cooper who was present in the audience.**

**MLGW FISCAL CONSENT – Items 11-23 may be acted upon by one motion:**

11. **RESOLUTION APPROVING PAYMENT OF AN INVOICE TO SERVICE ELECTRIC COMPANY FOR CONTRACT NO. 11613, EMERGENCY STORM RESTORATION AGREEMENT, BASED ON AGREED UPON RATES, IN THE FUNDED AMOUNT OF \$8,683.48.**

**APPROVED**

12. **RESOLUTION AWARDDING A CONTRACT TO SUMMIT TRUCK GROUP, FOR THE PURCHASE OF AERIAL TOWERS AND CREW CAB AND CHASSIS, IN THE AMOUNT OF \$1,089,452.00.**

**APPROVED**

13. **RESOLUTION AWARDDING CONTRACTS TO ABBY EQUIPMENT, IN THE AMOUNT OF \$264,804.00, H & E EQUIPMENT IN THE AMOUNT OF \$228,856.00, THOMPSON MACHINERY IN THE AMOUNT OF \$84,776.98, VERMEER MID-SOUTH, INC. IN THE AMOUNT OF \$508,700.00, AND STRIBLING EQUIPMENT, LLC IN THE AMOUNT OF \$123,510.00, FOR THE PURCHASE OF LIGHT DUTY TRANSPORTATION EQUIPMENT.**

**APPROVED**

14. **RESOLUTION AWARDDING A CONTRACT TO AUTONATION FORD MEMPHIS, FOR THE PURCHASE OF FULL SIZE PASSENGER AND CARGO VANS, IN THE AMOUNT OF \$117,451.00.**

**APPROVED**

Councilman B. Boyd requested same night minutes for this item. Vice Chairman Conrad asked if there was any objection to having same night minutes. There was no objection.

15. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. C1905, ELECTRIC METER SOCKET REPLACEMENT, WITH F & F ENTERPRISE, IN THE FUNDED AMOUNT OF \$50,000.00. (THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT VALUE. THIS CHANGE IS NEEDED TO MEET THE AVERAGE MONTHLY EXPENDITURES FOR THE REPLACEMENT OF CUSTOMER'S FAULTY ELECTRIC METER SOCKETS.)**

**APPROVED**

16. **RESOLUTION AWARDING A CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR THE PURCHASE OF TWENTY-FOUR INCH STEEL PIPE, IN THE AMOUNT OF \$372,240.00.**

**APPROVED**

17. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11729, PROFESSIONAL ENGINEERING SERVICES, WITH MID-SOUTH ENGINEERING CONSULTANTS, LLC, IN THE FUNDED AMOUNT OF \$354,460.00. (THIS CHANGE IS TO ADD THE COST OF THE DESIGN SERVICES FOR THE TENNESSEE VALLEY AUTHORITY COMBINED CYCLE PROJECT UNDER WORK AUTHORIZATION ORDER GE-2015-1. THE COST OF THIS PROJECT WAS NOT INCLUDED IN THE INITIAL CONTRACT AWARD.)**

**APPROVED**

18. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM THE AMERICAN PUBLIC POWER ASSOCIATION, FOR THE 2015 ANNUAL MEMBERSHIP DUES, IN THE AMOUNT OF \$117,473.60.**

**APPROVED**

19. **RESOLUTION REQUESTING APPROVAL OF THE SELECTION OF NUMERIC INVESTORS LLC, A LARGE CAP CORE MANAGER, TO MANAGE APPROXIMATELY \$30,000,000 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

**APPROVED**

20. **RESOLUTION REQUESTING APPROVAL OF SELECTION OF FIERA, A LARGE CAP CORE MANAGER, TO MANAGE APPROXIMATELY \$30,000,000.00 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

**APPROVED**

21. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11669, PROPERTY AND BOILER INSURANCE, WITH FACTORY MUTUAL INSURANCE COMPANY (FM GLOBAL), IN THE FUNDED AMOUNT OF \$1,057,639.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS COVERING THE PERIOD JUNE 1, 2015 THROUGH MAY 31, 2016. THIS RENEWAL REFLECTS A 2.04% NET PREMIUM INCREASE FROM THE PREVIOUS YEAR. MLGW RECEIVED A 15.63% MEMBERSHIP CREDIT RESULTING FROM LESS CLAIM LOSS EXPERIENCE GLOBALLY FROM NATURAL DISASTERS. FM GLOBAL IS A MUTUAL INSURANCE COMPANY, WHICH IS OWNED ENTIRELY BY ITS POLICYHOLDERS. ANY PROFITS EARNED BY A MUTUAL INSURANCE COMPANY ARE REBATED TO POLICYHOLDERS IN THE FORM OF DIVIDEND DISTRIBUTIONS OR REDUCED FUTURE PREMIUMS OR MEMBERSHIP CREDIT.)**

**APPROVED**

22. **RESOLUTION AWARDING A CONTRACT TO AUTOMIC SOFTWARE, INC., FOR AUTOMIC ANNUAL SOFTWARE MAINTENANCE RENEWAL, IN THE AMOUNT OF \$45,865.00.**

**APPROVED**

23. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11451, COURIER SERVICES, WITH EXPRESS COURIER INTERNATIONAL, INCORPORATED IN THE FUNDED AMOUNT OF \$156,992.94. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM COVERING THE PERIOD SEPTEMBER 7, 2015 THROUGH SEPTEMBER 6, 2016 IN THE FUNDED AMOUNT OF \$156,992.94. THIS CHANGE ALSO REFLECTS AN ADJUSTMENT IN THE NUMBER OF STOPS FROM 208 TO 213 RESULTING IN A 1.67% INCREASE IN THE FUEL SURCHARGE. PURSUANT TO THE TERMS OF THE CONTRACT, THE FUEL SURCHARGE IS SET AS 15% OF THE ANNUAL CONTRACT VALUE.)**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

28. **ORDINANCE FOR CREATION OF THE GRACELAND TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5583 IS SPONSORED BY THE EXECUTIVE DIVISION.**

MOTION: Halbert  
SECOND: W. Boyd

**Councilman Collins presented a revised ordinance that included the West side of Elvis Presley. Collins also requested same night minutes for this item. Vice Chairman Conrad asked if there was any objection. There was no objection.**

AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Vice Chairman Conrad  
Lowery and Morrison were absent

**APPROVED**, as amended

37. **RESOLUTION AMENDING THE FY 2015 OPERATING BUDGET TO PROVIDE POWER CENTER CDC WITH \$494,000.00 IN GRANT FUNDING FROM PUBLIC WORKS GENERAL FUND FOR THE PURPOSE OF CONSTRUCTING PUBLIC INFRASTRUCTURE IN THE EDEN SQUARE PROJECT. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS.**

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

**APPROVED**

24. **APPOINTMENTS**

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD**

Appointments

Sandeep Pednekar  
Alfredo Pena, III

Reappointments

David L. Acey  
Reverend Ralph White

**MEMPHIS AREA TRANSIT AUTHORITY**

**Reappointment**

LeaAndre Gibson

MOTION: Strickland  
SECOND: Fullilove  
AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth,  
Strickland and Vice Chairman Conrad  
Lowery and Morrison were absent

**APPROVED**

29. **RESOLUTION APPROVING A SIDEWALK ASSISTANCE PROGRAM IN THE AMOUNT OF \$200,000.00 FOR CONCRETE SIDEWALK REPAIR AND DISCONTINUE SIDEWALK ORDINANCE ENFORCEMENT MORATORIUM. THIS RESOLUTION IS SPONSORED BY ENGINEERING.**

MOTION: Hedgepeth  
SECOND: Fullilove  
AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth,  
Strickland and Vice Chairman Conrad  
Lowery and Morrison were absent

**APPROVED**

31. **RESOLUTION REQUESTING THAT ALL ADOPTED AND PROPOSED BUDGETS, BEGINNING IN FISCAL YEAR 2016 AND ALL ADOPTED BUDGETS FOR THE PAST FIVE YEARS FOR THE CITY OF MEMPHIS BE DISPLAYED FOR THE PUBLIC CONSUMPTION ON THE CITY'S WEBSITE IN A MACHINE READABLE FORMAT. THIS RESOLUTION IS SPONSORED BY COUNCILMAN FLINN.**

MOTION: Strickland  
SECOND: Halbert  
AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth,  
Strickland and Vice Chairman Conrad  
Lowery and Morrison were absent

**APPROVED**

32. **RESOLUTION AMENDING THE FY 2015 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$1,166,400.00 IN G.O. BONDS GENERAL FROM CIP PROJECT NUMBER FS02001 FOR PAVEMENT IMPROVEMENTS AT VARIOUS FIRE STATIONS AND FIRE PREVENTION. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

Council did include Fire Station Repair, FY 2015 Pavement Improvements, CIP Project Number FS02001 as part of the Fiscal Year 2015 Capital Improvement Program Budget. Bids were received on March 6, 2015 for pavement improvements with the best complying bid submitted by Ferrell Paving, Inc., in the amount of \$1,080,000.00 plus contingency in the amount of \$86,400.00 for a total of \$1,166,400.00.

MOTION: Ford  
 SECOND: B. Boyd  
 AYES: B. Boyd, W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Vice Chairman Conrad  
 Lowery and Morrison were absent

**APPROVED**

34. **RESOLUTION TRANSFERRING AND APPROPRIATING \$241,571.00 IN CONSTRUCTION FUNDS TO CONSTRUCT A DETENTION BASIN ON THE ATHLETIC FIELD AT CATHOLIC HIGH SCHOOL. PROJECT NUMBER ST03130. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS.**

MOTION: Collins – Hold for 2 weeks

**Vice Chairman Conrad asked if there was any objection to holding this item. There was no objection.**

Held until May 19, 2015

**MINUTES**

Approval of the Minutes of the regular meeting of May 5, 2015 for Items 15, 28 and 36 only, with the following motion:

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

**APPROVED**, set up as Special Item #1

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

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

**Cards were filled out, but unable to locate them.**

Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN 38109  
Sherrie Hopper, 6898 Alder Wood Dr., South, Millington, TN 38053  
Suzanne Tagg, 10790 Latting Rd., Cordova, TN 38016  
Robert Zachar, 7051 Old Brownsville Rd., Arlington, TN 38002

**ADJOURNED MEETING AT 5:25 P.M.**

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

\_\_\_\_\_  
CHAIRMAN

Attest:

\_\_\_\_\_  
Deputy Comptroller/Council Records