

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**January 7, 2014**

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

**3:30 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 Rev. Terence Taylor from Mt. Joyner Missionary Baptist Church. Councilwoman Fullilove presented Rev. Taylor 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 December 17, 2013 with the following motion:

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

**APPROVED**

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR JUDGE W. OTIS HIGGS, JR.**

MOTION: Halbert

SECOND: Morrison

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

**APPROVED**

24. **RESOLUTION AUTHORIZING THE ACQUISITION BY THE CITY OF MEMPHIS OF INTERESTS IN AUTOZONE PARK, REQUESTING FINANCING BY THE MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION OF THE ACQUISITION PRICE, AUTHORIZING LEASES TO AND FROM SUCH CORPORATION AND TO MEMPHIS REDBIRDS, LLC, AUTHORIZING RELATED TRANSACTIONS, AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING, AND AMENDING THE DEBT MANAGEMENT POLICY AND PROCEDURES OF THE CITY WITH RESPECT TO TRANSACTIONS WITH THE CORPORATION.(HELD FROM 12/3; 12/9; 12/17)**

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

Ken McDaniel, 5338 Airways Blvd., Memphis, Tennessee, 38116  
John W. Niven, Jr., 2604 Brachton Avenue, Germantown, Tennessee, 38139  
Dr. K. T. Whalum, Jr., 1081 Wedgewood Street, Memphis, Tennessee, 38111  
Charles Fineberg, 8846 Doveland, Cordova, Tennessee, 38018  
Mike Todd, 629 Monroe Avenue, Memphis, Tennessee, 38103  
Hendrell Renus, 3106 Raines, Memphis, Tennessee, 38118  
Paul Morris, 114 N. Main, Memphis, Tennessee, 38103  
Marilyn McVeigh, 8362 Briar Creek, Germantown, Tennessee, 38139  
Bill Rhodes, 2104 W. Cherry Circle, Memphis, Tennessee, 38117  
Angela Busiop, 1439 N. Graham, Memphis, Tennessee, 38122

**(Special Item #1 – Councilman Lowery made a motion to amend this resolution with a substitute resolution, without objection).**

**(Special Item #2 – Councilman Brown offered a friendly amendment to this resolution, but after a brief discussion, he withdrew his motion).**

MAIN MOTION: Ford

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Ford, Hedgepeth, Lowery, Morrison and Chairman Strickland

NAYS: Collins, Fullilove, Halbert and Harris  
Flinn recused

**APPROVED**

- 22. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR T H I R D AND F I N A L READING. (HELD FROM 9/4; 1/8; 3/5; 3/19; 5/7; 7/16; 9/3; 12/3)**  
Ordinance No. 5456

Held until February 4, 2014

- 2. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTHWEST CORNER OF WALNUT GROVE ROAD AND WYCHEWOOD COVE.**  
Case No. S 11-015

Appellant: Jack Culp, TT and J Properties

Request: Overturn the decision of the Land Use Control Board on 10/10/13 which rejected a request to reduce the minimum front yard building setback on Lot 1 along Walnut Grove Road from 115 to 100 feet

LUCB and OPD recommendation: REJECTION of the building setback reduction

MOTION: Collins

SECOND: Brown

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

**APPROVED**

- 3. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED AT THE INTERSECTION OF WISCONSIN AVENUE AND ARKANSAS STREET, CONTAINING .32 ACRE IN THE IH DISTRICT.**  
Case No. SAC 13-606

Applicant: Henry Cooper  
David Porter – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: Approval, with conditions

MOTION: Collins

SECOND: Boyd

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

Halbert and Morrison did not cast a vote

**APPROVED**, as amended

28. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$30,000.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF HUMAN SERVICES FOR CHILD SUPPORT NONCUSTODIAL PARENT EMPLOYMENT DEMONSTRATION PROGRAM.**

MOTION: Halbert

SECOND: Boyd

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

**APPROVED**

**CONSENT AGENDA – Items 4 - 6 may be acted upon by one motion: SEE PAGE 2849 FOR ROLL CALL**

4. **JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010 AND BY SHELBY COUNTY ON 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 13-004  
Ordinance No. 5544

**APPROVED**, on First reading

5. **RESOLUTION APPROVING FINAL PLAT OF HIGHWAY 385 PLANNED DEVELOPMENT.**

Case No. PD 12-313cc

Resolution approves the final plat located on Hacks Cross, north of Highway 385. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

**APPROVED**

6. **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 13-615 – Carroll Avenue

Public Hearing Set for January 21, 2014

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 7 – 9 & 11 – 20 may be acted upon by one motion, Item #10 was voted on separately:**

7. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11495, JANITORIAL SERVICES WITH MASON PROFESSIONAL CLEANING SERVICES LLC, IN THE FUNDED AMOUNT OF \$185,803.12. (THIS CHANGE IS TO PROVIDE HOUSEKEEPING/JANITORIAL SERVICES, WINDOW CLEANING, CARPET CLEANING AND FLOOR MAINTENANCE AT VARIOUS MLGW FACILITIES. THIS CHANGE IS ALSO TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS COVERING THE PERIOD MARCH 2, 2014 TO MARCH 1, 2015 WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

**APPROVED**

8. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11502, GROUNDS MAINTENANCE WELL LOTS WITH BEAN AND PRINCE CONTRACTORS INCORPORATED, IN THE FUNDED AMOUNT OF \$67,599.14. (THIS CHANGE IS TO PROVIDE MOWING AND TRIMMING AT CURRENT AND FUTURE MLGW WELL LOTS AND TO RENEW THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS FOR THE PERIOD COVERING MAY 17, 2014 TO MAY 16, 2015. THIS CHANGE REFLECTS NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

**APPROVED**

9. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11486, GROUNDS MAINTENANCE & LANDSCAPING SERVICES WITH LANDSCAPE WORKSHOP, IN THE FUNDED AMOUNT OF \$80,896.50. (THIS CHANGE IS FOR MOWING AND TO MAINTAIN GROUNDS AND LANDSCAPING AT THE FOLLOWING MLGW LOCATIONS: 1) ADMINISTRATION BUILDING LOCATED AT 220 SOUTH MAIN STREET; 2) BEALE STREET LANDING LOCATED AT 245 SOUTH MAIN STREET; 3) 136 LINDEN STREET; AND 4) NETTERS BUILDING LOCATED AT 1665 WHITTEN ROAD. THIS IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS FOR THE PERIOD COVERING MAY 4, 2014 TO MAY 3, 2015.) (JOZELLE BOOKER)**

**APPROVED**

11. **RESOLUTION RATIFYING THE EXTENSION OF THE TERMINATION DATES AND AWARD VALUES OF PURCHASE ORDER NUMBERS 147906 IN THE AMOUNT OF \$26,000.00, AND 147908 IN THE AMOUNT OF \$10,350.00, TO NESCO SALES AND RENTALS.**

**APPROVED**

12. **RESOLUTION AWARDED CONTRACT NO. 11641, VARIABLE FREQUENCY DRIVE REPLACEMENT TO SHELBY ELECTRIC COMPANY, IN THE FUNDED AMOUNT OF \$456,550.00.**

**APPROVED**

13. **RESOLUTION APPROVING RENEWAL OF COOPERATIVE AGREEMENT NO. 5447, INVESTIGATION OF WATER RESOURCES, FOR THE PERIOD OF JANUARY 1, 2014 TO DECEMBER 31, 2014, STIPULATING THAT A SUM OF \$57,000 WILL BE FURNISHED BY THE DIVISION AND A LIKE SUM WILL BE FURNISHED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY FOR CONTINUATION OF THE GROUND WATER DATA COLLECTION PROGRAM IN THE MEMPHIS AREA.**

**APPROVED**

14. **RESOLUTION AWARDED A THIRTY-SIX MONTH BLANKET CONTRACT FOR METAL COATINGS TO SANDBLASTING & SPECIAL COATING, INC., IN THE AMOUNT OF \$299,365.10.**

**APPROVED**

15. **RESOLUTION APPROVING THE REVISIONS OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION DEBT MANAGEMENT POLICY.**

**APPROVED**

16. **RESOLUTION APPROVING THE LAW FIRM OF OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. BE EMPLOYED, ON AN "AS NEEDED" BASIS, AT THE FOLLOWING HOURLY RATES: SHAREHOLDER - \$230; ASSOCIATES - \$200; AND PARALEGALS - \$100.**

**APPROVED**

17. **RESOLUTION AWARDED A CONTRACT TO VENTURE TECHNOLOGIES FOR A CORPORATE NETWORK UPGRADE, IN THE AMOUNT OF \$1,025,758.45.**

**APPROVED**

18. **RESOLUTION AWARDING A CONTRACT TO THOMAS CONSULTANTS, INC. FOR NOVELL SOFTWARE MAINTENANCE, IN THE AMOUNT OF \$337,845.66.**

**APPROVED**

19. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11250, WASTE MANAGEMENT SERVICES WITH TRADEBE, TO EXTEND THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$125,000.00. (THE FINAL TERM OF THIS CONTRACT ENDS DECEMBER 31, 2013. TO PREVENT A LAPSE IN THE PROVISION OF THESE NEEDED SERVICES, THIS CHANGE IS BEING REQUESTED TO EXTEND THE CURRENT CONTRACT FOR THE PERIOD JANUARY 1, 2014 TO DECEMBER 31, 2014.)**

**APPROVED**

20. **RESOLUTION AWARDING CONTRACT NO. 11573, CAPLEVILLE LNG OPTIMIZATION STUDY TO CHI ENGINEERING, IN THE FUNDED AMOUNT, NOT TO-EXCEED \$195,000.00.**

**APPROVED****MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED****(Councilman Harris made a motion to vote on Item #10 separately, without objection)**

10. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11564, GROUNDS MAINTENANCE WITH VANDERBILT LANDSCAPING, IN THE FUNDED AMOUNT OF \$495,719.25. (THIS CHANGE IS TO RENEW THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS FOR THE PERIOD COVERING MAY 12, 2014 TO MAY 11, 2015, IN THE FUNDED AMOUNT OF \$495,719.25. THIS CHANGE REFLECTS NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

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

NAY: Harris

**APPROVED**

21. **APPOINTMENTS**

**MEMPHIS & SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY**

**REAPPOINTMENT**

SHAWN THOMAS

**METRO ALARM REVIEW BOARD**

**REAPPOINTMENT**

CLYDE VENSON

MOTION: Flinn

SECOND: Ford

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

**APPROVED**

23. **ORDINANCE TO EXPAND THE CLASS OF CONTRACTS COVERED UNDER THE PREVAILING WAGE ORDINANCE, ALIGN THE CITY OF MEMPHIS PREVAILING WAGE ORDINANCE WITH STATE LEVEL PREVAILING WAGE REQUIREMENTS AND AMEND SECTION 5-4-12(A) AND 5-4-12(F-1) (PREVAILING WAGE), UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5543

Held until January 21, 2014

25. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$281,693.00 FROM THE DEPARTMENT OF HOMELAND SECURITY GRANT PROGRAM TO THE DIVISION OF FIRE SERVICES – METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) TO SUPPORT THE INTEGRATION OF EMERGENCY MANAGEMENT, HEALTH AND MEDICAL SYSTEMS INTO A COORDINATED RESPONSE SYSTEM.**

MOTION: Conrad

SECOND: Boyd

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

Hedgepeth did not cast a vote

**APPROVED**

26. **RESOLUTION AMENDING THE FY2014 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING \$51,643.31 IN GRANT FUNDS PASSED THROUGH THE DIVISION OF PARKS AND NEIGHBORHOODS/MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER FOR ADVERTISING LINC/2-1-1 SERVICES.**

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

**APPROVED**

27. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS FROM FRIENDS OF THE LIBRARY FOR THE REIMBURSEMENT OF SALARY FOR AN ONLINE BOOK STORE MANAGER IN THE AMOUNT OF \$13,322.77.**

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

**APPROVED**

**(Councilwoman Fullilove made a motion to approve Same Night Minutes for Item #28, from tonight's meeting) – Special Item #3**

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

**APPROVED**

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

Chairman Strickland recognized the following person who spoke from the audience:  
 Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

**ADJOURNED MEETING AT 6:31 P.M.**

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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