

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**July 16, 2013**

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

**3:33 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Tyrone Hunt, from The Healing Cathedral Christian Church. Councilman Collins presented Pastor Hunt 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.**

**(Chairman Ford recognized members of the Bridge Builders, who were visiting in the audience).**

**MINUTES**

**Approval of the Minutes of the regular meeting of July 2, 2013 with the following motion:**

**MOTION:** Strickland  
**SECOND:** Fullilove  
**AYES:** Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Harris, Strickland and Chairman Ford

Flinn and Hedgepeth did not cast a vote  
Lowery and Morrison were absent

**APPROVED**

3. **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)**

Ordinance No. 5456

Back to Committee and Held until September 3, 2013

6. **ORDINANCE TO AMEND SECTION 25-185 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO BAN PENSION DOUBLE DIPPING, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/4; 7/2)**

Ordinance No. 5508

Held until August 20, 2013

7. **ORDINANCE TO AMEND TITLE 3 – PERSONNEL, CHAPTERS 3-8 CIVIL SERVICE AND 3-12 CIVIL SERVICE COMMISSION OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/4; 7/2)**

Ordinance No. 5511

Held until August 20, 2013

8. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO IMPROVE THE EFFECTIVENESS OF CIVIL SERVICE HEARINGS AND TO SUBMIT THE PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 5, 2013, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/4; 7/2)**

Ordinance No. 5512

Held until August 20, 2013

5. **ORDINANCE TO AMEND TITLE 6 – BUSINESS LICENSES AND REGULATIONS, CHAPTER 6-96, SECTION 1, OF THE CODES OF ORDINANCES, TO CREATE LOCAL PREFERENCE AND WORKFORCE TRAINING PREFERENCE FOR AWARD OF CITY CONTRACTS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 4/2)**

Ordinance No. 5503

Held until November 5, 2013

10. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES TO MAINTAIN THE CURRENT MONTHLY SOLID WASTE FEE FOR RESIDENTIAL UNITS, UP FOR T H I R D AND F I N A L READING.**  
Ordinance No. 5528

Held until August 20, 2013

12. **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 CAWTHON 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)**

Held until August 20, 2013

4. **ORDINANCE TO AMEND ORDINANCE NO. 5460, 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 A SPECIAL ELECTION TO BE HELD BY SEPTEMBER 30, 2013, UP FOR T H I R D AND F I N A L READING. (HELD FROM 3/5; 4/2; 7/2)**  
Ordinance No. 5495

Held until August 6, 2013

11. **RESOLUTION TO SET THE SALES TAX REFERENDUM TO ALLOCATE MONEY IN THE AMOUNT OF \$27,000,000.00 FOR PRE-KINDERGARTEN PROGRAMS AND PROPERTY TAX DECREASE IN THE AMOUNT OF \$20,000,000.00. (HELD FROM 2/5; 3/5; 4/2; 7/2)**

Held until August 6, 2013

**CONSENT AGENDA – Items 1 & 2 & #25 may be acted upon by one motion: SEE PAGE 2671 FOR ROLL CALL**

1. **ORDINANCE ESTABLISHING A REVENUE MANAGER FOR THE FINANCE DIVISION, UP FOR F I R S T READING.**  
Ordinance No. 5529

**APPROVED,** on First reading

2. **ORDINANCE TO AMEND CHAPTER 33, ARTICLE IV, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO CLARIFY ENFORCEMENT AUTHORITY FOR THE STORMWATER PROGRAM, UP FOR F I R S T READING.**

Ordinance No. 5530

**APPROVED**, on First reading

25. **ORDINANCE TO ALLOW “KIOSK” TYPE MULTI-SPACE PARKING METERS FOR ON STREET PUBLIC PARKING, UP FOR F I R S T READING.**

Ordinance No. 5531

**APPROVED**, on First reading

**ROLL CALL CONSENT ITMES**

MOTION: Strickland

SECOND: Conrad

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

**APPROVED**

13. **RESOLUTION TO AMEND THE PROPOSED CONSOLIDATED PLAN FY 2014 ANNUAL ACTION PLAN AND APPROPRIATION OF FEDERAL ENTITLEMENT FUNDS TO THE FY 2014 HOUSING AND COMMUNITY DEVELOPMENT BUDGET.**

MOTION: Brown

SECOND: Fullilove

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

**APPROVED**

**(Chairman Ford recognized Rev. Kenneth T. Whalum, Jr., who was visiting in the audience)**

14. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$197,000.00 FROM THE TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAMS FOR THE LOCAL INTERNET CRIMES AGAINST CHILDREN PROGRAM.**

MOTION: Conrad

SECOND: Boyd

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

Lowery and Morrison were absent

**APPROVED**

15. **RESOLUTION APPROPRIATING FUNDING IN THE AMOUNT OF \$108,100.00 TO PURCHASE AND DEMOLISH PROPERTY LOCATED AT 6511 HONEYBROOK, MEMPHIS, TN 38134, PARCEL ID# 089049 00002, PURSUANT TO THE RESOLUTION ADOPTED BY CITY COUNCIL ON OCTOBER 16, 2012 FOR THE FEMA/TEMA MITIGATION GRANT PROGRAM (HMGP).**

MOTION: Hedgepeth

SECOND: Boyd

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

**APPROVED**

16. **RESOLUTION AMENDING THE FY 2013 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$250,000.00 IN G.O. BONDS FROM TRAFFIC SIGNALS, PROJECT NUMBER EN01004, TO TRAFFIC SIGNAL IMPROVEMENTS TO THE INTERSECTION OF PLEASANT VIEW ROAD AND COVINGTON PIKE, PROJECT NUMBER EN01042, FOR THE PURPOSE OF MODERNIZING THE TRAFFIC SIGNAL AT THIS INTERSECTION; AND APPROPRIATING \$250,000.00 FUNDED BY G.O. BONDS TO TRAFFIC SIGNAL IMPROVEMENTS TO THE INTERSECTION OF PLEASANT VIEW ROAD AND COVINGTON PIKE, PROJECT NUMBER EN01042, FOR A CONSTRUCTION CONTRACT WITH MCCRORY ELECTRIC COMPANY.**

MOTION: Hedgepeth

SECOND: Fullilove

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

**APPROVED**

17. **RESOLUTION APPROPRIATING AND ENCUMBERING CONSTRUCTION FUNDS FOR THE CENTRAL AVENUE PEDESTRIAN ENHANCEMENTS (U OF M CROSSWALK PROJECT). ALSO, TRANSFERRING AND APPROPRIATING \$300,000.00 FROM THE CONSTRUCTION LINE ITEM TO THE A/E LINE ITEM TO PAY FOR CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES. BOTH THE CONSTRUCTION PORTION OF THIS PROJECT AND THE CEI WORK IS BEING PAID FOR WITH TENNESSEE DEPARTMENT OF TRANSPORTATION**

**(TDOT) GRANT MONEY (80%) AND TENNESSEE BOARD OF REGENTS (TBR) FUNDS (20%). THIS DOES NOT REQUIRE ANY NEW G.O. BOND MONEY FROM THE CITY OF MEMPHIS.**

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

**APPROVED**

18. **RESOLUTION TRANSFERRING AN ALLOCATION OF \$6,500,000.00 FUNDED BY G.O. BONDS-GENERAL FROM ASPHALT PAVING PW01040 TO FY 2014 ASPHALT PAVING, PROJECT NUMBER PW01248 NEEDED FOR PAVING OPERATIONS PERFORMED BY PUBLIC WORKS OR DIRECTLY BY THE STREET MAINTENANCE DEPARTMENT.**

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

**APPROVED**

19. **RESOLUTION APPROVING AN AMENDMENT TO LEASE AGREEMENT WITH PETTY REAL ESTATE, INC., AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON MAY 15, 2013. THIS AMENDMENT WILL ADD TWO (2) MORE ADDITIONAL FIVE (5) YEAR RENEWABLE OPTIONS TO THE LEASE AGREEMENT, THUS EXTENDING THE TERMINATION DATE TO DECEMBER 31, 2060.**

Contract No. CR-5198

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

**APPROVED**

20. **RESOLUTION APPROVING A THIRD AMENDMENT TO LEASE AGREEMENT WITH MID-SOUTH MILLING COMPANY, INC., AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON MAY 15, 2013. THIS AMENDMENT WILL ADD TWO (2) MORE ADDITIONAL FIVE (5) YEAR RENEWABLE OPTIONS TO THE LEASE AGREEMENT, THUS EXTENDING THE TERMINATION DATE TO DECEMBER 31, 2060.**

Contract No. CR-5199

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

**APPROVED**

21. **RESOLUTION ACCEPTING THE NIKE STATE INDUSTRIAL ACCESS ROAD IMPROVEMENTS TO BE MADE BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION.**

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

**APPROVED**

22. **RESOLUTION ACCEPTING AND APPROPRIATING \$1,150,000.00 IN GRANT FUNDS AWARDED BY THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FAST TRACK INFRASTRUCTURE DEVELOPMENT PROGRAM FOR INSTALLATION OF A NEW ELECTRICAL INFRASTRUCTURE FOR NIKE, INC.**

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

**APPROVED**

23. **RESOLUTION APPROPRIATING \$936,400.00 IN G.O. BONDS GENERAL CHARGEABLE TO THE FY 2014 CAPITAL IMPROVEMENT BUDGET FOR THE FAIRLEY ROAD PROJECT, PROJECT NUMBER PW01195.**

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

**APPROVED**

24. **RESOLUTION APPROPRIATING \$2,322,118.00 FOR A CONTRACT BETWEEN THE CITY OF MEMPHIS AND MLGW FOR RELOCATION OF THE EXISTING OVERHEAD ELECTRICAL UTILITIES IN THE NORTH SEGMENT OF ELVIS PRESLEY BOULEVARD FROM WINCHESTER ROAD TO BROOKS ROAD.**

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

**APPROVED**

9. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 2 AND 3 OF THE CODE OF ORDINANCES SO AS TO AMEND FEES AND FALSE ALARMS ALLOWABLE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5527

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

**APPROVED**

**(Special Item #1 - Councilwoman Fullilove made a motion to approve Same Night Minutes for Items #21, #22, #23 & #24, from tonight's meeting).**

MOTION: Fullilove  
 SECOND: Hedgepeth  
 AYES: Boyd, Collins, Conrad, Flinn, Halbert, Harris, Hedgepeth, Strickland and

Chairman Ford  
Brown and Fullilove did not cast a vote  
Lowery and Morrison were absent

**APPROVED**

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

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

Donna Bohannon, 5343 Sea Isle Road, Memphis, Tennessee, 38119

Brenda Fouls, 4595 Benjestown, Memphis, Tennessee, 38127

Trudy Stamps, 1801 Whatling Street, Cordova, Tennessee, 38016

**ADJOURNED MEETING AT 4:25 P.M.**



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

\_\_\_\_\_  
CHAIRMAN

Attest:

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Deputy Comptroller/Council Records