

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**October 1, 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, Myron Lowery, Bill Morrison, Jim Strickland and Chairman Edmund H. Ford, Jr. Reid Hedgepeth was absent.

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

**INVOCATION**

The meeting was opened with prayer by Pastor LeAndre Tabor from Greater Adelaide Baptist Church. Councilwoman Halbert presented Pastor Tabor 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 17, 2013 with the following motion:**

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

Hedgepeth was absent

**APPROVED**

- 1. **RESOLUTION RECOGNIZING SGT. WILLIAM JONES AND MS. GLORIA WATKINS FOR THEIR CONTRIBUTIONS TO OPERATION STAND DOWN MEMPHIS, INC.**

MOTION: Fullilove  
 SECOND: Collins

**APPROVED**, by unanimous voice vote

- 2. **RESOLUTION APPROVING A SUBDIVISION APPEAL LOCATED ON THE NORTHEAST CORNER OF MENDENHALL ROAD AND MINDEN ROAD, CONTAINING .77 ACRE.**

Case No. S 13-006

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

Eugene Amagliani, 4961 Minden Rd., Memphis, TN 38117  
 Charlie Oates, 4986 Minden Rd., Memphis, TN 38117

Appellant: Eugene Amagliani

Request: Overturn the decision of the Land Use Control Board on 8/8/13 which approved a proposed two-lot resubdivision

LUCB and OPD recommendation: APPROVAL of the resubdivision with conditions

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

**APPROVED**

- 3. **RESOLUTION AMENDING THE FY2014 CIP BUDGET BY TRANSFERRING AND ALLOCATING 1,500,000.00 FOR THE SOUTHBROOK MALL PROJECT.**

Friendly Amendment: This resolution will become effective subject to the legal issues regarding private use laws will be resolved

MOTION: Collins

SECOND: Morrison

**NO ACTION TAKEN**, set up as Special Item #1, but withdrawn

**Councilman Collins stated that he would like do this without objection. After Council discussion, Councilwoman Fullilove objected. Councilman Collins then made this in the form of a motion. After further discussion of this item, Councilwoman Fullilove withdrew her objection, so Councilman Collins motion became a Friendly Amendment. Since Councilwoman Fullilove withdrew her objection, Special Item #1 was withdrawn.**

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

**APPROVED**, as amended

4. **RESOLUTION CREATING A PROGRAM TO LEVERAGE THE FEES PAID FOR “INNER CITY ECONOMIC DEVELOPMENT” BY APPLICANTS EQUAL TO 5% OF PERSONAL PROPERTY TAXES ABATED UNDER PILOT AGREEMENTS TO SPUR ECONOMIC DEVELOPMENT IN DISTRESSED NEIGHBORHOODS BY IMPROVING THE QUALITY OF INNER CITY COMMERCIAL CORRIDORS AND NEIGHBORHOOD SERVING BUSINESS AND TRANSFERRING \$508,389.21 TO EDGE AND ALLOWING FUTURE FEES PAID TO `REMAIN WITH EDGE TO BE USED FOR THIS PROGRAM.**

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

Eric Robertson, 1223 Fountain Court, Memphis, TN 38106

MOTION: Fullilove – Without objection hold for two weeks  
 SECOND: Lowery

**Councilwoman Halbert and Councilman Flinn objected, so a vote was taken.**

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

**FAILED**. Set up as Special Item #2

MAIN MOTION: Halbert  
 SECOND: Brown  
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Halbert, Harris, Lowery, Morrison,

Strickland and Chairman Ford  
Fullilove did not cast a vote  
Hedgepeth was absent

**APPROVED**, as amended

**CONSENT AGENDA – Items 5, 6 & 35 may be acted upon by one motion: SEE PAGE 2745 FOR ROLL CALL**

- 5. RESOLUTION approving final plat of SOUTH JUNCTION APARTMENTS, LOTS 1 & 2.  
Case No. SCID 13-03  
Contract No. CR-5203

Resolution approving the final plat located on the NE and SW corners of Florida Street and Carolina Avenue. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

**APPROVED**

- 6. NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:

A. Case No. SUP 13-313 – University of Scholars

Public Hearing Set for October 15, 2013

- 35. **ORDINANCE TO AMEND CHAPTER 2, ARTICLE IX, CODE OF ORDINANCES SO AS TO UPDATE THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM SECTIONS, UP FOR F I R S T READING.**

Ordinance No. 5536

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 7-10 & 13-25 may be acted upon by one motion:**

7. **RESOLUTION AWARDDING CONTRACT NO. 11649, ADA UPGRADES AT FOUR COMMUNITY OFFICES TO A & B CONSTRUCTION COMPANY, INCORPORATED, IN THE FUNDED AMOUNT OF \$272,710.00.**

**APPROVED**

8. **RESOLUTION AWARDDING CONTRACT NO.11646, INSTALLATION OF 25K UNDERGROUND GALLON FUEL TANK, TO THE SOUTHERN COMPANY, INCORPORATED, IN THE FUNDED AMOUNT OF \$295,905.00.**

**APPROVED**

9. **RESOLUTION AWARDDING A CONTRACT TO H & E EQUIPMENT SERVICES, FOR FOUR DIESEL-POWERED PORTABLE AIR COMPRESSORS, IN THE AMOUNT OF \$76,428.00.**

**APPROVED**

10. **RESOLUTION AWARDDING A CONTRACT TO ALTEC INDUSTRIES INC., FOR THE PURCHASE OF A MINI DERRICK, IN THE AMOUNT OF \$121,250.00.**

**APPROVED**

11. **RESOLUTION APPROVING PAYMENT OF MLGW'S ON-GOING COMMITMENT TO THE GREATER MEMPHIS CHAMBER TO FACILITATE ECONOMIC AND COMMUNITY DEVELOPMENT IN MEMPHIS AND SHELBY COUNTY, IN THE FUNDED AMOUNT OF \$175,000, TO COVER THE SERVICES RENDERED BY THE GREATER MEMPHIS CHAMBER FOR THE PERIOD SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2013.**

**Back to Committee on October 15, 2013**

12. **RESOLUTION APPROVING MLGW TO PAY THE GREATER MEMPHIS CHAMBER \$80,000 TO SUPPORT INDUSTRIAL RECRUITMENT, DEVELOPMENT AND EXPANSION OF BUSINESS AND INDUSTRY IN THE MEMPHIS/SHELBY COUNTY AREA. THROUGH TVA CONTRACT NO. 7668, BETWEEN MLGW AND TVA, TVA WILL REIMBURSE MLGW \$40,000.00. THIS ALLOWS MLGW TO LEVERAGE ITS MONEY WITH TVA FUNDS TO REINFORCE LOCAL ECONOMIC DEVELOPMENT EFFORTS BY ATTRACTING NEW COMPANIES AND INVESTMENT AND SUPPORTING EXISTING BUSINESS GROWTH. THE EFFORT IS OUTLINED IN A SCOPE OF WORK THAT COVERS THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.**

**Back to Committee on October 15, 2013**

13. **RESOLUTION AWARDING CONTRACT NO. 11647, BLANKET CONTRACT DRILLED PIER FOUNDATION, TO RELIABLE CONSTRUCTORS, INCORPORATED, IN THE FUNDED AMOUNT OF \$250,000.00.**

**APPROVED**

14. **RESOLUTION AWARDING CONTRACT NO. 11657, GENERATOR REPAIR SERVICES, TO CUMMINS MID-SOUTH, IN THE FUNDED AMOUNT OF \$212,625.00.**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11501, GEOTECHNICAL INVESTIGATION, WITH PROFESSIONAL SERVICE INDUSTRIES, INCORPORATED, IN THE FUNDED AMOUNT OF \$15,000.00. (THIS CHANGE IS TO RENEW THE CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD OCTOBER 16, 2013 TO OCTOBER 15, 2014, WITH NO INCREASE FROM THE PREVIOUS YEAR.)**

**APPROVED**

16. **RESOLUTION AWARDING CONTRACT NO. 11623, VARIABLE FREQUENCY DRIVE AND MOTOR HIGH SERVICE PUMP UPGRADE-DAVIS, TO SHELBY ELECTRIC COMPANY, IN THE FUNDED AMOUNT OF \$477,289.00.**

**APPROVED**

17. **RESOLUTION APPROVING AN AMENDMENT TO A CONTRACT BETWEEN MEMPHIS LIGHT, GAS AND WATER AND GDS ASSOCIATES, INC., FOR PROFESSIONAL CONSULTING SERVICES, TO ASSIST MLGW WITH PREPARATION FOR NERC PROCESS AND PROCEDURE IMPLEMENTATION, TECHNICAL STUDIES AND EVALUATIONS, AND READINESS ASSESSMENTS. EXPENDITURES UNDER THE CONTRACT HAD BEEN CAPPED AT \$722,000.00 THROUGH DECEMBER 31, 2014. THIS AMENDMENT RAISES THE CAP ON EXPENDITURES BY AN ADDITIONAL \$100,000.00, FOR A TOTAL NOT TO EXCEED \$822,000.00.**

**APPROVED**

18. **RESOLUTION AWARDING A TWENTY-FOUR MONTH BLANKET CONTRACT TO CHM INDUSTRIES, INC. D/B/A KEYSTONE POLES, FOR PAINTED STEEL POLES, IN THE AMOUNT OF \$1,106,917.60.**

**APPROVED**

19. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11378, RISK MANAGEMENT BROKER, TO MARSH, IN THE FUNDED AMOUNT OF \$323,097.00. (THIS CHANGE RENEWS THE STOP LOSS COVERAGE FOR WORKER'S COMPENSATION INSURANCE FOR AN ADDITIONAL TERM COVERING THE PERIOD OCTOBER 1, 2013 THROUGH OCTOBER 1, 2014 WITH A 15% RATE INCREASE FROM THE PREVIOUS YEAR. THIS INCREASE IS DUE TO RISING MEDICAL COSTS, ALONG WITH THE FACT THAT EXCESS WORKERS COMPENSATION IS A VERY VOLATILE LINE OF COVERAGE WHICH IS DRIVING THE RATE INCREASES.)**

**APPROVED**

20. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10961, BMC COMBINED SOFTWARE PRODUCTS, WITH BMC SOFTWARE DISTRIBUTION INCORPORATED, IN THE FUNDED AMOUNT OF \$28,968.86, WHICH REFLECTS A 0.6% DECREASE FROM 2010. (THIS CHANGE IS TO RENEW LICENSE, SUPPORT, AND MAINTENANCE FEES FOR THE PERIOD COVERING OCTOBER 31, 2013 THROUGH OCTOBER 30, 2016.)**

**APPROVED**

21. **RESOLUTION AWARDED A CONTRACT TO UNICO TECHNOLOGY, LLC, FOR A SECURITY APPLICATION SUITE, IN THE AMOUNT OF \$350,667.50.**

**APPROVED**

22. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11179, BUSINESS OBJECTS SOFTWARE LICENSE AND RELATED SERVICE AGREEMENT, WITH SAP PUBLIC SERVICES, INCORPORATED, IN THE FUNDED AMOUNT OF \$31,813.21, WITH NO INCREASE IN PRICE FROM THE PREVIOUS YEAR. (THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE FOR THE SAP BUSINESS OBJECTS WEB INTELLIGENCE SOFTWARE COVERING THE PERIOD NOVEMBER 4, 2013 TO NOVEMBER 3, 2014. IN ADDITION, THIS CHANGE IS TO REMOVE ADDITIONAL MAINTENANCE SERVICES NO LONGER OFFERED AND COVERED BY SAP PUBLIC SERVICES, INCORPORATED.)**

**APPROVED**

23. **RESOLUTION AWARDED CONTRACT NO. 11673 PHYSICAL ARCHIVE STORAGE, TO VITAL RECORDS CONTROL, INCORPORATED, IN THE FUNDED AMOUNT OF \$170,125.00.**

**APPROVED**

- 24. **RESOLUTION AWARDING CONTRACT NO. 11680, SATORI SOFTWARE AGREEMENT TO SATORI SOFTWARE COMPANY, IN THE FUNDED AMOUNT OF \$64,334.00.**

**APPROVED**

- 25. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11537, PROFESSIONAL SERVICES SUPPORT WITH NEXTECH SOLUTIONS, TO INCREASE THE CONTRACT VALUE IN THE FUNDED AMOUNT OF \$280,000.00. (THIS CHANGE IS NEEDED TO PERFORM ADDITIONAL SERVICES REQUIRED FOR THE MAXIMUM ALLOWABLE OPERATING PRESSURE (MAOP) TRANSMISSION INTEGRITY PROJECT, AS A RESULT OF FEDERAL MANDATES BY THE DEPARTMENT OF TRANSPORTATION (DOT) PIPELINES AND HAZARDOUS MATERIAL SAFETY ADMINISTRATION (PHMSA) BULLETIN.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Fullilove – Take items 11 and 12 back to Committee

**APPROVED**, without objection, items 11 and 12 will be sent back to Committee

MAIN MOTION: Fullilove

SECOND: Flinn

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

**APPROVED**, as amended

- 26. **APPOINTMENTS**

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

**Reappointment**

Johnny B. Moore

**MEMPHIS CITY BEAUTIFUL COMMISSION**

**Reappointment**

Deni Carr Reilly  
Damone Virgilio

**MEMPHIS WASTEWATER HEARING AUTHORITY****Reappointment**

Cletea Scott-Woodfork

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

**APPROVED**

27. **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 T H I R D AND F I N A L READING.**

Ordinance No. 5535

MOTION: Strickland – Delay for 6 months. The first meeting in April  
 2014  
 SECOND: Flinn

**Chairman Ford asked if we could do this without objection. Councilman Lowery objected.**

**NO ACTION TAKEN**, set up as Special Item #3

MOTION: Lowery – Delay until the first meeting in December, 2013  
 SECOND: Harris  
 AYES: Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Harris, Lowery and Chairman Ford  
 NAYS: Flinn, Morrison and Strickland  
 Hedgepeth was absent

**APPROVED**, item delayed until December 3, 2014, set up as Special Item #4

28. **RESOLUTION APPROPRIATING \$3,000,000.00 FUNDED BY G.O. BONDS GENERAL CHARGEABLE TO THE FY2014 CAPITAL IMPROVEMENT BUDGET TO THE CLEABORN POINTE AND HERITAGE LANDING/HERITAGE TRAILS PROJECT.**

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

**APPROVED**

30. **RESOLUTION TO INTRODUCE MINIMAL TRANSITIONAL PLAN DESIGN CHANGES TO THE CITY'S BASIC AND PREMIER PPO PLANS, ADJUST TOTAL PREMIUM RATES BY PLAN, AND "BREAKEVEN" PROJECTED CALENDAR YEAR (CY) REVENUES WITH EXPENSES.** (Held from 6/18; 9/3)

Held until November 5, 2013

29. **RESOLUTION APPROVING THE CITY OF MEMPHIS DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT'S LEASES AND/OR SUB-LEASES OF MEMPHIS CITY PROPERTY THAT MAY BE SUBJECT TO THE CITY OF MEMPHIS ORDINANCE 2-291 RELATING TO REAL PROPERTY FOR FY2014.**

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

**APPROVED**

31. **RESOLUTION AMENDING THE FY2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$460,666.00 FUNDED BY G.O. BONDS-GENERAL (STORM WATER) FROM BRIDGE REPAIR STORM WATER, PROJECT NUMBER ST03083, TO REPAIR THE FOOTING ON RIVERGATE BRIDGE OVER NONCONNAH CREEK.**

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

**APPROVED**

32. **RESOLUTION AMENDING THE FY2014 OPERATING BUDGET BY TRANSFERRING \$192,610.00 FROM SALARIES AND BENEFITS FOR (3) HEAVY EQUIPMENT MECHANICS AND (1) LEAD HEAVY EQUIPMENT MECHANIC FROM SOLID WASTE MANAGEMENT AND INCREASING THE HEAVY EQUIPMENT PERSONNEL BUDGET BY \$297,415.00.**

MOTION: Morrison  
 SECOND: Fullilove  
 AYES: Collins, Conrad, Fullilove, Halbert, Harris, Lowery, Morrison and Chairman

Ford  
Boyd abstained  
Brown, Flinn and Strickland did not cast a vote  
Hedgepeth was absent

**APPROVED**

33. **RESOLUTION AMENDING THE FY2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$2,955,850.00 FUNDED BY G.O. BONDS-GENERAL TO COMPLETELY UPGRADE THE ELECTRICAL COMPONENTS AT THE CYPRESS CREEK PUMP STATION.**

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

**APPROVED**

34. **RESOLUTION APPROPRIATING \$300,000.00 IN OTHER PROJECT COST FUNDED BY G.O. BONDS GENERAL TO CONTINUE THE IMPLEMENTATION OF THE URBAN ART PLAN, CIP PROJECT NUMBER EN01003, CHARGEABLE TO FY2014 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

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

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

Steven Simmons, 781 Leath St., Memphis, TN 38107  
Dr. Lynnette P. Williams, 5175 Horn Lake Road, Memphis, TN 38109

**ADJOURNED MEETING AT 5:53 P.M.**



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

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C H A I R M A N

Attest:

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Deputy Comptroller/Council Records