

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**September 17, 2013**

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

**3:30 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, Jim Strickland and Chairman Edmund H. Ford, Jr. Bill Morrison was absent.

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

**INVOCATION**

The meeting was opened with prayer by Pastor Rolando Rostro from Iglesia Nueva Vida Church. Councilman Collins presented Pastor Rostro 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 September 3, 2013 with the following motion:

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

**APPROVED**

22. **RESOLUTION TRANSFERRING THE CITY OF MEMPHIS' HALF INTEREST OWNERSHIP IN THE JOINTLY OWNED TAX PARCELS KNOWN AS 1000 HAYNES ROAD, PARCEL ID# 059005 00068, PORTION OF CAWTHORN HEALTH LOOP CLINIC AND 1064 BREEDLOVE STREET, PARCEL ID# 021047 00055, PORTION OF GUTHRIE HEALTH LOOP CLINIC, TO SHELBY COUNTY GOVERNMENT. (HELD FROM 5/21; 6/18; 7/16; 8/20)**

Held until October 15, 2013

1. **RESOLUTION RECOGNIZING MARGARET GRACE HALTOM FOR EDUCATING THE COMMUNITY ON STEPS TO IMPROVE OR SUSTAIN THE WORLD'S ENVIRONMENT.**

MOTION: Strickland  
SECOND: Fullilove

**APPROVED**, unanimous voice vote

2. **JOINT RESOLUTION DECLARING SEPTEMBER 15-22, 2013, AS "NATIONAL WELCOMING WEEK".**

MOTION: Strickland  
SECOND: Fullilove

**APPROVED**, unanimous voice vote

3. **JOINT RESOLUTION DECLARING SEPTEMBER 15 – OCTOBER 15, 2013 AS NATIONAL HISPANIC HERITAGE MONTH.**

MOTION: Ford  
SECOND: Fullilove

**APPROVED**, unanimous voice vote

4. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED EAST OF AIRWAYS BOULEVARD NEAR THE MEMPHIS DEPOT, CONTAINING 0.19 ACRE IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT.**

Case No. SAC 13-602

Applicant: Castalia Baptist Church  
Jerry M. Johnson – Representative

Request: Close and vacate Hunt Avenue right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

- 5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED NORTH OF OMAR ROBINSON ROAD; +/-225 FEET NORTH OF HOLMES STREET, CONTAINING 23.0 ACRES IN THE CONSERVATION AGRICULTURE (CA), FLOOD PLAIN (FP) & FLOODWAY (FW) DISTRICTS.**

Case No. SUP 13-216

Applicant: Flinn Broadcasting, Inc.  
SR Consulting, LLC – Representative

Request: Special Use Permit to allow three (3) radio transmission towers or communications towers, including CMCS (Commercial Mobile Communications Services) towers, a maximum of two-hundred fifty (250) feet in height

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

**CONSENT AGENDA – Item #6 & #7 may be acted upon by one motion: SEE PAGE 2735 FOR ROLL CALL**

- 6. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES TO INCREASE THE MONTHLY SOLID WASTE FEE FOR RESIDENTIAL UNITS, UP FOR S E C O N D READING.**

Ordinance No. 5535

**APPROVED**, on Second Reading

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 13-320 – Highland St./Southern Ave. P.D.

Public Hearing Set for October 15, 2013

B. Case No. S 13-006 – Tate Grove Subdivision

Public Hearing Set for October 1, 2013

**ROLL CALL CONSENT ITEMS**

MOTION: Strickland

SECOND: Halbert

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

**APPROVED**

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

8. **RESOLUTION GIVING MLGW THE AUTHORITY TO PURCHASE FUEL FROM PETROLEUM TRADERS VIA A COMBINED FUEL CONTRACT SOLICITED AND EXECUTED BY THE CITY OF MEMPHIS ON BEHALF OF MEMPHIS LIGHT, GAS AND WATER DIVISION AND THE CITY OF MEMPHIS.**

**APPROVED**

9. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO.11549, 2013 EXTERNAL CORROSION DIRECT ASSESSMENT ("ECDA") INSPECTION/SURVEY OF NATURAL GAS PIPELINE, TO SOUTHERN CROSS PIPELINE INTEGRITY SERVICES, LLC DBA JW'S PIPELINE INTEGRITY SERVICES, IN THE FUNDED AMOUNT OF \$28,900.00. (THIS CHANGE IS TO ADD THREE ADDITIONAL GUIDED WAVE ULTRA SONIC TESTS (GWUT) TO COMPLY WITH DOT REGULATIONS. IN THE EVENT MOBILIZATION DEMOBILIZATION AND WEATHER DELAYS ARE NEEDED, A \$14,500.00 CONTINGENCY IS INCLUDED. THE NEW CONTRACT VALUE IS \$207,900.00.)**

**APPROVED**

10. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11427, AUDIOLOG RECORDERS UPGRADE, WITH CAROLINA RECORDING SYSTEM, TO CHANGE THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$39,485.00. (THIS**

**CHANGE IS TO UPGRADE THE EXISTING AUDIOLOG RECORDER SYSTEM TO VERSION 5 IN THE FUNDED AMOUNT OF \$39,485. THIS CHANGE ALLOWS MANAGEMENT TO HAVE DESKTOP SCREEN RECORDING INTEGRATION IN A VIRTUAL PC ENVIRONMENT, AS WELL AS ALLOW THE MLGW COMMERCIAL RESOURCE CENTER AND SERVICE DISPATCH AREAS FOR CUSTOMER CALL QUALITY AND ASSESSMENT.)**

**APPROVED**

11. **RESOLUTION AWARDED SIXTY MONTH BLANKET CONTRACTS FOR THE PURCHASE OF SINGLE-PHASE POLE TYPE DISTRIBUTION TRANSFORMERS, TO HOWARD INDUSTRIES, INC. IN THE AMOUNT OF \$5,669,551.96 AND ERMCO C/O UTILITY SALES AGENCY IN THE AMOUNT OF \$2,513,454.60.**

**APPROVED**

12. **RESOLUTION AWARDED CONTRACT TO ATKINSON INDUSTRIES, INC. C/O H. V. SALES FOR THE PURCHASE OF A PREFABRICATED MODULAR STRUCTURE, IN THE AMOUNT OF \$254,529.00.**

**APPROVED**

13. **RESOLUTION AWARDED A CONTRACT TO SAFT AMERICA, INC. C/O H.V. SALES FOR A STATIONARY BATTERY, IN THE AMOUNT OF \$55,569.00.**

**APPROVED**

14. **RESOLUTION AWARDED CONTRACT NO. 11650, OVERHEAD WATER STORAGE TANK PAINT INSPECTOR TO TANK INDUSTRY CONSULTANTS, IN THE FUNDED AMOUNT OF \$271,975.00.**

**APPROVED**

15. **RESOLUTION AWARDED A THIRTY-SIX MONTH BLANKET CONTRACT TO UNIVERSAL SCAFFOLDING AND EQUIPMENT, LLC, FOR UNDERGROUND FITTINGS, IN THE AMOUNT OF \$1,457,671.00.**

**APPROVED**

16. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11552 INFLUENZA VACCINE, TO WELLNESS FIRST, INCORPORATED, IN THE FUNDED AMOUNT OF \$36,000.00.**

**APPROVED**

17. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10927, PERPETUAL LICENSING AGREEMENT, WITH PITNEY BOWES SOFTWARE, INCORPORATED TO RENEW SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$31,067.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE PERIOD COVERING SEPTEMBER 1, 2013 TO AUGUST 31, 2014 IN THE FUNDED AMOUNT OF \$31,067.00, WHICH REFLECTS A 4% INCREASE FROM THE PREVIOUS YEAR. THE NEW CONTRACT VALUE IS \$277,695.00.)**

**APPROVED**

18. **RESOLUTION AWARDING A THIRTY-SIX MONTH CONTRACT TO TENSION ENVELOPE CORPORATION FOR UTILITY BILL ENVELOPES, IN THE AMOUNT OF \$472,140.52.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

19. **APPOINTMENTS**

**ECONOMIC DEVELOPMENT GROWTH ENGINE OF MEMPHIS & SHELBY COUNTY (EDGE)**

**APPOINTMENT**

AL BRIGHT, JR.

**REAPPOINTMENT**

JACKSON W. MOORE

**MEMPHIS CITY BEAUTIFUL COMMISSION**

**REAPPOINTMENTS**

JOHN ALEXANDER IV

LOU HENSLEE  
SYD LERNER  
ANDREW TRIPPEL

**MEMPHIS WASTEWATER HEARING AUTHORITY**

**REAPPOINTMENT**

BRIAN WALDRON

**PUBLIC ART OVERSIGHT COMMITTEE**

**APPOINTMENT**

ELIZABETH I. EDWARDS

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

**APPROVED**

20. **JOINT ORDINANCE AMENDING CHAPTER 34 OF THE 2012 JOINT BUILDING CODE FOR MEMPHIS AND SHELBY COUNTY PREVIOUSLY ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AND THE MEMPHIS CITY COUNCIL, BY MODIFYING APPLICABILITY REQUIREMENTS FOR THE RETROFITTING OF EXISTING COMMERCIAL BUILDINGS UNDERGOING ALTERATIONS OR CHANGES IN OCCUPANCY WHICH WOULD MANDATE COMPLIANCE WITH CHAPTER 34 REQUIREMENTS RELATED TO SEISMIC PROTECTION AND SETTING A NEW EFFECTIVE DATE FOR ALL OF THE STRUCTURAL PROVISION OF THAT CODE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5533

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

**APPROVED**

21. **JOINT ORDINANCE AMENDING THE 2012 JOINT EXISTING BUILDING CODE FOR MEMPHIS AND SHELBY COUNTY BY MODIFYING REQUIREMENTS FOR RETROFITTING OF CERTAIN EXISTING COMMERCIAL BUILDINGS UNDERGOING ALTERATIONS OR CHANGES IN OCCUPANCY WHICH WOULD MANDATE COMPLIANCE WITH SEISMIC PROTECTION REQUIREMENTS AND SETTING A NEW EFFECTIVE DATE FOR ALL OF THE STRUCTURAL PROVISION OF THAT CODE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5534

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

**APPROVED**

23. **RESOLUTION APPROVING ACTUARIAL FUNDING TO THE RETIREMENT AND PENSION SYSTEM IN THE AMOUNT OF \$30,705,469.00 FOR THE 2013 PLAN YEAR.**

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

**APPROVED**

24. **RESOLUTION TRANSFERRING AND APPROPRIATING \$60,000.00 IN CONTRACT CONSTRUCTION FROM CIP PROJECT NUMBER PK07092, CITY PARK REHAB AND MAINTENANCE TO CIP PROJECT NUMBER PK01026, GASTON COMMUNITY CENTER REPAIRS, FUNDED BY G.O. BONDS GENERAL.**

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

**APPROVED**

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

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

**APPROVED**

26. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$398,667.00 FROM SHELBY COUNTY GOVERNMENT THROUGH THE U. S. DEPARTMENT OF JUSTICE FOR THE FY 2013 LOCAL EDWARD BYRNE JUSTICE ASSISTANCE PROGRAM.**

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

**APPROVED**

27. **RESOLUTION AMENDING THE FY 2014 CIP BUDGET BY TRANSFERRING A CONSTRUCTION ALLOCATION OF \$3,000,000.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) FROM DRAINAGE-ST, PROJECT NUMBER ST03006 TO DRAIN MAINTENANCE-HEAVY EQUIPMENT FACILITY EXPANSION, PROJECT NUMBER ST04047, \$300,000.00 TO A&E, \$2,500,000.00 TO CONSTRUCTION, \$150,000.00 TO FURNITURE, FIXTURE & EQUIPMENT AND \$50,000.00 TO INFORMATION TECHNOLOGY TO CREATE ADDITIONAL WORK/OFFICE SPACE AS WELL AS ADDING EQUIPMENT MAINTENANCE SPACE TO SUPPORT THE INCREASED STAFFING LEVELS AND OPERATIONS AT DRAIN MAINTENANCE-HEAVY EQUIPMENT FACILITY.**

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

**APPROVED**

28. **RESOLUTION AMENDING THE FY 2014 CIP BUDGET BY INCREASING CAPITAL OUTLAY IN THE AMOUNT OF \$674,302.00 FUNDED BY SOLID WASTE MANAGEMENT FUND BALANCE FOR THE PURCHASE OF 15,707 96-GALLON ROLL CARTS.**

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

**APPROVED**

29. **RESOLUTION AMENDING THE FY 2014 CIP BUDGET BY REDUCING SEWER REVENUE BONDS IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 AND ESTABLISHING AN ALLOCATION FUNDED BY CAPITAL PAY GO-SEWER IN W05 120/130 42" CIPP REHAB, PROJECT NUMBER SW02114 IN THE AMOUNT OF \$1,758,732.00 FOR INSTALLATION OF CURED IN PLACE PIPE (CIPP) LINER IN A SECTION OF THE WOLF RIVER INTERCEPTOR AT I-240, NORTH OF WALNUT GROVE.**

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

**APPROVED**

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

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

Dennis Lynch, 347 N. McLean, Memphis, Tennessee 38112  
 Dr. Lynnette P. Williams, 5175 Horn Lake Road, Memphis, Tennessee 38109  
 Art Wolff, 5445 Shady Grove Terrace, Memphis, Tennessee 38120

**ADJOURNED MEETING AT 4:32 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