

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

**January 21, 2014**

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

**3:30 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Michael Broadnax from St. James AME Church. Councilwoman Fullilove presented Pastor Broadnax 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 January 7, 2014 with the following motion:**

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

**APPROVED**

- 17. **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 THIRD AND FINAL READING. (HELD FROM 1/7)**

Ordinance No. 5543

Held until March 18, 2014

- 23. **RESOLUTION AMENDING THE FY 2014 CIP BUDGET TO ALLOCATE AND TRANSFER \$300,000.00 TO THE DIVISION OF PUBLIC WORKS FOR THE PURCHASE OF UP TO SIX (6) COMMUNITY TRASH COMPACTORS PADS IN VARIOUS LOCATIONS IN DOWNTOWN MEMPHIS. (HELD FROM 11/19)**

Held until February 18, 2014

- 20. **RESOLUTION TO HALT FURTHER SPENDING ON LITIGATION AGAINST POTENTIAL MUNICIPAL SCHOOLS DISTRICTS IN LIGHT OF APRIL 2013 STATE LEGISLATION. (HELD FROM 12/3)**

**TABLED**

- 1. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE EAST SIDE OF DANNY THOMAS BLVD.; +-324.43 FEET NORTH OF POPLAR AVENUE, CONTAINING 0.635 ACRE IN THE HIGH DENSITY RESIDENTIAL (HDR) AND MIXED USE (MU) DISTRICTS.**

Case No. SAC 13-615

Applicant: ALSAC-St. Jude/Memphis Foods, LLC  
The Reaves Firm, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with five (5) conditions

MOTION: Collins

SECOND: Hedgepeth

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

**APPROVED**

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF RIVERDALE ROAD; +/-545.66 FEET NORTH OF E. HOLMES ROAD, CONTAINING 1.59 ACRES CURRENTLY GOVERNED BY THE VILLAGES OF BENNINGTON PLANNED DEVELOPMENT, 2ND AMENDMENT (P.D. 02-332CC).**

Case No. PD 13-328cc

Applicant: City Storage East-West Connector, LLC  
Kevin Hyneman Companies – Representative

Request: Plan amendment to allow a title loan establishment within one-quarter (1/4) mile (1,320 feet) of a residential district

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Boyd

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

**APPROVED**

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF HOUSTON LEVEE ROAD; +/-568 FEET SOUTH OF WOODLAND HILLS DRIVE, CONTAINING 8.93 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT.**

Case No. PD 13-329cc

Applicant: Thomas and Teri McCann  
McCaskill and Associates, Inc. – Representative

Request: Planned Development to allow a residential treatment facility and limited General Office (OG) land uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Fullilove

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

**APPROVED**

**(Chairman Strickland made a motion for items 4 – 9, be voted on together, without objection)**

4. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN JEFFERSON AVENUE ON THE SOUTH, COURT AVENUE ON THE NORTH, CLEVELAND STREET TO THE WEST AND MCNEIL STREET TO THE EAST, CONTAINING 0.379 ACRE IN THE RESIDENTIAL URBAN-4 (RU-4) DISTRICT.**

Case No. SAC 13-608

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate the alley except for the westernmost 90 feet nearest to Cleveland Street

LUCB and OPD recommendation: APPROVAL, with conditions

5. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED +/-130 FEET EAST OF CLEVELAND STREET. THE ALLEY RUNS NORTH-SOUTH BETWEEN WASHINGTON AVENUE AND JOY PLACE ALLEY, CONTAINING 0.052 ACRE IN THE RESIDENTIAL URBAN-4 (RU-4) AND COMMERCIAL MIXED USE-3 (CMU-3) DISTRICTS.**

Case No. SAC 13-609

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

6. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING +/-100 FEET OF N. WATKINS STREET. THE ALLEY RUNS BETWEEN WASHINGTON AVENUE ON THE NORTH AND JOY PLACE ALLEY ON THE SOUTH, CONTAINING 0.041 ACRE IN THE RESIDENTIAL URBAN-4 (RU-4) DISTRICT.**

Case No. SAC 13-610

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

7. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING AT MCNEIL AND EXTENDING WEST +/-547 FEET, CONTAINING 0.502 ACRE IN THE RESIDENTIAL URBAN-4 (RU-4) DISTRICT.**

Case No. SAC 13-611

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

8. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE ON JEFFERSON AVENUE BETWEEN N. WATKINS STREET AND MCNEIL STREET, CONTAINING 0.74 ACRE IN THE RESIDENTIAL URBAN-4 (RU-4) AND COMMERCIAL MIXED USE-1 (CMU-1) DISTRICTS.**

Case No. SAC 13-612

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

9. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE OF JOY PLACE ALLEY, 2 SECTIONS: LOCATED ON THE WEST HALF GENERALLY BETWEEN CLEVELAND STREET AND N. WATKINS STREET. THE EAST HALF GENERALLY BETWEEN N. WATKINS STREET AND MCNEIL STREET, CONTAINING 0.398 ACRE IN THE RESIDENTIAL URBAN-4 (RU-4) DISTRICT.**

Case No. SAC 13-613

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate alley right-of-way as described in the legal description; West section: From the west right-of-way line of N. Watkins St. extending west +/- 476.50 feet. East section: From the east right of way line of N. Watkins extending +/-647.00 feet to the west right of way line of McNeil St.

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED, Item#8 was APPROVED, as amended**

**CONSENT AGENDA – Item # 10 & #11 may be acted upon by one motion: SEE PAGE 2860 FOR ROLL CALL**

10. **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 S E C O N D READING.**

Case No. ZTA 13-004

Ordinance No. 5544

**APPROVED**, on Second reading

11. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. SUP 13-220

Public Hearing Set for February 4, 2014

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 12 - 15 may be acted upon by one motion:**

12. **RESOLUTION APPROVAL OF CHANGE NO. 1 TO CONTRACT NO. 11608, CANOPY FOR GAS EMERGENCY MATERIALS AT CAPLEVILLE LIQUIFIED NATURAL GAS WITH A & B CONSTRUCTION COMPANY INCORPORATED, IN THE FUNDED AMOUNT OF \$10,416.00. THE PROJECT SCOPE IS TO CONSTRUCT A 75' X 100' CANOPY STRUCTURE AND FOOTINGS TO COVER CRITICAL GAS EMERGENCY MATERIALS TO BE STORED AT THE MLGW CAPLEVILLE LIQUIFIED NATURAL GAS PLANT. THIS CHANGE IS TO RELOCATE AND INSTALL ADDITIONAL PROTECTIVE POSTS AROUND THE CANOPY STRUCTURE TO PROTECT IT FROM TRUCK AND HEAVY EQUIPMENT TRAFFIC.**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11489, CUSTOMER CARE CENTER TELEPHONE SERVICE, WITH AT&T, IN THE FUNDED AMOUNT OF \$132,000.00. THIS CHANGE IS TO PROVIDE 15 PRI T1 CIRCUITS FOR THE MLGW CUSTOMER CARE CENTER LOCATED AT 1665 WHITTEN ROAD, IN MEMPHIS, TENNESSEE. THIS CHANGE IS ALSO TO RENEW FOR THE FIRST OF TWO ANNUAL RENEWAL TERMS COVERING AUGUST 16, 2014 TO AUGUST 15, 2015, WITH NO INCREASE FROM THE PREVIOUS YEAR.**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 9626, DATA PROCESSING/LICENSE AGREEMENT, WITH INNOVATION DATA PROCESSING, INCORPORATED, IN THE FUNDED AMOUNT OF \$6,884.00. (THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT SERVICES WITH A 3.77% INCREASE FROM THE PREVIOUS YEAR. THE INCREASE IS THE RESULT OF INCREASED LABOR COSTS FOR THE SUPPORT SERVICES PORTION OF THE CONTRACT. THE TERM OF THE ANNUAL MAINTENANCE COVERS THE PERIOD FEBRUARY 1, 2014 TO JANUARY 31, 2015.)**

**APPROVED**

15. **RESOLUTION AWARDING CONTRACT NO. 11642, ENVIRONMENTAL CONSULTING SERVICES TO BH&M ENVIRONMENTAL CONSULTANTS, LLC, IN THE FUNDED AMOUNT OF \$2,300,000.00.**

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

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

**APPROVED**

16. **APPOINTMENTS**

**DOWNTOWN MEMPHIS COMMISSION**

**APPOINTMENT**

DENI C. REILLY

**REAPPOINTMENT**

GEORGE SHADROUI

**MEMPHIS AND SHELBY COUNTY FILM AND TELEVISION COMMISSION**

**REAPPOINTMENTS**

GALE JONES CARSON  
QURÁN N. FOLSOM  
SHERMAN GREER  
CALVIN MILLER  
SUSAN G. MURRMANN  
KEN NELSON  
PAT KERR TIGRETT  
BLANCHARD E. TUAL  
RUBY WILSON

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

**APPROVED**

18. **RESOLUTION AMENDING THE FISCAL YEAR 2014 OPERATING BUDGET BY TRANSFERRING PORTIONS OF THE APPROPRIATION OF CONSTRUCTION FUNDS FROM CMAQ YEAR 1 SIGNAL COORDINATION (EN90003) IN THE AMOUNT OF \$380,000.00, CMAQ YEAR 2 SIGNAL COORDINATION (EN90008) IN THE AMOUNT OF \$122,000.00, CMAQ YEAR 3 SIGNAL COORDINATION (EN90006) IN THE AMOUNT OF \$123,224.00 TO CMAQ YEAR 2 ISOLATED SIGNAL IMPROVEMENTS (EN90009) IN THE AMOUNT OF \$625,224.00.**

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

**APPROVED**

19. **RESOLUTION APPROPRIATING \$20,000.00 IN FUNDS FROM SHELBY COUNTY GOVERNMENT FOR CONTRACT DESIGN SERVICES PROVIDED BY THE DIVISION OF ENGINEERING FOR A TOTAL APPROPRIATION OF \$20,000.00.**

MOTION: Hedgepeth

SECOND: Ford

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

**APPROVED**

21. **RESOLUTION AMENDING THE FISCAL YEAR 2014 OPERATING BUDGET BY APPROPRIATING \$116,873.35, FOR PROCEEDS RECEIVED FROM TWO INSURANCE CLAIMS WHICH OCCURRED AT THE MEMPHIS COOK CONVENTION CENTER DURING JULY, 2013.**

MOTION: Harris

SECOND: Fullilove

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

**APPROVED**

22. **RESOLUTION APPROPRIATING \$25,000.00 IN G.O. BONDS, CAPITAL PROJECT FS02027 EMA SIRENS, TO REPAIR EMERGENCY SIRENS.**

MOTION: Collins

SECOND: Ford

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

**APPROVED**

24. **RESOLUTION ACCEPTING FEDERAL GRANT FUNDS IN THE AMOUNT OF \$7,661,379.00 TO FUND THE DESIGN AND CONSTRUCTION OF FOREST HILL IRENE ROAD FROM WALNUT GROVE ROAD TO ROCKY POINT ROAD.**

MOTION: Hedgepeth

SECOND: Ford

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

**APPROVED**

25. **RESOLUTION ACCEPTING TDOT FUNDS RELATED TO THE GRANT FOR WALKER AVENUE STREETScape PROJECT. THE TOTAL GRANT AMOUNT IS \$661,795.00, OF WHICH 80% ARE FEDERAL FUNDS AND 20% ARE LOCAL FUNDS.**

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

**APPROVED**

26. **RESOLUTION APPROPRIATING \$70,038.00 IN G.O. BONDS GENERAL (STORM WATER) FOR TIMBER CREEK DRAINAGE DISTRICT – 8151 AND 8159 WALNUT GROVE, PROJECT NUMBER ST03167, CHARGEABLE TO THE FY 2014 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

27. **RESOLUTION REQUESTING THE CITY COUNCIL CHAIRMAN TO HIRE A CONSULTING, ACTUARY OR ACCOUNTING FIRM, WHICHEVER THE COUNCIL DEEMS APPROPRIATE, TO EVALUATE THE REPORTS PROVIDED AND COMPLETE A SEPARATE ANALYSIS OF THE CITY OF MEMPHIS PENSION PLAN.**

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

**APPROVED**

28. **RESOLUTION DECLARING A POSITION OF “NO CONFIDENCE” IN RICHARD HOLDEN, SHELBY COUNTY ADMINISTRATOR OF ELECTIONS.**

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

**APPROVED**, as amended

**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 4:13 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