

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

December 3, 2013

3:30 P.M. SCHEDULED SESSION

3:36 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Pastor Brian Henderson from Parkway Gardens United Presbyterian Church. Councilman Lowery presented Pastor Henderson 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 November 19, 2013 with the following motion:

MOTION: Brown – Pull Item #48 from the Minutes and send back to Committee
SECOND: Fullilove

Chairman Ford asked if we could do this without objection. There was objection by Councilman Lowery. We set up a Special Item #1 to take a vote since there was objection, but later Councilman Lowery withdrew his objection. No special item was needed.

WITHOUT OBJECTION, Item #48 from the Minutes of November 19, 2013 was pulled and will be sent back to Committee on December 17, 2013

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

APPROVED, as amended

2. **RESOLUTION CONGRATULATING ANN C. WALL ON HER RETIREMENT AND RECOGNIZING HER FOR 44 YEARS OF SERVICE TO THE CITY OF MEMPHIS.**

Held until December 17, 2013

12. B. Case No. SUP 13-220

Held until January 21, 2014

C. Case No. SAC 13-605 – Coughlin Drive

Held until March 4, 2014

33. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR THIRD AND FINAL READING.** (Held from 9/4; 1/8; 3/5; 3/19; 5/7; 7/16; 9/3)

Ordinance No. 5456

Held until January 7, 2014

1. **PRESENTATION OF THE 2013 CITY COUNCIL HUMANITARIAN AWARD TO CORDELL WALKER.**

MOTION: Strickland
SECOND: Morrison

APPROVED, by unanimous voice vote

3. **RESOLUTION DECLARING DECEMBER 3, 2013 AS #GIVING TUESDAY.**

MOTION: Conrad
SECOND: Halbert

APPROVED, by unanimous voice vote

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF OLD RIDGEWAY ROAD; +/-2,370' SOUTH OF THE INTERSECTION WITH RIDGEWAY ROAD, CONTAINING 15.45 ACRES –LEASE AREA AND 4,225 SQ. FT. – COMPOUND AND IS REGULATED BY AREA A, LOT 7 OF RIDGEWAY-NONCONNAH CENTER PLANNED DEVELOPMENT (P.D. 05-357).**

Case No. PD 13-327

Applicant: Tower Ventures, LLC (Billy Orgel)
Michael J. Fahy – Representative

Request: CMCS Tower, 192', mono-pole Design

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Collins

SECOND: Boyd

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

APPROVED

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 3412 PARK AVENUE; NORTH SIDE OF PARK AVENUE; +/-700 FEET WEST OF HIGHLAND STREET, CONTAINING .77 ACRE IN THE COMMERCIAL MIXED USE-1 (CMU-1) DISTRICT.**

Case No. SUP 13-222

Applicant: TV6 Signal Source Tower LLC (Billy Orgel/Craig Royal)
Lou Katzerman – Tower Ventures – Representative

Request: Cellular Tower (150' Tall – Mono-pole Design)

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Collins

SECOND: Boyd

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

APPROVED

- 6. **ORDINANCE REZONING 29 W. FAY STREET, CONTAINING 0.32 ACRE IN THE R6 DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 13-08
Ordinance No. 5538

Applicant: Church of Divine Trinity
Jacqueline Hudson – Representative

Request: Rezone from R-6 District to O-G District

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Boyd

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

APPROVED

CONSENT AGENDA – Items 7-11 and 12 A, D & E may be acted upon by one motion: SEE PAGE 2809 FOR ROLL CALL

- 7. **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 F I R S T READING.**

Ordinance No. 5543

APPROVED, on First reading

- 8. **JOINT ORDINANCE TO AMEND THE ORIGINAL TEXT OF THE 2012 ICC INTERNATIONAL CODE COUNCIL RESIDENTIAL CODE RELATED TO THE REQUIREMENTS FOR SEISMIC CONSTRUCTION ELEMENTS OF WOOD FRAME ONE AND TWO FAMILY DWELLINGS. THIS ORDINANCE WOULD ESTABLISH AN ALTERNATIVE PRESCRIPTIVE METHOD FOR MEETING THOSE STRUCTURAL SEISMIC REQUIREMENTS. IT WOULD ALSO ESTABLISH THE EFFECTIVE DATE FOR THESE AMENDMENTS AS OF DECEMBER 31, 2013 OR WHEN PASSED BY THE SECOND LEGISLATIVE BODY, WHICHEVER IS LATER, UP FOR S E C O N D READING.**

Ordinance No. 5539

APPROVED, on Second reading

9. **ORDINANCE TO AMEND ORDINANCE NO. 5430, CHAPTER 15, ARTICLE 1, SECTION 15-26.1, CITY CODE OF ORDINANCES, TO DECREASE THE MONTHLY PERMIT FEE FOR DUMPSTERS FROM \$500.00 TO \$200.00, UP FOR S E C O N D READING.**

Ordinance No. 5540

APPROVED, on Second reading

10. **ORDINANCE TO AMEND SECTION 1103.2.4 OF THE 2009 INTERNATIONAL BUILDING CODE THAT PROVIDES FOR THE OCCUPANCIES SPECIFIED WITHIN THE CITY OF MEMPHIS THAT WILL REQUIRE NEWLY CONSTRUCTED SINGLE FAMILY, DUPLEX AND TRIPLEX OCCUPANCIES WITHIN THE CITY OF MEMPHIS THAT RECEIVE CITY OR FEDERAL ASSISTANCE THROUGH THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT, MEMPHIS HOUSING AUTHORITY OR THE MEMPHIS LAND BANK, INC., MUST BE CONSTRUCTED WITH DESIGN FEATURES TO MAKE THEM VISITABLE FOR PERSONS WITH MOBILITY IMPAIRMENTS, UP FOR S E C O N D READING.**

Ordinance No. 5541

APPROVED, on Second reading

11. **ORDINANCE TO AMEND CHAPTER 16, ARTICLE V, OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO UPDATE VARIOUS PROVISIONS REGARDING FOOD ESTABLISHMENTS, UP FOR S E C O N D READING.**

Ordinance No. 5542

APPROVED, on Second reading

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

- A. Case No. SD 13-702 – Looney Avenue Dedication
- D. Case No. SUP 13-223cc
- E. Case No. SUP 13-227

Public Hearing set for December 17, 2013

ROLL CALL CONSENT ITEMS

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

APPROVED, as amended. Item B will be held until January 21, 2014 and Item C will be held until March 4, 2014

MLGW FISCAL CONSENT – Items 13-31 may be acted upon by one motion:

13. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11414, ROOF MAINTENANCE, WITH B FOUR PLIED INCORPORATED, IN THE FUNDED AMOUNT OF \$25,000.00. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS COVERING THE PERIOD JANUARY 11, 2014 TO JANUARY 10, 2015. IN ADDITION, THIS CHANGE REFLECTS NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11491, SYSTEM FURNITURE, WITH STAPLES, IN THE FUNDED AMOUNT OF \$271,434.00. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS COVERING THE PERIOD JANUARY 23, 2014 TO JANUARY 22, 2015, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11545, WELD TESTING AND INSPECTION SERVICES, WITH AMERICAN INDUSTRIAL TESTING, LLC, IN THE FUNDED AMOUNT OF \$10,127.50. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11516, TIRE AND TIRE REPAIR SERVICE, WITH SOUTHERN TIRE MART, IN THE FUNDED AMOUNT OF \$959,373.59. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

17. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11413, SURVEYING SERVICES, WITH BENCHMARK-OLLAR SURVEYING, IN THE FUNDED AMOUNT OF \$190,175.00. (THIS CHANGE IS TO ADD ADDITIONAL FUNDS DUE TO AN INCREASE IN THE PROJECTED WORKLOAD RELATIVE TO PREPARING EASEMENT AND CONSTRUCTION SURVEYING, INVOLVING THE NIKE AND KTG EXPANSION PROJECTS.**

THE FUNDS WILL BE ADDED TO THE CURRENT CONTRACT TERM WHICH ENDS JANUARY 18, 2014 IN THE FUNDED AMOUNT OF \$50,000.00. IN ADDITION, THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS FOR THE PERIOD COVERING JANUARY 19, 2014 TO JANUARY 18, 2015 IN THE FUNDED AMOUNT OF \$140,175.00. THIS CHANGE REPRESENTS A 3% INCREASE IN RATES FROM THE PREVIOUS YEAR DUE TO OPERATING COSTS INCLUDING INSURANCE, FUEL, SOFTWARE AND FIELD SUPPLIES.)

APPROVED

18. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11639, MCCORD PUMPING STATION SEWER UPGRADES, WITH MADDEN-PHILLIPS CONSTRUCTION, INCORPORATED, IN THE FUNDED AMOUNT OF \$1,720.50. (DUE TO UNFORESEEABLE CONDITIONS ENCOUNTERED AT THE BEGINNING OF CONSTRUCTION, THIS CHANGE IS NECESSARY TO RAISE THE HEIGHT OF THE MANHOLE TO GRADE.)**

APPROVED

19. **RESOLUTION AWARDDING CONTRACT TO GEO-JOBE G.I.S. CONSULTING FOR GLOBAL POSITIONING SYSTEM (GPS) HANDHELD DEVICES, IN THE FUNDED AMOUNT OF \$97,950.00.**

APPROVED

20. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11582, PROGRAMMABLE LOGIC CONTROLLER (PLC) MAINTENANCE, WITH LOGICAL SYSTEMS INCORPORATED, IN THE FUNDED AMOUNT OF \$30,000.00. (THIS CHANGE IS TO REQUEST APPROVAL OF PAYMENT FOR SERVICES RENDERED IN EXCESS OF THE ORIGINAL CONTRACT APPROVAL AMOUNT. THE SERVICES INCLUDED PROGRAMMING OF THE DISTRIBUTE CONTROL SYSTEM (DCS) WHICH OPERATES AND CONTROLS THE PLANT PROCESS EQUIPMENT IN THE AMOUNT OF \$8,228.00. IN ADDITION, THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 4, 2014 THROUGH JANUARY 3, 2015 IN THE FUNDED AMOUNT OF \$21,772.00. THIS RENEWAL REPRESENTS A 2.64% INCREASE IN RATES FROM THE PREVIOUS YEAR DUE TO INCREASED OPERATIONAL COST WHICH INCLUDES INSURANCE PREMIUM COVERAGE.)**

APPROVED

21. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11453, VOICE AND DATA SERVICES, WITH AT&T, INC., IN THE FUNDED AMOUNT OF \$636,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD AND FOURTH RENEWAL TERMS COVERING THE PERIOD JULY 11, 2014 THROUGH JULY 10, 2016, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

22. **RESOLUTION AWARDED A TWELVE MONTH BLANKET CONTRACT TO MUELLER COMPANY, LLC FOR FIRE HYDRANTS, IN THE FUNDED AMOUNT OF \$518,863.22.**

APPROVED

23. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11500, TEMPORARY SERVICE FOR CLERICAL SUPPORT, WITH KELLY SERVICES, IN THE FUNDED AMOUNT OF \$827,790.00. (THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT VALUE FOR 20 STREET LIGHT SERVICE ADVISOR POSITIONS THROUGH THE CURRENT TERM OF DECEMBER 31, 2013 IN THE FUNDED AMOUNT OF \$21,004.80. THIS CHANGE IS ALSO TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS COVERING THE PERIOD JANUARY 4, 2014 TO JANUARY 3, 2015 IN THE FUNDED AMOUNT OF \$721,453.20, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. IN ADDITION, MLGW IS REQUESTING THE APPROVAL OF CONTINGENCY FUNDS IN THE AMOUNT OF \$85,332.00 FOR UNFORESEEN VACANCIES. THE NEW CONTRACT VALUE IS \$1,565,453.80.)**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11465, CONTRACT SECURITY SERVICES, WITH CDA, INCORPORATED, IN THE FUNDED AMOUNT OF \$2,944,716.72. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2014 TO DECEMBER 31, 2014, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

25. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11499, TEMPORARY SERVICE FOR GENERAL LABOR, WITH PRIDESTAFF, IN THE FUNDED AMOUNT OF \$571,523.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS COVERING THE PERIOD JANUARY 4, 2014 TO JANUARY 3, 2015 IN THE FUNDED AMOUNT OF \$518,857.00. THIS CHANGE REFLECTS A 1.48% INCREASE IN RATES DUE TO THE INCREASE OF THE FICA (SOCIAL SECURITY AND MEDICARE), FEDERAL UNEMPLOYMENT TAX, STATE UNEMPLOYMENT TAX AND WORKERS' COMPENSATION INSURANCE. IN ADDITION, MLGW IS REQUESTING THE APPROVAL OF CONTINGENCY FUNDS IN THE AMOUNT OF \$52,666.00 FOR UNFORESEEN VACANCIES. THE NEW CONTRACT VALUE IS \$1,995,408.00.)**

APPROVED

26. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11406, MANAGED PRESCRIPTION DRUG PROGRAM, WITH EXPRESS SCRIPTS, IN THE FUNDED AMOUNT OF \$38,610,037.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD AND FOURTH TERMS FOR THE PERIOD COVERING JANUARY 1, 2014 TO DECEMBER 31, 2015. THIS IS A FIVE YEAR CONTRACT WHICH ALLOWS FOR THE REQUESTED RENEWAL.)**

APPROVED

27. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11296, ENTERPRISE GIS SOFTWARE SELECTION AND INSTALLATION, WITH ENVIRONMENTAL SYSTEM RESEARCH INSTITUTE (ESRI), IN THE FUNDED AMOUNT OF \$900,000.00. (THE ELA PROVIDES ESRI'S SOFTWARE LICENSES, MAINTENANCE AND SUPPORT SERVICES FOR THE ENTERPRISE GIS SOLUTION. THIS SOLUTION PROVIDES MLGW WITH ALL OF THE INFRASTRUCTURE MAPPING OF ITS ELECTRIC, GAS, WATER, LAND, AND TELECOMMUNICATIONS INFRASTRUCTURES. MLGW IS REQUESTING APPROVAL OF CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY ESRI.)**

APPROVED

28. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10908, MOBILE DATA, WITH VENTYX, INC., IN THE FUNDED AMOUNT OF \$199,542.65. (THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT IN THE FUNDED AMOUNT OF \$199,542.65. THE TERM OF THE ANNUAL MAINTENANCE COVERS THE PERIOD JANUARY 1, 2014 TO DECEMBER 31, 2014 WITH A 1.62% INCREASE FROM THE PREVIOUS YEAR. THIS INCREASE IS DUE TO AN INCREASE IN OVERALL PRODUCT AND DELIVERY COSTS.)**

APPROVED

29. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11543, ENVIRONMENTAL ABATEMENT SERVICES WITH GENERAL CONSTRUCTION SERVICES INCORPORATED, IN THE AMOUNT OF \$3,500,000.00. (THIS CHANGE IS TO ADD ADDITIONAL FUNDS FOR UNPLANNED WORK THROUGH THE END OF THE TERM DECEMBER 31, 2013 IN THE AMOUNT OF \$300,000.00. THIS CHANGE IS ALSO TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2014 THROUGH DECEMBER 31, 2014 IN THE FUNDED AMOUNT OF \$3,200,000.00.)**

APPROVED

30. **RESOLUTION APPROVING A CLAIMS SETTLEMENT IN THE AMOUNT OF \$80,000.00.**

APPROVED

31. **RESOLUTION APPROVING A CLAIMS SETTLEMENT IN THE AMOUNT OF \$100,000.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

54. **RESOLUTION TO DESIGNATE THE FACILITY FORMERLY KNOWN AS SEARS CROSSTOWN AS A BLIGHTED FACILITY PURSUANT TO TCA 13-20-209 ET SEQ.; TO ESTABLISH THE CROSSTOWN REDEVELOPMENT PROJECT; TO ALLOCATE AND APPROPRIATE AN AMOUNT NOT TO EXCEED \$15,000,000.00 TO THE PROJECT FOR PUBLIC INFRASTRUCTURE AND OTHER BUILDING IMPROVEMENTS, AND TO AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PROCEDURES TO ESTABLISH THE PROJECT.**

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

Nadine Burton, 70 N. Bellevue, Memphis, TN 38104
 June West, 2282 Madison, Memphis, TN 38104

MOTION: Harris - \$1.5 million in local CIP

Councilman Harris withdrew his motion

MOTION: Fullilove – Hold for 2 weeks without objection
 SECOND Boyd

**Chairman Ford asked if there was any objection. There was objection.
 Councilman Boyd asked Councilwoman Fullilove if she could add to the motion, to have same night minutes for the item. She stated that she would add that to her motion**

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

FAILED, set up as Special Item #2

MOTION: Harris – Conditional upon community representation by the development board associated with this project, that there be two seats on the board for community stake holders
 SECOND: Collins

Chairman Ford asked if we could do this without objection. There was no objection. This motion will be part of the main motion.

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

APPROVED, as amended and as read into the record

53. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,325,325.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE ADULT PROGRAM.**

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

APPROVED

Councilwoman Halbert requested same night minutes for this item. Chairman Ford asked if here was any objection to having same night minutes. There was no objection. The Chairman stated that we will have same night minutes for this item.

52. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$1,681,945.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE DISLOCATED WORKER PROGRAM.**

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

APPROVED

Councilwoman Halbert requested same night minutes for this item. Chairman Ford asked if here was any objection to having same night minutes. There was no objection. The Chairman stated that we will have same night minutes for this item.

51. **RESOLUTION TO APPROVE THE 2014 STREET LIGHT SCHEDULE OF FEES.**

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

APPROVED

50. **RESOLUTION ESTABLISHING THE MEMPHIS LIGHT, GAS AND WATER DIVISION ELECTRIC IN LIEU-OF-TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2014.**

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

APPROVED

Councilman Strickland requested same night minutes for this item. Chairman Ford asked if here was any objection to having same night minutes. There was no objection. The Chairman stated that we will have same night minutes for this item.

49. **RESOLUTION ESTABLISHING THE MEMPHIS LIGHT, GAS AND WATER DIVISION GAS IN LIEU- OF-TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2014.**

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

APPROVED

Councilman Strickland requested same night minutes for this item. Chairman Ford asked if here was any objection to having same night minutes. There was no objection. The Chairman stated that we will have same night minutes for this item.

48. **RESOLUTION APPROVING A JOINT RESOLUTION OF THE BOARD OF COMMISSIONERS OF SHELBY COUNTY AND THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE AUTHORIZING AND APPROVING THE CREATION OF A MEMPHIS COOK CONVENTION CENTER EXPANSION STUDY COMMITTEE.**

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

APPROVED

32. **APPOINTMENTS**

MEMPHIS LANDMARKS COMMISSION

Appointment

André C. Wharton

MEMPHIS, LIGHT, GAS AND WATER COMMISSION

Reappointments

Darrell T. Cobbins
Rick Masson
Steven Wishnia

MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER

Appointment

Elizabeth C. Dixon

Reappointments

Keenon McCloy
Ruby Payne

MEMPHIS AND SHELBY COUNTY PLUMBING CODE BOARD

Reappointment

Andrew T. Mahoney

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

APPROVED

- 34. **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.** (Held from 10/1)
Ordinance No. 5535

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

William Blevins, 3899 Overton Crossing, Memphis, TN 38127
Cynthia Hart, 3146 Pacific Ave., Memphis, TN 38112
Gail Tyree, 485 Beale St., Memphis, TN 38105

MOTION: Flinn – Combine the two ordinances
SECOND: Strickland

Chairman Ford asked if there was any objection. There was objection by Councilman Collins. After a discussion from Administration Councilman Flinn withdrew his motion. We set up a Special Item #3 for this motion, but no special item was needed since Flinn withdrew his motion.

MOTION: Collins – Modify the ordinance to say that be it further resolved, should this Ordinance pass, it will be effective Fiscal Year 14 for one year for review and status to ensure that savings at the employee level and at the landfill level be stated and secured as the Administration proposed

Councilman Collins withdrew this motion. He thought that we were on Item #35.

MOTION: Fullilove

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

FAILED

35. **ORDINANCE TO AMEND CHAPTER 15 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES TO ADD ARTICLE III FOR THE PURPOSE OF ESTABLISHING A SUPPLEMENTAL RETIREMENT BENEFIT FOR SOLID WASTE MANAGEMENT EMPLOYEES, UP FOR T H I R D AND F I N A L READING.** (Held from 11/19)
 Ordinance No. 5537

MOTION: Collins – Should this ordinance pass, it will be effective Fiscal Year 14 to report the savings from employee work and savings from the enhanced opportunities That’s been described by the Administration and should any of these Savings not be reported, then we would revert back to the original plan

Chairman Ford asked CC Drayton, Assistant City Attorney if Councilman Collins motion would start the ordinance process over for three readings. CC spoke with Attorney Morris and it was determined that Councilman Collins motion would re-start the ordinance process. Councilman Collins withdrew his motion.

Councilman Harris requested that ordinance have a sunset clause for 1 year. CC Drayton stated that request would re-start the ordinance process.

Councilman Lowery asked CC Drayton if the following amendment below is acceptable. She stated that it was.

MOTION: Lowery – If the savings fail to materialize, then the benefits will not be given
 SECOND: Harris

Chairman Ford asked if could do this without objection. There was no objection. Councilman Lowery’s amendment was part of the main motion.

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

APPROVED, as amended

55. **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.**

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

Dr. Kenneth T. Whalum, Jr., 1081 Wedgewood St., Memphis, TN 38111

MOTION: Strickland

SECOND: Boyd

MOTION: Strickland – Suspend the Rules to allow 10 minutes per speaker

Chairman Ford asked if could do this without objection. There was no objection.

MOTION: Fullilove – Hold for two weeks

SECOND: Boyd

Councilman Boyd asked Councilwoman Fullilove if she would agree to adjourn on this Item and get all of our questions into the Administration and the other players here and then received those and have another meeting to be well ahead of Mr. Daniels date to accommodate that situation and then we will have all our answers at that time.

Councilwoman Fullilove said that she agreed. Councilman Boyd suggested December 9, 2013. He asked Councilwoman Fullilove if that date would be okay. She asked him what time and she then withdrew her motion. Vice Chairman Strickland requested a 10 minute recess at 7:26 p.m. The meeting reconvened at 7:41 p.m.

MOTION: Boyd – Recess on this one item until Monday, December 9, 2013 at 7:00 p.m.

SECOND: Morrison

Vice Chairman Strickland asked if there was objection. Councilman Harris objected. Councilman Harris asked if we were going to finish the other items on the agenda and was told by the Vice Chairman that we would finish the other agenda items. Councilman Harris withdrew his objection. Councilman Lowery objected to recessing for one item.

Councilman Collins stated that we will be out of order if we complete this agenda and then ask to recess on one item. If we vote on it now, I would suggest that the maker of the motion wait until we complete the agenda and then make a motion to recess or if you want to recess now, recess at the spot where were are and then we come back to the point and place where you have recessed to continue the meeting. Otherwise I think you will be violating Robert's Rules of Order.

MOTION: Boyd – Move to the heel of the agenda
 SECOND: Morrison

Vice Chairman Strickland asked if there was any objection. There was no objection. Item moved to the heel of the agenda.

36. **RESOLUTION TO HALT FURTHER SPENDING ON LITIGATION AGAINST POTENTIAL MUNICIPAL SCHOOLS DISTRICTS IN LIGHT OF APRIL 2013 STATE LEGISLATION.**

MOTION: Morrison – Hold until the 2nd meeting in January
 SECOND: Collins
 AYES: Boyd, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, and Strickland
 NAYS: Harris
 Brown and Chairman Ford did not cast a vote

APPROVED, item delayed until the 2nd meeting in January. January 21, 2014.

37. **RESOLUTION AMENDING THE FY2014 OPERATING BUDGET FOR PROCEEDS RECEIVED FROM TWO INSURANCE CLAIMS WHICH OCCURRED AT THE MEMPHIS COOK CONVENTION CENTER DURING JULY 2013.**

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

APPROVED

38. **RESOLUTION AMENDING THE FY2014 OPERATING BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF \$657,700.00 TO PURCHASE FIREFIGHTER TURNOUTS CLOTHING FROM CAPITAL PROJECTS FS04001 PERSONAL PROTECTIVE EQUIPMENT.**

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

APPROVED

39. **RESOLUTION AMENDING THE FY2014 OPERATING BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF \$140,401.00 TO REPLACE, TEST, AND REPAIR SELF-CONTAINED BREATHING APPARATUS FROM CAPITAL PROJECTS FS04001 PERSONAL PROTECTIVE EQUIPMENT.**

MOTION: Conrad

SECOND: Boyd

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

APPROVED

40. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$1,214,154.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY-FEMA FOR DEVELOPMENT AND MAINTENANCE OF THE NATIONAL URBAN SEARCH & RESCUE RESPONSE SYSTEM.**

MOTION: Conrad

SECOND: Boyd

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

APPROVED

41. **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 CAWTHORN 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; 7/16; 8/20; 9/17; 10/15; 11/5)**

MOTION: Hedgepeth

SECOND: Morrison

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

APPROVED

42. **RESOLUTION APPROPRIATING \$300,000.00 IN CONTRACT CONSTRUCTION FOR CIP PROJECT NUMBER PK07092, CITY PARK REHAB AND MAINTENANCE FOR SOUTHSIDE PARK IMPROVEMENTS FUNDED BY G.O. BONDS GENERAL.**

MOTION: Boyd

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

APPROVED

43. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDING IN THE AMOUNT OF \$8,828.00 FROM THE TENNESSEE STATE LIBRARY AND ARCHIVES FOR TABLETS FOR THE MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER.**

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

APPROVED

44. **RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF \$50.00 FROM EURO IMPORTS LTD, INC. AS AWARDED TO THE CITY OF MEMPHIS POLICE DEPARTMENT TO SUPPORT POLICE SERVICES' MATERIALS AND SUPPLIES COSTS.**

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

APPROVED

45. **RESOLUTION APPROPRIATING \$150,000.00 IN FURNITURE FIXTURE EQUIPMENT, FUNDED BY G.O BONDS GENERAL, IN OTHER PROJECT COSTS TO PURCHASE ROLL CALL FURNITURE FOR THE PRECINCTS.**

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

APPROVED

46. **RESOLUTION APPROPRIATING \$369,295.00 IN G.O. BONDS FUNDS TO CURB RAMP PROGRAM GROUP 48, PROJECT NUMBER PW04095 FOR THE INSTALLATION OF CURB RAMPS THROUGHOUT THE CITY AT VARIOUS LOCATIONS.**

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

APPROVED

47. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$340,000.00 IN G.O. GENERAL BOND FUNDS TO TRAFFIC SIGNALS, PROJECT NUMBER EN01004 IN FURNITURE, FIXTURES AND EQUIPMENT FOR THE PURCHASE OF EQUIPMENT USED IN THE INSTALLATION OF TRAFFIC SIGNALS BY CITY FORCES.**

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

APPROVED

MOTION: Boyd – Move to recess until Monday, December 9, 2013 at 7:00 p.m. for Item #55 only with same night minutes
SECOND: Morrison

Vice Chairman Strickland asked if there was any objection. There was no objection. The meeting was recessed until Monday, December 9, 2013 at 7:00 p.m.

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

Upon statement of the Vice Chairman, the meeting was recessed to 7:00 p.m. on Monday, December 9, 2013.