



CITY OF MEMPHIS

COUNCIL AGENDA

September 6, 2016

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (August 23, 2016)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing and honoring Moziah Bridges as the founder and owner of Mo's Bows. This resolution is sponsored by Councilwoman Swarengen.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a planned development located at 263 Mendenhall Road, containing 1.489 acres in the Residential (R- 10) District. This resolution is sponsored by the Office of Planning & Development. (Held from 8/23)

Colvett
Chairman,
Planning &
Zoning

Case No. PD 16-04

Committee

Applicant: JBJ Properties
Cindy Reaves – Representative

Request: To allow infill development permitting seven (7) lots on an approximately 1.5 acre parcel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

72 NOTICES WERE MAILED ON AUGUST 12, 2016

DIVISION OF PLANNING AND DEVELOPMENT

3.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a street/alley closure located at 1145 Kansas, (138.81’ west of the west line of Kansas Street), containing 305.33’ x12’ (3,644 sq. ft.), in the Vacant, Heavy Industrial (IH) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 16-10

Applicant: Jones Industrial Electric, LLC
Parker, Estes & Associates, Inc. – Representative

Request: ROW Vacation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a street/alley closure located at 1145 Kansas, containing (305.33’x 12’ (3,664 sq. ft.) in the Vacant; Heavy Industrial (IH) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 16-11

Applicant: Jones Industrial Electric, LLC
Parker, Estes & Associates, Inc. – Representative

Request: ROW Vacation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a street/alley closure located at 1203 Poplar Avenue, containing 176.5’ x 12’ (2,118 sq. ft.) in the Vacant; Residential Urban-3 (RU-3) District. This resolution is sponsored by the Office of Planning and Development.
Case No. SAC 16-12

Applicant: City of Memphis’ CHOICES Memphis Center for Reproductive Health
Peter Warren – Representative

Request: ROW Vacation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a street/alley closure located west of 611 N. Main Street, containing 318.82’ x 24.75’ (7,817 sq. ft.) in the High Density Residential (HDR) zoning district of Uptown. This resolution is sponsored by the Office of Planning and Development.
Case No. SAC 16-13

Applicant: MLB-Uptown
SR Consulting-Cindy Reaves - Representative

Request: ROW Vacation

LUCB and OPD recommendation; APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

7. **ORDINANCE** to amend Chapter 20 of the City of Memphis Code of Ordinances relative to Miscellaneous Offenses and Provisions by adding Section 33 to institute a Civil Penalty for the Knowing Possession or Casual Exchange of less than one half ounce of Marijuana, up for F I R S T reading. Ordinance 5626 is sponsored by Councilman Boyd and Councilman Jones.
- Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
- ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

8. **ORDINANCE** rezoning 3902 Prescott Road and rear 1.138 acre-tract of 3884 Prescott Road, containing 6.138 acres in the R-8 district, up for F I R S T reading. This ordinance is sponsored by the Office of Planning and Development.
- Colvett
Chairman,
Planning &
Zoning
Committee
- Case No. Z 16-03
Ordinance No. 5627

Applicant: Barry Sims
Kevin Ledford, PE – Representative

Request: Re-zone from R-8 (Single-family Residential) to EMP
(Employment) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD (None)

NOTATION from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

9. A. Case No. SUP 16-11

Located at 699 Sexton Avenue, containing 0.24 acre in the Vacant; Residential Urban-3 (RU-3) district.

Applicant: Tower Assets Newco IX, LLC
Lou Katzerman – Representative

Request: A Special Use Permit to construct a 150' CMCS tower in the Residential Urban-3 (RU-3) zoning district

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 20, 2016



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MLGW FISCAL CONSENT

10. RESOLUTION approving Change No. 4 to Contract No. 11535, Pest Control, with Nu Era Pest Control, in the funded amount of \$29,020.00. (This change is to renew the current contract for the fourth and final annual renewal term for the period covering November 1, 2016 through October 31, 2017, with no increase in rates from the previous year. In addition, this renewal reflects a 2.11% increase in the value of the contract due to adding termite inspection/treatment at the following locations: 1) 1060 Tupelo (Building No. 3); 2) 8145 Woodstock-Cuba Road; and 3) 3941 Grandview - Meter Shop Area.)
11. RESOLUTION approving Change No. 1 to Contract No. 11758, Davis-Paul Lowry Bore (Pidgeon Water Loop), with Owens Irrigation, Incorporated, d/b/a Owens Construction Services of Tennessee, in the funded amount of \$4,400.00. (This change is to increase the current contract to cover the cost of additional Railroad Protective Liability Insurance required by MLGW and CNR. The insurance was not included in the bid solicitation document or the contract but required of the Contractor by the railroad.)
12. RESOLUTION awarding Contract No. 11853, Installation of Distribution Process Control System at Shaw Pumping Station, to American Electrical Contractors, Incorporated, in the funded amount of \$134,991.00.
13. RESOLUTION approving payment of an invoice for the annual facility maintenance fee for public water systems, to Tennessee Department of Environment and Conservation, in the amount of \$124,054.00.
14. RESOLUTION approving Change No. 2 to Contract No. 11507, Online Legal Research, with Lexis Nexis, in the funded amount of \$13,398.00. (The initial term of the contract was for 60 months from the date of the Notice to Proceed. This change is to extend the current contract for three months for the period covering October 1, 2016 through December 31, 2016. This extension will allow time for MLGW to solicit proposals for a new contract.
15. RESOLUTION approving Change No. 4 to Contract No. 11552, Influenza Vaccine, with wellness First, Incorporated, in the funded amount of \$36,000.00. (This change is to renew the current contract for the fourth and final annual renewal term covering the period October 22, 2016 through October 23, 2017, with no increase in rates from the previous year.)

16. RESOLUTION approving Change No. 2 to Contract No. 11670, Workers' Compensation Brokering, with Willis of Tennessee, Incorporated, in the estimated funded amount of \$402,670.00. (This is the second renewal of a five-year contract. The renewal covers the period October 1, 2016 through September 30, 2017.)

17. RESOLUTION approving Change No. 5 to Contract No. 10813, Hewlett Packard Combined Support Agreement, with Hewlett Packard, Incorporated, in the estimated funded amount of \$2,318,298.27. (This change is to renew annual software maintenance, licenses, and support services covering the period December 1, 2016 through November 30, 2021. This renewal reflects a 1.04% increase from the previous renewal due to MLGW adding additional hardware and software to the support agreement in years two through five. Maintenance and support of this Hewlett-Packard hardware and software can only be provided by Hewlett Packard.)



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

18. RESOLUTION approving a transfer of funds to equal the 2016 Annual OPEB Cost from the MLGW Common Fund to the MLGW OPEB Trust, in the estimated amount of \$14,014,476.00. This resolution is sponsored by MLGW Division.
- Robinson
Chairman,
MLG&W
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

19. RESOLUTION accepting (4) SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed at 6450 Poplar Avenue at the request of Crown Centre, LLC, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$32,850.00. This resolution is sponsored by Police Services.
- Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
- ACTION REQUESTED: Adopt the resolution
20. RESOLUTION accepting (1) SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed on Gwynne Road at the request of the residents of Gwynne Road, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$7,336.37. This resolution is sponsored by Police Services.
- Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
- ACTION REQUESTED: Adopt the resolution
21. RESOLUTION to enable the City of Memphis through the Division of Police services to accept, allocate, and appropriate grant funds in the amount of \$32,216.00 for the FY16 Gulf Coast High Intensity Drug Trafficking Area (GC HIDTA) from Shelby County Sheriff’s office. This resolution is sponsored by Police Services.
- Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
- ACTION REQUESTED: Adopt the resolution
22. RESOLUTION to extend Title 6, Chapter 9, Section 7(18)(c) of the City of Memphis’ Equal Business Opportunity (“EBO”) Program Ordinance from September 30, 2016 through October 31, 2016. This resolution is sponsored by Finance Division.
- Boyd
Chairman,
Economic
Development &
Tourism
Committee
- ACTION REQUESTED: Adopt the resolution
23. RESOLUTION appropriating the sum of \$5,462,000.00 funded by GO Bonds-General chargeable to the FY2017 Capital Improvement Budget for MHA Foote Future Hope VI (South City Project), This resolution is sponsored by Housing & Community Development and Memphis Housing Authority Division.
- Brown
Chairman,
Housing &
Community
Development
- ACTION REQUESTED: Adopt the resolution
24. RESOLUTION to rehabilitate a sanitary sewer lift station with the restoration of existing pumps, force main cleaning, valves, and certain other appurtenances at the Harbor Avenue Lift Station, in the amount of \$4,620,000.00. This resolution is sponsored by Public Works Division.
- Hedgepeth
Chairman,
Public Works,
Transportation

ADD-ONS CONT.

& General Services Committee ACTION REQUESTED: Adopt the resolution

25. RESOLUTION extending the delay of the removal of City’s tree crew from Collins Hedgepeth Yard to the Asphalt Plant, for an additional 60 days. This resolution is sponsored by Chairman, Councilwoman Fullilove.

Public Works, Transportation & General Services Committee ACTION REQUESTED: Adopt the resolution

26. RESOLUTION to accept from fiscal agent GrowMemphis, community garden supplies, purchased using \$4,000.00 awarded from Tennessee Recreation and Parks Association (TRPA), to build a community garden at two (2) community centers by the Fall of 2016. This resolution is sponsored by Parks Services.

Swearengen Parks & Environment Committee ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Approved
- 2. Through 4 - Approved, as amended
- 5. Through 8 – Approved
- 9. Public Hearing Set for September 20, 2016
- 10. Through 26 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF AUGUST 23, 2016 MEETING

Approved, as amended, Item #17 (Ord. #5625 - was reconsidered and Sent Back to Committee for September 20, 2016)

ACTION TAKEN BY COUNCIL ON THE MINUTES OT ITEMS #19, #20, #21, #22, #23, #24, #25 & #26 FROM TONIGHT’S MEETING

Approved