

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

August 19, 2014

3:30 P.M. SCHEDULED SESSION

3:32 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 Pastor Renardo Ward, from Greater Harvest Church of God In Christ. Councilman Collins presented Pastor Ward 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 August 5, 2014 with the following motion:

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

APPROVED

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF ROLAND ROAD AT BISHOP DOZIER DRIVE, CONTAINING 62.67 ACRES IN THE OAKLAWN ESTATES PLANNED DEVELOPMENT (P.D. 04-315CC).**

Case No. PD 04-315cc

Appellant: Oaklawn Estates Homeowners

Request: Overturn the decision of the Memphis and Shelby County Land Use Control Board approving a modification to reduce minimum lot area of single family residential lots in Area 'A' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with five (5) Site Plan Conditions

WITHDRAWN

22. **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

Held until September 16, 2014

1. **RESOLUTION RECOGNIZING UNIVERSOUL CIRCUS, CELEBRATING 20 YEARS OF FAMILY ENTERTAINMENT.**

MOTION: Lowery
SECOND: Morrison

APPROVED, by unanimous voice vote

8. **ORDINANCE 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 THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2014, UP FOR S E C O N D READING.**

Ordinance No. 5562

WITHDRAWN

CONSENT AGENDA – Item 3-7 & 33 & 34 may be acted upon by one motion: SEE PAGE 3048 FOR ROLL CALL

3. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 25, ARTICLE III, SECTION 25-31 (B) REGARDING INVESTMENT OF TRUST FUND, UP FOR F I R S T READING.**

Ordinance No. 5563

APPROVED, on First reading

4. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 15, TO INCREASE CERTAIN FEES AND MODIFY CERTAIN SECTIONS RELATING TO THE PROPER DISPOSAL OF TIRES AND THE REGISTRATION OF CERTAIN TIRE BUSINESSES AND TIRE HAULERS WITHIN THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5558

APPROVED, on Second reading

5. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 21-VEHICLES AND TRAFFIC, TO CLARIFY REGULATIONS OF MOTOR VEHICLE WINDOW TINT, UP FOR S E C O N D READING.**

Ordinance No. 5559

APPROVED, on Second reading

6. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, TITLE 11, CHAPTER 16 – VEHICLES AND TRAFFIC, TO AUGMENT REGULATIONS OF DRIVING RULES IN THE PRESENCE OF AUTHORIZED EMERGENCY VEHICLES, UP FOR S E C O N D READING.**

Ordinance No. 5560

APPROVED, on Second reading

7. **ORDINANCE TO AMEND THE PROVISIONS OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TITLE 6 – BUSINESS LICENSES AND REGULATIONS, CHAPTER 6-44 – LIMOUSINE, SHUTTLE AND OTHER VEHICLES FOR HIRE AND ARTICLE 2 – CERTIFICATE OF PUBLIC CONVENIENCE, UP FOR S E C O N D READING.**

Ordinance No. 5561

APPROVED, on Second reading

33. **RESOLUTION RECOGNIZING LOCAL CHEFS FOR CHEF’S APPRECIATION DAY.**

APPROVED

34. **ORDINANCE AMENDING THE BUILDING CODE TO SUSPEND THE REQUIREMENT OF THE 2012 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE RELATING TO SEISMIC DESIGN AND CONSTRUCTION ELEMENTS, WHILE A STUDY COMMITTEE REVIEWS AND RECOMMENDS ANY CHANGES, UP FOR F I R S T READING.**

Ordinance No. 5564

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

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

APPROVED, as amended, with the exception of Item #8 which was withdrawn

MOTION: Fullilove – Without objection, remove Item #9 from the Consent Agenda

Chairman Strickland asked if there was any objection to removing Item #9 from the MLGW Fiscal Consent Agenda and voting on that item separately. There was no objection. Item #9 will be voted on separately.

9. **RESOLUTION AWARDED CONTRACT NO. 11700, ELECTRIC CONSTRUCTION AND MAINTENANCE WITH DAVIS H. ELLIOT CONSTRUCTION COMPANY, INCORPORATED, IN THE FUNDED AMOUNT OF \$8,887,424.00.** (Held from 8/5)

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

Donna Bohannon, 5343 Sea Isle, Memphis, TN 38119
 Patrick Epps, 4000 Clearpool Cir., Memphis, TN 38118
 Bill Hawkins, 4000 Clearpool Cir., Memphis, TN 38118
 Corey Hester, 4000 Clearpool Cir. Memphis, TN 38118

MOTION: Flinn – Suspend the Rules to go back to debate

Chairman Strickland asked if there was any objection to suspending the rules and going back to debate. There was objection. Chairman Strickland ruled that we would go ahead and vote on the item.

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

FAILED**MLGW FISCAL CONSENT – Items 10-20 may be acted upon by one motion:**

10. **RESOLUTION AWARDED CONTRACT TO BLACK BOX NETWORK SERVICES FOR THE CUSTOMER CARE CENTER'S SIEMENS HIPATH 400 PBX TELEPHONE EQUIPMENT UPGRADE, IN THE FUNDED AMOUNT OF \$80,406.00.**

APPROVED

11. **RESOLUTION APPROVING THE SELECTION OF ENERGY OPPORTUNITIES CAPITAL MANAGEMENT (ORLEANS), AN EQUITY MANAGER, TO MANAGE APPROXIMATELY \$5,750,000.00 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

12. **RESOLUTION REQUESTING APPROVAL OF SELECTION OF BRANDYWINE GLOBAL INVESTMENT MANAGEMENT, LLC (A GLOBAL FIXED INCOME MANAGER) TO MANAGE APPROXIMATELY \$68,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.**

APPROVED

13. **RESOLUTION REQUESTING APPROVAL OF BLACKROCK RUSSELL 1000 GROWTH INDEX FUND, AN EQUITY POOLED/COMMINGLED FUND, TO MANAGE \$156,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.**

APPROVED

14. **RESOLUTION APPROVING RATE SCHEDULE FOR THE LAW FIRM OF ARCHIBALD & HALMON, P.C. FOR LEGAL MATTERS RELATED TO PERSONAL INJURY, COLLECTIONS AND OTHER LEGAL MATTERS UNIQUELY RELATED TO THE UTILITY INDUSTRY.**

APPROVED

15. **RESOLUTION APPROVING RATE SCHEDULE FOR THE LAW FIRM OF HAGLER BRUCE TURNER LAW, PLLC, FOR MATTERS RELATED TO BUSINESS LAW, COMMERCIAL TRANSACTIONS, GOVERNMENT LAW, PROPERTY LAW, CONTRACTS AND OTHER LEGAL MATTERS UNIQUELY RELATED TO THE UTILITY INDUSTRY.**

APPROVED

16. **RESOLUTION AWARDED CONTRACT TO SOUTHERN SALES AND SERVICE COMPANY, INCORPORATED FOR LANYARDS, IN THE FUNDED AMOUNT OF \$52,389.00.**

APPROVED

17. **RESOLUTION AWARDED CONTRACT TO LOGICALIS, INC. FOR COMPUTER HARDWARE AND SOFTWARE, IN THE FUNDED AMOUNT OF \$2,230,647.53.**

APPROVED

18. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10171, OPERATING SYSTEM RECOVERY PROJECT, WITH NEWERA SOFTWARE, INCORPORATED, IN THE FUNDED AMOUNT OF \$4,284.00. (THIS CHANGE IS TO RENEW THE SOFTWARE MAINTENANCE, LICENSE AND SUPPORT SERVICES FOR A TWO YEAR PERIOD COVERING THE PERIOD SEPTEMBER 1, 2014 THROUGH AUGUST 31, 2016, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY NEWERA SOFTWARE, INCORPORATED.**

APPROVED

19. **RESOLUTION AWARDING CONTRACT TO E-PRENTISE, LLC FOR FINANCIAL SOFTWARE IN THE FUNDED AMOUNT OF \$39,750.00.**

APPROVED

20. **RESOLUTION AWARDING CONTRACT TO CALAMP WIRELESS NETWORKS CORPORATION FOR MOBILE DATA ACCESS EQUIPMENT, IN THE FUNDED AMOUNT OF \$429,762.00.**

APPROVED**MLGW ROLL CALL CONSENT ITEMS**

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

APPROVED, as amended, with the exception of Item #9 which was voted on separately

31. **RESOLUTION AMENDING THE FY2015 CAPITAL IMPROVEMENT BUDGET TO INCLUDE AN ALLOCATION AND APPROPRIATION OF \$2,400,000.00 IN G.O. BONDS GENERAL FOR ENERGY CONSERVATION IMPROVEMENTS AT THE BENJAMIN L. HOOKS CENTRAL LIBRARY. REPAYMENT WILL COME FROM OPERATIONAL SAVINGS ON ENERGY COSTS.**

Councilman Boyd requested same night minutes for this item. Chairman Strickland asked if there was any opposition. There was no opposition.

MOTION: Boyd
 SECOND: Brown

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

APPROVED

21. **APPOINTMENTS**

MEMPHIS STORMWATER BOARD

Reappointments

Lori Morris
Charles Pickard

PREVAILING WAGE COMMISSION

Reappointments

Robert Campbell
Paul Shaffer

SHELBY COUNTY MUNICIPAL SOLID WASTE PLANNING BOARD

Appointment

Joyce (Joy) Williams

MOTION: Flinn

SECOND: Ford

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

APPROVED

32. **RESOLUTION AMENDING THE FY2015 HCD PYRAMID CIP BUDGET TO REFLECT THE APPROPRIATION AND ALLOCATION OF \$3,500,000.00 TOWARDS THE PYRAMID REDEVELOPMENT BUDGET TO OFFSET AND COMPLETE THE PROJECT'S CONTRACT OBLIGATIONS DURING THE CONSTRUCTION PERIOD AS SET FORTH BY THE TERMS AND AGREEMENTS IN CONTRACT NUMBER 27043.**

Councilman Brown requested same night minutes for this item. Chairman Strickland asked if there was any opposition. There was no opposition.

MOTION: Brown

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

APPROVED

35. **RESOLUTION ADOPTING A NINETY (90) DAY MORATORIUM ON THE IMPLEMENTATION AND ENFORCEMENT OF THE SEISMIC DESIGN STANDARDS IN THE 2012 BUILDING CODE FOR STRUCTURAL COMPONENTS OR THEIR USE IN ANY NEW OR MODIFIED ONE OR TWO FAMILY RESIDENCE (“2012 RESIDENTIAL SEISMIC STANDARDS”), BY THE MEMPHIS AND SHELBY COUNTY CONSTRUCTION CODE ENFORCEMENT’S OFFICE.**

Councilman Hedgepeth requested same night minutes for this item. Chairman Strickland asked if there was any opposition. There was no opposition.

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

APPROVED

23. **RESOLUTION APPROPRIATING \$1,183,400.00 IN G.O. BONDS TO REPLACE PERSONAL SAFETY EQUIPMENT, PROJECT NUMBER FS04001.**

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

APPROVED

24. **RESOLUTION APPROPRIATING \$168,400.00 IN G.O. BONDS TO REPLACE, TEST AND REPAIR SELF-CONTAINED BREATHING APPARATUS, PROJECT NUMBER FS04001.**

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

APPROVED

25. **RESOLUTION ACCEPTING THE RENEWAL OF THE HUD SHELTER PLUS CARE GRANT, IMPLEMENTED BY FRIENDS FOR LIFE, INC., IN THE AMOUNT OF \$136,529.00 BY THE CITY OF MEMPHIS.**

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

APPROVED

26. **RESOLUTION ACCEPTING THE RENEWAL OF THE HUD SHELTER PLUS CARE GRANT, IMPLEMENTED BY SHIELD, INC., IN THE AMOUNT OF \$202,503.00 BY THE CITY OF MEMPHIS.**

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

APPROVED

27. **RESOLUTION ACCEPTING THE RENEWAL OF THE HUD SHELTER PLUS CARE GRANT, IMPLEMENTED BY CASE MANAGEMENT, INC., IN THE AMOUNT OF \$347,131.00 BY THE CITY OF MEMPHIS.**

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

APPROVED

28. **RESOLUTION APPROVING A TRANSFER OF FUNDS TO EQUAL THE 2014 ANNUAL OPEB COST FROM THE MLGW COMMON FUND TO THE MLGW OPEB TRUST, IN THE ESTIMATED AMOUNT OF \$13,386,340.00.**

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

Conrad abstained
Morrison did not cast a vote

APPROVED

29. **RESOLUTION APPROVING ACTUARIAL FUNDING TO THE RETIREMENT AND PENSION SYSTEM IN THE AMOUNT OF APPROXIMATELY \$26,812,140.00, FOR THE 2014 PLAN YEAR.**

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

APPROVED

30. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$197,000.00 FROM THE TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAMS.**

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of August 19, 2014 for Items 31, 32 and 35 only, with the following motion:

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Stephen Ball, 4297 Water Briar Rd., Millington, TN 38053

Donna Bohannon, 5343 Sea Isle, Memphis, TN 38119
Walter Broady, III, 4256 Ledbetter Cv., Memphis, TN 38109
Carol Carlson, 477 Bruins Trace, Cordova, TN 38018
Chett Hopper, 8650 Commander Rd., Millington, TN 38053
Sherrie Hopper, 6898 Alder Wood Dr., South, Millington, TN 38053
Rachel Knox, 2931 Millers Pond Dr., Memphis, TN 38119
Michelle Laux, 359 Roland Ave., Jackson, TN 38301
Heather Pfeil, 1545 Riverdale Rd., Memphis, TN 38138
Robert Zachar, 7051 Old Brownsville Rd., Arlington, TN 38002
Sheila Zachar, 7051 Old Brownsville Rd., Arlington, TN 38002
Terri Waxler, 9405 Mary Tucker Cv., Memphis, TN 38133

ADJOURNED MEETING AT 6:13 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