

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
August 6, 2013

3:30 P.M. SCHEDULED SESSION

3:27 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 Elder Bobby G. Wilson, from Hudsonville CME Church. Councilman Brown presented Elder Wilson 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 July 16, 2013 with the following motion:

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

APPROVED

1. **PRESENTATION OF CERTIFICATES TO LAW SCHOOL INTERNS.**

MOTION: Strickland
SECOND: Morrison

NO VOTE WAS REQUIRED

CONSENT AGENDA – Items 2 – 7 may be acted upon by one motion: SEE PAGE 2681 FOR ROLL CALL

2. **ORDINANCE ESTABLISHING A REVENUE MANAGER FOR THE FINANCE DIVISION, UP FOR S E C O N D READING.**

Ordinance No. 5529

APPROVED, on Second reading

3. **ORDINANCE TO AMEND CHAPTER 33, ARTICLE IV, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO CLARIFY ENFORCEMENT AUTHORITY FOR THE STORMWATER PROGRAM, UP FOR S E C O N D READING.**

Ordinance No. 5530

APPROVED, on Second Reading

4. **ORDINANCE TO ALLOW “KIOSK” TYPE MULTI-SPACE PARKING METERS FOR ON STREET PUBLIC PARKING, UP FOR S E C O N D READING.**

Ordinance No. 5531

APPROVED, on Second reading

5. **JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010 AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT AND THE LAND USE CONTROL BOARD, UP FOR F I R S T READING.**

Case No. ZTA 13-003
Ordinance No. 5532

APPROVED, on First reading

6. **RESOLUTION ACCEPTING WINDSOR VIEW SUBDIVISION, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 10-012
(Contract No. CR-5172)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located on the northside of Windsor Rd, and southside of Holmes Rd., west of Tulane Rd. The standard improvement contract was approved on August 2, 2011. Resolution also authorizes the release of Magna Bank Letter of Credit, No. 5000000224-700, dated September 21, 2011 in the amount of \$937,000.00 and the Liberty Mutual Insurance Company performance bond No. 013124333, dated July 12, 2011 in the amount of \$1,303,800.00.

City Engineer recommends approval

APPROVED

7. **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 13-604

Public Hearing set for August 20, 2013

ROLL CALL CONSENT ITEMS

MOTION: Morrison

SECOND: Strickland

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

APPROVED

MLGW FISCAL CONSENT – Items 8-18 may be acted upon by one motion:

8. **RESOLUTION AWARDING A CONTRACT TO CONSOLIDATED PIPE AND SUPPLY COMPANY, INC., FOR THE PURCHASE OF SELF-LOADING COIL PIPE TRAILERS IN THE AMOUNT OF \$78,206.00.**

APPROVED

9. **RESOLUTION AWARDING CONTRACT NO. 11467, CONSTRUCT WASHWATER RECOVERY TANK AT THE PALMER PUMPING STATION TO BARNES AND BROWER, INCORPORATED, IN THE FUNDED AMOUNT OF \$1,553,713.00.**

APPROVED

10. **RESOLUTION AWARDING CONTRACTS TO ROYAL SWITCHGEAR MANUFACTURING COMPANY IN THE AMOUNT OF \$51,800.00 AND ALSTOM GRID, INC. IN THE AMOUNT OF \$62,000.00 FOR AIR DISCONNECT SWITCHES.**

APPROVED

11. **RESOLUTION AWARDING A THIRTY-SIX MONTH BLANKET CONTRACT FOR METAL COATINGS TO M & D COATINGS, INC., IN THE AMOUNT OF \$100,270.00.**

APPROVED

12. **RESOLUTION AWARDING A TWELVE MONTH BLANKET CONTRACT TO T. R. MILLER MILL COMPANY, INC., IN THE AMOUNT OF \$1,318,783.60 FOR SOUTHERN YELLOW PINE POLES.**

APPROVED

13. **RESOLUTION AMENDING PURCHASE ORDER NUMBER 137910 TO 1SOURCE OFFICE FACILITY AND SUPPLY FORMERLY MEMPHIS CHEMICAL AND JANITORIAL SUPPLY FOR PAPER PRODUCTS. THIS AMENDMENT IS TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$128,125.00 TO REPLENISH INVENTORY TO COVER DIVISION NEEDS FROM SEPTEMBER 3, 2013 TO THE END OF THE CONTRACT TERM ON OCTOBER 20, 2014. ACTUAL QUANTITIES NEEDED HAVE EXCEEDED THE NUMBERS ESTIMATED AT THE TIME OF THE ORIGINAL BID. THE NEW CONTRACT VALUE IS \$463,975.00.**

APPROVED

14. **RESOLUTION APPROVING A TRANSFER OF FUNDS FROM THE COMMON FUND TO THE OPEB TRUST, WITH A SETTLEMENT AT YEAR-END TO EQUAL THE 2013 ANNUAL OPEB COST, IN AN ESTIMATED AMOUNT OF \$17,853,893.00.**

APPROVED

15. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM PLATTS FOR THE ANNUAL SUBSCRIPTION SERVICES FUNDED IN THE AMOUNT OF \$32,700.02. THE ANNUAL SUBSCRIPTION SERVICE IS USED BY ENERGY RESOURCES AREA OF MEMPHIS LIGHT, GAS AND WATER AS A NECESSARY INSTRUMENT IN THE TRANSACTION OF DAILY GAS PURCHASES. IT SUPPLIES MARKET AND INDUSTRY INFORMATION AS WELL AS DAILY AND MONTHLY PRICE INDICES USED IN MLGW GAS TRANSACTIONS.**

APPROVED

16. **RESOLUTION AWARDING A CONTRACT TO VARITECH, INC., FOR A CASCADE CNG (COMPRESSED NATURAL GAS) STORAGE ASSEMBLY, IN THE AMOUNT OF \$87,770.00.**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11570, MLGW RENTAL EQUIPMENT INSURANCE COVERAGE, WITH MID-SOUTH INSURANCE OFFICE, INCORPORATED, IN THE FUNDED AMOUNT OF \$49,613.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR AN ADDITIONAL ONE YEAR TERM FOR THE PERIOD COVERING AUGUST 24, 2013 TO AUGUST 23, 2014. THIS CHANGE REFLECTS A 5% INCREASE FROM THE PREVIOUS YEAR DUE TO THE OVERALL MARKET PLACE AND THE RISK INVOLVED WITH THIS RISK. THE NEW CONTRACT VALUE IS \$96,863.00.)**

APPROVED

18. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10140, PDSFAST SOFTWARE LICENSE, WITH SOFTWARE ENGINEERING OF AMERICA, IN THE FUNDED AMOUNT OF \$35,652.00. (THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT. THE TERM OF THIS RENEWAL PERIOD COVERS OCTOBER 1, 2013 TO SEPTEMBER 30, 2016 WITH NO INCREASE FROM THE PREVIOUS YEAR. MLGW IS REQUESTING APPROVAL OF CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY SOFTWARE ENGINEERING OF AMERICA.)**

APPROVED**MLGW ROLL CALL CONSENT ITEMS**

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

APPROVED

19. **APPOINTMENTS**

FIRE DEPARTMENT BOARD OF APPEALSReappointment

Janet Smith-Haltom

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSIONAppointments

Shante K. Avant
 Christopher M. Hearn
 Marcel C. Hill
 Clarence R. Scott

Reappointments

Anita Black
 Judith Black Moore

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

APPROVED

20. **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.** (Held from 3/5; 4/2; 7/2; 7/16)

Ordinance No. 5495

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

APPROVED, as amended

Councilman Strickland requested same night minutes. Chairman Ford stated that without objection we will have same night minutes. There was objection. The following vote below was taken.

MINUTES

Approval of the Minutes of the regular meeting of August 6, 2013 for Item #20 only with the following motion:

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

NAYS: Halbert

APPROVED, set up as Special Item #1

21. **RESOLUTION TO SET THE SALES TAX REFERENDUM AND ESTABLISH A PRE-K COMMISSION.** (Held from 2/5; 3/5; 4/2; 7/2; 7/16)

MOTION: Strickland

SECOND: Boyd

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

NAYS: Brown and Collins

APPROVED, as amended

Councilman Strickland requested same night minutes. Chairman Ford stated that without objection we will have same night minutes. There was objection. The following vote below was taken.

MINUTES

Approval of the Minutes of the regular meeting of August 6, 2013 for Item #21 only with the following motion:

MOTION: Strickland

SECOND: Boyd

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

NAYS: Brown, Collins and Halbert

APPROVED, set up as Special Item #2

MOTION: Fullilove – Suspend the Rules for the purpose of adding an item

SECOND: Strickland

Chairman Ford stated that without objection we will suspend the rules.

WITHOUT OBJECTION, rules suspended, set up as Special Item #3

25. **RESOLUTION ESTABLISHING A FOUR MONTH MORATORIUM ON DEMOLITION OF STRUCTURES LISTED IN THE NATIONAL REGISTRY OF HISTORIC PLACES.**

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

Steve Mulroy, 1035 Perkins Terrace, Memphis, TN 38117

David Upton, 203 Stonewall, Memphis, TN 38112
June West, 1650 Peabody, Memphis, TN 38104

MOTION: Harris – Send back to Committee

Chairman Ford stated that without objection we will send this item back to Committee.

Held until August 20, 2013

22. **RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE/PURCHASE AGREEMENT TO ACQUIRE NEW PARKING METER EQUIPMENT IN THE DOWNTOWN AND THE MEDICAL DISTRICT.**

MOTION: Hedgepeth

SECOND: Morrison

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

Brown, Flinn and Halbert did not cast a vote

APPROVED

23. **RESOLUTION ACCEPTING \$14,939,000.00 IN TIGER IV GRANT FUNDS FROM THE FEDERAL HIGHWAY ADMINISTRATION (FHWA); \$2,000,000.00 IN TDOT STATE FUNDS; AND \$1,000,000.00 IN CIP FUNDS FROM SHELBY COUNTY GOVERNMENT FOR CONSTRUCTION AND ARCHITECTURAL & ENGINEERING COSTS ASSOCIATED WITH THE MAIN STREET TO MAIN STREET MULTIMODAL CONNECTOR GRANT FUNDED PROJECT.**

MOTION: Hedgepeth

SECOND: Strickland

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

Brown, Fullilove and Morrison did not cast vote

APPROVED

Councilman Hedgepeth requested same night minutes. Chairman Ford stated that without objection we will have same night minutes.

24. **RESOLUTION TO AMEND THE FY2014 BUDGET ALLOCATION OF \$2.1 MILLION TO EDGE (GRANTS & AGENCIES) BY (1) APPROPRIATING AND TRANSFERRING \$379,040.00 TO MATA FOR BUS ROUTES (2) APPROPRIATING AND TRANSFERRING \$90,000.00 TO MATA FOR TROLLEY SERVICE; (3) APPROPRIATING AND TRANSFERRING \$1,630,960.00 TO EDGE.**

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

Shahin Samiei, 4125 Hilldale Ave., Memphis, TN 38117
Brad Watkins, 2010 Court Ave., Memphis, TN 38104

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

APPROVED

Councilwoman Halbert requested same night minutes. Chairman Ford stated that without objection we will have same night minutes.

MINUTES

Approval of the Minutes of the regular meeting of August 6, 2013 for Items 23 and 24 only with the following motion:

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Cathie Auxier, 10840 Monterey Forest Cv., Eads, TN 38002
Donna Bohannon, 5343 Sea Isle Road, Memphis, TN 38119
Milton Golden, 1045 Ayers, Memphis, TN 38107
Katrak K. Rainey, 1080 N. Manassas, Memphis, TN 38107
Trudy Stamps, 1801 Whatling Street, Cordova, TN 38016
Suhkara A. Yahweh, 775 Porter, Memphis, TN 38126

ADJOURNED MEETING AT 5:20 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