

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

November 4, 2014

3:30 P.M. SCHEDULED SESSION

3:31 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Rev. Doug Williams from Risen Savior Ministry. Councilman Collins presented Rev. Williams 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 October 21, 2014 with the following motion:

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

APPROVED

- 33. **ORDINANCE TO SET FOURTH UNIFORM REQUIREMENTS FOR TRANSPORTATION NETWORK SERVICES; TO DEFINE TRANSPORTATION NETWORK SERVICES, APPLICATIONS, COMPANIES, AND OPERATORS AND TO CREATE REGISTRATION PROVISIONS FOR OPERATORS; AND TO PROVIDE FOR OTHER RELATED MATTERS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5569

Held until November 18, 2014

- 34. **JOINT ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MEMPHIS AND THE BOARD OF COMMISSIONERS FOR SHELBY COUNTY TENNESSEE AMENDING THE 2012 MEMPHIS AND SHELBY COUNTY RESIDENTIAL CODE, AS ADOPTED BY REFERENCE IN THE 2012 MEMPHIS AND SHELBY COUNTY BUILDING CODE AND AS LOCALLY AMENDED, RELATING TO SEISMIC DESIGN AND CONSTRUCTION ELEMENTS OF ONE AND TWO FAMILY DWELLINGS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5570

Held until December 2, 2014

- 2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 3510 ELVIS PRESLEY BLVD., CONTAINING 1.90 ACRES IN THE CMU-3 DISTRICT. (HELD FROM 10/21)**

Case No. SUP 14-231

Applicant: Babak Makki
David Bray – Representative

Request: To allow a used auto sales within a CMU-3 zoning district

LUCB and OPD recommendation: APPROVAL, with conditions

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

FAILED

- 1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR MR. & MRS. KARL AND GAIL SCHLEDWITZ.**

MOTION: Harris
SECOND: Strickland

APPROVED, unanimous voice vote

38. **APPOINTMENT**

DIRECTOR OF GENERAL SERVICES

APPOINTMENT

ANTONIO ADAMS

MOTION: Hedgepeth

SECOND: Ford

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

APPROVED

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 3695 AUSTIN PEAY HIGHWAY, 1,580 FEET SOUTH OF LAKEHURST, CONTAINING 1.17 ACRES IN THE COMMERCIAL MIXED USE-1 (CMU-1) DISTRICT.**

Case No. SUP 14-228

Applicant: TV6 Signal Source Towers, LLC/dba Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred eighty foot (180') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Brown

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

APPROVED

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 2246 N. GERMANTOWN PARKWAY, CONTAINING 1.15 ACRES OF VACANT LAND IN THE RESIDENTIAL URBAN (RU-3) DISTRICT.**

Case No. PD 14-314

Applicant: Raj Patel
Prime Development Group, Inc. – Representative

Request: Planned Development to permit Commercial Mixed Use-2 (CMU-2) District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

5. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR DAYS INN AND SUITES LOCATED AT 3685 AMERICAN WAY, MEMPHIS, TN 38118.**

Case No. HMW 14-06

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

APPROVED

CONSENT AGENDA – Items 6 -12 may be acted upon by one motion: SEE PAGE 3125 FOR ROLL CALL

6. **ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO LIMIT PARTICIPATION IN THE CITY PENSION SYSTEM 1978 PLAN TO PARTICIPANTS WITH 10 OR MORE YEARS OF SERVICE AND CREATE A SEPARATE ACCOUNT FOR PARTICIPANTS WITH LESS THAN 10 YEARS OF SERVICE EQUAL TO THEIR EMPLOYEE CONTRIBUTIONS PLUS THE MULTIPLE EARNED AS OF JUNE 30, 2015, UP FOR F I R S T READING.**

Ordinance No. 5571

APPROVED, on First reading

7. **ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, GOVERNING THE CITY PENSION SYSTEM TO PROVIDE A 2016 CASH BALANCE PLAN AND A 2016 DEFINED CONTRIBUTION PLAN, UP FOR F I R S T READING.**

Ordinance No. 5572

APPROVED, on First reading

8. **ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, GOVERNING THE CITY PENSION SYSTEM TO PROVIDE A 2016 CASH BALANCE PLAN AND A 2016 DEFINED CONTRIBUTION PLAN, UP FOR F I R S T READING.**

Ordinance No. 5573

APPROVED, on First reading

9. **ORDINANCE TO REQUIRE APPROVAL FOR MLG&W CONTRACTS WITH OTHER MUNICIPALITIES, PARTICULARLY CONTRACTS INVOLVING COLLECTION OF VARIOUS MUNICIPAL CHARGES, UP FOR F I R S T READING.**

Ordinance No. 5574

APPROVED, on First reading

10. **ORDINANCE REZONING THE SOUTHWEST CORNER OF SUMMER AVENUE AND VAUGHN ROAD, CONTAINING 0.28 ACRE IN THE RESIDENTIAL SINGLE FAMILY (R-6) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 14-104

Ordinance No. 5575

(Companion Case SUP 14-232)

APPROVED, on First reading

11. **RESOLUTION ACCEPTING BARRY/SHADY GROVE S/D AND AUTHORIZING RELEASE OF BOND.**

Case No. S 12-003

(Contract No. CR-5206)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the northeast corner of Barry Road and Shady Grove Road. The standard improvement contract was approved on November 19, 2013. Resolution also authorizes the release of the certificate of deposit in the amount of \$50,800.00.

City Engineer recommends approval

APPROVED

12. **RESOLUTION ACCEPTING FOREST HILL HEIGHTS PD, 3RD AMENDMENT, PHASE 2 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 11-320cc
(Contract No. CR-5191)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Forest Hill and Winchester. The standard improvement contract was approved on August 21, 2012. Resolution also authorizes the release of the letter of credit in the amount of \$619,000.00.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

FISCAL CONSENT AGENDA – Items 13 - 15 may be acted upon by one motion:

13. **RESOLUTION ACCEPTING A DONATION OF FOUR (4) BLACK RECLINERS FOR FIRE STATION #50 FROM ASHLEY FURNITURE HOMESTORE. ALL DONATIONS HAVE AN ESTIMATED VALUE OF \$1,710.32.**

APPROVED

14. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$5,000.00 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION, GOVERNOR'S HIGHWAY SAFETY OFFICE FOR POLICE SERVICES.**

APPROVED

15. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$15,078.00 FOR HIGH INTENSITY DRUG TRAFFICKING PROGRAM (HIDTA) FOR POLICE SERVICES.**

APPROVED

FISCAL CONSENT ROLL CALL ITEMS

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

APPROVED**MLGW FISCAL CONSENT – Items 16 - 31 may be acted upon by one motion:**

16. **RESOLUTION REQUESTING APPROVAL OF AN INVOICE PAYMENT TO SERVICE ELECTRIC COMPANY FOR CONTRACT NO. 11613, EMERGENCY STORM RESTORATION AGREEMENT, BASED ON AGREED UPON RATES, IN THE TOTAL FUNDED AMOUNT OF \$432,664.49.**

APPROVED

17. **RESOLUTION AWARDING A TWENTY-FOUR MONTH CONTRACT TO METRO MATERIALS, INC., FOR THE PURCHASE OF CEMENT TREATED BASE, IN THE APPROXIMATE AMOUNT OF \$360,126.00.**

APPROVED

18. **RESOLUTION AWARDING CONTRACT NO. 11703, ADMINISTRATION BUILDING UPS GENERATOR REPLACEMENT, TO PYRAMID ELECTRIC, INCORPORATED, IN THE FUNDED AMOUNT OF \$1,945,000.00.**

APPROVED

19. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11331, CREDIT INFORMATION SERVICES, WITH EXPERIAN INFORMATION SOLUTIONS, IN THE FUNDED AMOUNT OF \$55,000.00. (THE INITIAL TERM OF THIS CONTRACT WAS FOR A 60-MONTH PERIOD FROM THE DATE OF THE NOTICE TO PROCEED IN THE FUNDED AMOUNT OF \$250,000.00. THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT VALUE IN THE FUNDED AMOUNT OF \$55,000.00 THROUGH THE CURRENT TERM, WHICH ENDS JUNE 30, 2015. THE CHANGE IS NEEDED TO REPLENISH FUNDS USED DUE TO AN INCREASE IN THE VOLUME OF CREDIT ASSESSMENTS.)**

APPROVED

20. **RESOLUTION REQUESTING ADVANCED APPROVAL TO ASSIST IN EXPEDITING THE MATERIAL REQUISITION NECESSARY TO INSTALL LIGHT EMITTING DIODE (LED) STREET LIGHTING INFRASTRUCTURE TO ACCOMMODATE THE**

SOUTH CORDOVA ANNEXATION AND THE ELVIS PRESLEY BOULEVARD BEAUTIFICATION PROJECT. RESOLUTION ALSO REQUESTS APPROVAL THAT MLGW BE ALLOWED TO PURCHASE ANY ADDITIONAL ANCILLARY MATERIALS NECESSARY TO EFFECT THE INSTALLATION OF THE LED STREET LIGHTING INFRASTRUCTURE TO ACCOMMODATE THE SOUTH CORDOVA ANNEXATION AND THE ELVIS PRESLEY BOULEVARD BEAUTIFICATION PROJECT. THE TOTAL ANTICIPATED COST OF THESE ITEMS IS APPROXIMATELY \$3,500,000.

APPROVED

21. **RESOLUTION AWARDING A CONTRACT TO TESSCO, INC., FOR TELECOMMUNICATION EQUIPMENT, IN THE AMOUNT OF \$178,187.20.**

APPROVED

22. **RESOLUTION APPROVING THE SELECTION OF GOLDENTREE ASSET MANAGEMENT, LP, A PRIVATE DEBT MANAGER, TO MANAGE APPROXIMATELY \$37,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.**

APPROVED

23. **RESOLUTION APPROVING THE SELECTION OF WP GLOBAL PARTNERS PRIVATE DEBT CO-INVESTMENT FUND III TO MANAGE APPROXIMATELY \$5,000,000.00 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

24. **RESOLUTION APPROVING THE SELECTION OF MEDLEY CAPITAL LLC, A PRIVATE DEBT MANAGER, TO MANAGE APPROXIMATELY \$25,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.**

APPROVED

25. **RESOLUTION APPROVING THE SELECTION OF GOLDENTREE ASSET MANAGEMENT, LP, A PRIVATE DEBT MANAGER, TO MANAGE APPROXIMATELY \$13,000,000.00 FOR BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

26. **RESOLUTION APPROVING THE SELECTION OF COURAGE CAPITAL MANAGEMENT, LLC, A PRIVATE DEBT MANAGER, TO MANAGE**

APPROXIMATELY \$20,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.

APPROVED

27. **RESOLUTION AWARDING A SIXTY MONTH CONTRACT TO UNISOURCE WORLDWIDE, INC., FOR PAPER PRODUCTS FOR ALL MLGW WASHROOM FACILITIES, IN THE AMOUNT OF \$426,044.36.**

APPROVED

28. **RESOLUTION AWARDING A THIRTY-SIX MONTH CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR UNDERGROUND TAP AND TERMINAL KITS, IN THE AMOUNT OF \$593,934.85.**

APPROVED

29. **RESOLUTION AWARDING A TWELVE MONTH CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR CONCH XLP WIRE, IN THE AMOUNT OF \$174,607.20.**

APPROVED

30. **RESOLUTION AWARDING CONTRACT NO. 11671, WORKERS' COMPENSATION CONSULTING TO OLIVER WYMAN ACTUARIAL CONSULTING, IN THE FUNDED AMOUNT OF \$81,250.00.**

APPROVED

31. **RESOLUTION AWARDING A CONTRACT TO PRESIDIO NETWORKED SOLUTIONS, INC., FOR A F5 LOAD BALANCING SOLUTION, IN THE AMOUNT OF \$72,933.26.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

32. **APPOINTMENTS**

MEMPHIS CITY BEAUTIFUL COMMISSION

REAPPOINTMENTS

FREDERICK "TED" MCLAUGHLIN
BETHANY SMITH

MEMPHIS LANDMARKS COMMISSION

APPOINTMENT

ROSHUN A. AUSTIN

MEMPHIS WASTEWATER HEARING AUTHORITY

APPOINTMENTS

ERIN CAMPBELL
DIANE CAROL VESELY

REAPPOINTMENTS

HELEN BROUGHTON
STEPHEN P. HARCOURT
SHELTON MCGHEE, JR.
KENNETH J. ROBERTS
LAWRENCE (LARRY) J. SMITH
BRIAN WALDRON
CLETEA SCOTT-WOODFORK

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

APPOINTMENT

SCOTT FLEMING

REAPPOINTMENTS

MARGARET PRITCHARD
JAMES H. TOLES
MARY W. SHARP

MOTION: Lowery
SECOND: Hedgepeth

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

APPROVED

35. **RESOLUTION AUTHORIZING FUNDING NOT TO EXCEED \$14,501,000.00 TO THE MEMPHIS GREEN COMMUNITIES PROGRAM FROM THE CITY'S ALLOCATION OF QUALIFIED ENERGY CONSERVATION BONDS.**

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

APPROVED

36. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$998,618.00 FROM THE U. S. DEPARTMENT OF HOMELAND SECURITY.**

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

APPROVED

37. **RESOLUTION OF SUPPORT FOR EXPANDED INTER-CITY PASSENGER RAIL SERVICE BETWEEN CHICAGO AND MEMPHIS.**

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

APPROVED

(Councilwoman Fullilove made a motion to approve Same Night Minutes for Item #38, from tonight’s meeting – Special Item #1)

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

- Thomas Stennis, III, 1001 Loyola Avenue, New Orleans, LA., 70113
- William Strong, 9255 Dogwood, Memphis, Tennessee, 38139
- David Cupples, 6201 Ashley Rd., Arlington, Tennessee, 38002
- Minister Suhkara Yahweh, 870 E. McLemore Avenue, Memphis, Tennessee, 38126
- Donna K. Bohannon, 5343 Sea Isle, Memphis, Tennessee, 38119
- Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 4:50 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records