

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

May 6, 2014

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Councilman Myron Lowery.

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 April 15, 2014 with the following motion:

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

APPROVED

1. **RESOLUTION CONGRATULATING THE MEMPHIS FIRE DEPARTMENT ON BEING AWARDED THE “CAREER FIRE-BASED EMS SERVICE OF THE YEAR” AWARD BY THE CONGRESSIONAL FIRE SERVICES INSTITUTE.**

MOTION: Boyd
SECOND: Morrison

APPROVED, unanimous voice vote

2. **RESOLUTION CONGRATULATING THE WOMEN OF ZETA PHI BETA SORORITY, INC. – ALPHA ETA ZETA CHAPTER ON THEIR 75TH ANNIVERSARY.**

MOTION: Collins
SECOND: Morrison

APPROVED, unanimous voice vote

3. **RESOLUTION CONGRATULATING SNOWDEN SCHOOL’S LADY GREENDOGS FOR A SUCCESSFUL 2013-2014 SEASON.**

MOTION: Harris
SECOND: Morrison

APPROVED, unanimous voice vote

31. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$31,200.00 AND IN-KIND TRAINING MATERIALS VALUED AT \$10,000.00 FROM THE NATIONAL RECREATION AND PARKS ASSOCIATION (NRPA) OUT-OF-SCHOOL TIME PROGRAM.**

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

APPROVED

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON BOTH SIDES OF APPLING FARMS PARKWAY, BEGINNING +/-1,000’ WEST OF APPLING ROAD AND CONTINUING WEST WARD +/-4,500’ CONTAINING 14.93 ACRES IN AN AREA CURRENTLY GOVERNED BY THE APPROVED CONDITIONS FOR THE APPLING FARMS BUSINESS PARK (P.D. 04-385), AREAS A-D.**

Case No. PD 14-303

Applicant: Belz Investco GP (Ron Belz)

SR Consulting (Cindy Reaves) – Representative

Request: Modify the permitted uses in Area A and B to reflect the
Applying Farms Business Park (P.D. 04-385), Areas A-D

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Hedgepeth

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

APPROVED

5. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF SPOTTSWOOD AVENUE AT BUCK STREET, CONTAINING 1.9 ACRES IN THE SINGLE FAMILY RESIDENTIAL-6 (R-6) WITH A P.D. OVERLAY (P.D. 90-346). (HELD FROM 4/1)**

Case No. PD 90-346

Applicant: Shepherd Construction, Bubba Shepherd
SR Consulting (Cindy Reaves) – Representative

Request: Overturn the decision of the Land Use Control Board on
February 13, 2014

LUCB and OPD recommendation: APPROVAL, with conditions for the review of the Site
Plan

DROPPED

6. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 4466 ELVIS PRESLEY, 1,785 FEET NORTH OF SHELBY DRIVE, CONTAINING 4.1 ACRES IN THE COMMERCIAL MIXED USE-1 (CMU-1) DISTRICT.**

Case No. SUP 14-201

Applicant: Penske Automotive Group
Chris Bailey – Representative

Request: Addition of auto rental location in a shopping center

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Fullilove

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

APPROVED

7. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 2700 LAMAR AVENUE, CONTAINING .39 ACRE IN THE CMU-3 DISTRICT.**

Case No. SUP 14-202

Applicant: Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred fifty foot (150’) CMCS tower

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Fullilove

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

APPROVED

8. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR HAMPTON INN, LOCATED AT 5320 POPLAR AVENUE, MEMPHIS, TN 38119.**

Case No. HMW 14-03

Held until May 20, 2014

CONSENT AGENDA – Items 9 - 12 may be acted upon by one motion: SEE PAGE 2946 FOR ROLL CALL

9. **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, 2014 THROUGH JUNE 30, 2015, UP FOR F I R S T READING.**

Ordinance No. 5547

APPROVED, on First reading

10. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2015, UP FOR F I R S T READING.**

Ordinance No. 5548

APPROVED, on First reading

11. 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 14-305 – Angel Green P.D.
- B. Case No. SUP 14-204cc

Public Hearing Set for May 20, 2014

12. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR PASTOR ROBERT E. JONES.

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 13 -24 may be acted upon by one motion:

13. RESOLUTION AWARDDING CONTRACT TO DIAMOND INTERNATIONAL TRUCKS, FOR HEAVY EQUIPMENT, IN THE AMOUNT OF \$3,611,796.00.

APPROVED

14. RESOLUTION AWARDDING CONTRACT TO STRIBLING EQUIPMENT COMPANY LLC, FOR THE PURCHASE OF ONE INDUSTRIAL TRACTOR AND TWELVE HYDRAULIC BACKHOE LOADERS, IN THE FUNDED AMOUNT OF \$792,675.00.

APPROVED

15. RESOLUTION AWARDDING CONTRACT NO.11710, MALLORY RESERVOIR CLEANOUT AND REPAIR TO SE (SOUTHEASTERN) DIVING SERVICES, LLC., IN THE FUNDED AMOUNT OF \$95,000.00.

APPROVED

16. **RESOLUTION AWARDING CONTRACT TO LAYNE CHRISTENSEN COMPANY, FOR FOUR DEEP WELL SUBMERSIBLE PUMPS, IN THE FUNDED AMOUNT OF \$149,000.00.**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11470, WIRELESS COMMUNICATION SERVICES, WITH C SPIRE WIRELESS, TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$98,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF THE TWO ONE-YEAR RENEWALS COVERING THE PERIOD MAY 24, 2014 TO MAY 23, 2015.)**

APPROVED

18. **RESOLUTION AWARDING A THIRTY-SIX MONTH CONTRACT TO HARCROS CHEMICALS INCORPORATED, FOR THE SUPPLY OF SODIUM HYPOCHLORITE, IN THE AMOUNT OF \$1,259,647.50.**

APPROVED

19. **RESOLUTION AWARDING CONTRACT NO. 11634. SUBSTATION ENGINEERING GROUNDING TO MESA ASSOCIATES, INCORPORATED, IN THE FUNDED AMOUNT OF \$75,000.00.**

APPROVED

20. **RESOLUTION APPROVING RATIFICATION OF CONTRACTS TO NRG TECHNOLOGIES AND TO APPROVE THE AWARD OF CONTRACT NO. 11722 MAOP-APPIAN SYSTEM ADMINISTRATION. THIS REQUEST IS TO RATIFY THE APPROVAL, AFTER THE FACT, OF THE FOLLOWING CONTRACTS: C1784 IN THE AMOUNT OF \$17,680; C1796 IN THE AMOUNT OF \$49,080; C1843 IN THE AMOUNT OF \$49,880; AND C1805 IN THE AMOUNT OF \$49,600. THE TOTAL AMOUNT OF THE CONTRACTS TO BE RATIFIED IS \$166,240. THIS REQUEST ALSO INCLUDES THE APPROVAL OF CONTRACT NO. 11722 IN THE AMOUNT OF \$63,600 FOR THE INSTALLATION OF THE SOFTWARE PRODUCT AND THE ADMINISTRATION OF THE SYSTEM. THE COMBINED VALUE OF THIS REQUEST IS \$229,840.00.**

APPROVED

21. **RESOLUTION AWARDING A THIRTY-SIX MONTH BLANKET CONTRACT TO UNIVERSAL SCAFFOLDING AND EQUIPMENT, LLC, FOR UNDERGROUND PRIMARY CABLE, IN THE AMOUNT OF \$14,114,271.00.**

APPROVED

22. **RESOLUTION AWARDING CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR RECLOSERS, IN THE FUNDED AMOUNT OF \$961,700.00.**

APPROVED

23. **RESOLUTION AWARDING CONTRACT NO. 11669, PROPERTY AND BOILER INSURANCE TO FACTORY MUTUAL INSURANCE COMPANY (FM GLOBAL), IN THE FUNDED AMOUNT OF \$1,036,542.00.**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10072, ONLINE SUMMARY AND REFERENCE PRODUCT, WITH CHICAGO-SOFT, LTD., IN THE FUNDED AMOUNT OF \$14,200.00. (THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT FOR THE PERIOD COVERING MAY 8, 2014 TO MAY 7, 2017. THIS RENEWAL REFLECTS A 15% DISCOUNT DUE TO PREPAID MAINTENANCE FOR A THREE YEAR PERIOD.)**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

25. **APPOINTMENTS**

MEMPHIS TRANSPORTATION COMMISSION

REAPPOINTMENTS

SCOTT C. BOUCHER
LISA GLEAVES
JEFFERY D. HARRIS
VINCENT B. HIGGINS
KEVIN KANE
TAWANDA KNIGHT

SHELBY COUNTY MUNICIPAL SOLID WASTE PLANNING BOARD

APPOINTMENT

CAROLYN ANN BENSON

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

APPROVED, as amended (Carolyn Ann Benson's name was dropped)

26. **RESOLUTION ALLOCATING AND APPROPRIATING \$250,000.00 FROM THE MIDTOWN CORRIDOR STUDY FUNDS TO THE MEMPHIS ROCK AND SOUL MUSEUM. (HELD FROM 4/1)**

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

APPROVED

27. **RESOLUTION APPROVING PROPOSED CONSOLIDATED PLAN, FY2015 ANNUAL ACTION PLAN AND APPROPRIATING FEDERAL ENTITLEMENT FUNDS TO THE FY2015 HOUSING AND COMMUNITY DEVELOPMENT BUDGET.**

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

APPROVED

28. **RESOLUTION ACCEPTING A \$40,000.00 GRANT FROM CNCS AND ALLOCATING THESE FUNDS TO HIRE A VISTA COORDINATOR FOR ONE (1) YEAR. THE VISTA COORDINATOR WILL WORK TO RAMP UP AND MANAGE 20 AMERICORPS VISTA SERVING WITH THE CITY OF MEMPHIS FOR A TERM OF ONE YEAR.**

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

APPROVED

29. **RESOLUTION AMENDING THE FY14 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$200,000.00 IN G.O. BONDS IN STP TRAFFIC SIGNALIZATION GROUP, PROJECT NUMBER EN01043, TO TRAFFIC CALMING DEVICES, PROJECT NUMBER EN01007, FOR THE PURPOSE OF COVERING DESIGN COSTS FOR THE INSTALLATION OF SPEED HUMPS IN VARIOUS LOCATIONS IN THE CITY. RESOLUTION ALSO APPROPRIATES \$200,000.00 FUNDED BY G.O. BONDS FOR TRAFFIC CALMING DEVICES, PROJECT NUMBER EN01007, FOR ARCHITECTURE AND ENGINEERING FEES.**

MOTION: Hedgepeth

SECOND: Ford

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

APPROVED

30. **RESOLUTION TO ESTABLISH A PROCESS TO RESTORE AND CREATE A MORE EFFECTIVE CIVILIAN LAW ENFORCEMENT REVIEW BOARD.**

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

Brad Watkins, 2010 Court, Memphis, Tennessee, 38104
 Claudell Whitfield, 1238 Semmes Street, Memphis, Tennessee, 38114
 Frederick Stevenson, 1633 Semmes Street, Memphis, Tennessee, 38114
 Chris Martin, 15 S. Auburndale, Memphis, Tennessee, 38104
 Paul Garner, 2010 Court Avenue, Memphis, Tennessee, 38104
 Jim V. Brown, III, 1299 Haynes Street, Memphis, Tennessee, 38114
 Marquita Bradshaw, 4371 Fizer Cove, Memphis, Tennessee, 38117
 Bennett Foster, 2489 Harvard, Memphis, Tennessee, 38112
 Michael Krause, 610 Poplar, Memphis, Tennessee, 38105
 Katelyn Buford, 6841 Bainbridge, Memphis, Tennessee, 38119
 Scarlet Ponder, 4199 Tutwiler Avenue, Memphis, Tennessee, 38122
 Deborah LaRue, 2053 Peabody Avenue, Memphis, Tennessee, 38104

(Special Item #1 – Councilwoman Fullilove made a motion to hold this item for 2 weeks. After the discussion of this item, the motion was withdrawn).

MAIN MOTION: Fullilove

SECOND: Halbert

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

APPROVED

(Special Item #2 – Councilwoman Fullilove made a motion to approved Same Night Minutes for Item #31 from tonight’s meeting)

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

APPROVED

(Special Item #3- Councilman Collins made a motion, without objection, to add a Resolution approving a 60 day Moratorium, requesting Code Enforcement to cease giving citations for sidewalk violations).

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

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

- Peter Alfonso, 1857 Evelyn Avenue, Memphis, Tennessee, 38114
- Mattie Lambert, 1036 Faxon Avenue, Memphis, Tennessee, 38105
- Vicky D. Moore, 1010 Faxon, Memphis, Tennessee, 38105
- Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:08 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