



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 2, 2013

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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### 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 (June 18, 2013)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing Guardsmark, Inc., on its 50<sup>th</sup> Anniversary.  
Lowery

ACTION REQUESTED: Adopt the resolution

#### PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the southeast corner of the intersection of College Road and Mclemore Street, containing .333 acre in the CMP-1 District. (Held from 6/18)

Collins

Case No. PD 12-320

Applicant: Otha L. Broom  
Delinor Smith – Representative

Request: Retail Sales

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**74 NOTICES WERE MAILED ON JUNE 7, 2013**

3. RESOLUTION approving a planned development located at the intersection of Market Plaza Drive and Germantown Pkwy, containing 40.4 acres in the Planned Development (PD) District. (Held from 6/18)

Collins

Case No. PD 13-313

Applicant: Tombo Properties, Inc.  
Kevin Hyneman Companies (Zach Randolph) – Representative

Request: Amend the PD to allow vehicle sales, servicing, rental & leasing

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**32 NOTICES WERE MAILED ON JUNE 7, 2013**

**DIVISION OF PLANNING AND DEVELOPMENT**

4. RESOLUTION approving a special use permit located at 5963 Knight Arnold Road; 408 feet west to Hickory Hill Road, containing 1.43 acres in the CMU-1 (Commercial Mixed Use) District. (Held from 5/7; 5/21; 6/18)

Collins

Case No. SUP 13-210

Applicant: TV6 Signal Source, LLC  
Lou Katzerman – Representative

Request: Cell tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

- 5. RESOLUTION approving a special use permit located at 1304 N. Graham, containing 3.88 acres in the RS-6 District. (Held from 6/18)

Collins

Case No. SUP 13-211

Applicant: Street Ministries, Inc.  
Michael J. Fahy – Representative

Request: The placement of a 1500 foot concealed canister CMCS Tower

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCES – THIRD AND FINAL READING**

- 6. **ORDINANCE** rezoning 89 N. Cooper Street; west side of Cooper Street, 104 feet north of Jefferson Avenue, containing .2025 acre in the RU-3 District, up for T H I R D and F I N A L reading. (Held from 6/18)

Collins

Case No. Z 13-102  
Ordinance No. 5516

Applicant: Justin Herter  
Richard L. Winchester, Jr. – Representative

Request: Rezone property for RU-3 (Residential Urban) to RW (Residential Work)

LUCB and OPD recommendation: Rezone property from RU-3 to RW

ACTION REQUESTED: Take whatever action Council deems advisable

**94 NOTICES WERE MAILED ON JUNE 7, 2013**

- 7. **ORDINANCE** adopting amendments to the Memphis and Shelby County Unified Development Code. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for T H I R D and F I N A L reading. (Held from 6/18)

Collins

Case No. ZTA 13-002  
Ordinance No. 5517

Applicant: Memphis and Shelby County Office of Planning & Development  
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**NOTICES WERE NOT REQUIRED**

8. **ORDINANCE** rezoning the west side of Ramill Road at Twin Lakes Drive, containing 1.51 acres in the Residential Single Family (R-8) District, up for T H I R D and F I N A L reading. (Held from 6/18)

Collins

Case No. Z 13-103  
Ordinance No. 5518

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**109 NOTICES WERE MAILED ON JUNE 7, 2013**

9. **ORDINANCE** rezoning the east side of Ramill Road at the western terminus of Lansford Drive, containing 0.57 acre in the Residential Single Family (R-8) District, up for T H I R D and F I N A L reading. (Held from 6/18)

Collins

Case No. Z 13-104  
Ordinance No. 5519

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**109 NOTICES WERE MAILED ON JUNE 7, 2013**



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING (None)

### GENERAL ORDINANCES - SECOND READING

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

Conrad

Ordinance No. 5527

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **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 S E C O N D reading.

Hedgepeth

Ordinance No. 5228

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCES - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

### ENGINEERING (None)

### NOTATIONS FROM OPD (None)



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## MLGW FISCAL CONSENT

12. RESOLUTION approving Change No. 3 to Contract No. 11399, Right of Way Mowing, with Rotolo Consultants, Incorporated, in the funded amount of \$236,256.00. (This change is to renew the current contract for the third of four renewal terms covering the period August 9, 2013 through August 8, 2014 with no increase in rates from the previous year.)
13. RESOLUTION awarding a contract to Dobbs Ford, Inc. for the purchase of aerial towers in the amount of \$148,596.00. The purchase includes one 30' and one 35' two-man aerial tower that will be used by employees to maintain the electric, gas and water systems and for various customer service functions throughout Shelby County. This equipment will replace existing equipment that can no longer meet the performing areas' needs and will be retired from service.
14. RESOLUTION approving a renewal of Contract No. 10195 between MLGW and Texas Gas Transmission, LLC, in the amount of \$62,756,000.00 approximately. The contract term is for five years, effective November 1, 2013 and ending October 31, 2018.
15. RESOLUTION approving Contract No. 11667 between MLGW and Texas Gas Transmission, LLC, in the amount of \$7,270,000.00 approximately. The contract term is for five years, effective November 1, 2013 and ending October 31, 2018.
16. RESOLUTION approving Change No. 2 to Contract No. 11460, Aerator Maintenance, to R.P. Services Incorporated, in the funded amount of \$216,428.43. (This change is to renew the contract for the second of four renewal terms for the period covering August 1, 2013 to July 31, 2014 in the funded amount of \$216,428.43, with no increase in rates from the previous year.)
17. RESOLUTION awarding a contract to Heath Consultants Incorporated for the purchase of sixty-seven GMI First Responder gas detectors in the amount of \$214,400.00. The gas detectors will be used by customer service representatives to test for gas leaks and upgrade data log capabilities.
18. RESOLUTION approving Change No. 1 to Contract No. 11569, Foundation Installation Kruger Tissue Group (KTG) Transmission Line to Reliable Constructors, Inc. (This change is to add two additional mobilization and de-mobilization charges due to unforeseen utility conflicts requiring re-mobilization at a later date in the amount of \$40,000.00.)

19. RESOLUTION awarding Contract No. 11608, Canopy for Gas Emergency Materials at Capleville Liquefied Natural Gas to A & B Construction Company, Incorporated, in the funded amount of \$92,088.55.
20. RESOLUTION awarding Contract No. 11639, McCord Pumping Station Sewer Upgrades to Madden-Phillips Construction, Incorporated, in the funded amount of \$56,616.00.
21. RESOLUTION approving SSM Partners V Fund (private equity fund) to manage approximately \$8,000,000.00 for benefit of the MLGW Retirement and Pension Fund.
22. RESOLUTION approving Change No. 1 to Contract No. 11574, Commercial Auto Insurance for out-of-state travel with Pete Mitchell and Associates, Incorporated, in the funded amount of \$45,500.00. This change is to add funds to pay an invoice received in the amount of \$1,584.00, as a result of adding additional drivers and one vehicle. This change is also to request the authority to increase the number of vehicles and drivers due to personnel job changes and/or vehicle additions and replacement as needed.



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## REGULAR AGENDA

23.  
Flinn

### APPOINTMENTS

#### MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY

##### Appointment

William V. Thompson III

##### Reappointments

Patrick Carter

Mark Rosenberg

#### MEMPHIS AREA TRANSIT AUTHORITY

##### Reappointment

John Vergos

#### GENERAL ORDINANCES – THIRD AND FINAL READING

24.

**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)

Flinn &  
Strickland

Ordinance No. 5495

ACTION REQUESTED: Take whatever action Council deems advisable

25. **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)  
Flinn Ordinance No. 5508

ACTION REQUESTED: Take whatever action Council deems advisable

26. **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)

Flinn Ordinance No. 5511

ACTION REQUESTED: Take whatever action Council deems advisable

27. **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)

Flinn Ordinance No. 5512

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** to amend Title 11-64-6 – Exemptions from Motor Vehicle Emission requirements – of the Code of Ordinances, City of Memphis, up for T H I R D and F I N A L reading.

Harris Ordinance No. 5524

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to decrease Solid Waste Fees for Collection and Disposal, Option 1, up for T H I R D and F I N A L reading.

Hedgepeth Ordinance No. 5525

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to decrease Solid Waste Fees for Collection and Disposal, Option 2, up for T H I R D and F I N A L reading.

Hedgepeth Ordinance No. 5526

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**July 2, 2013**

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**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

31. 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)

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

32. RESOLUTION appropriating the revenues and expenditures for the Neighborhood Stabilization Program funds in the amount of \$358,933.00.

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES**

33. RESOLUTION transferring and appropriating \$115,000.00 to Riverfront Development Corporation for Greenbelt Park Development as part of Project Number PK07092, City Park Rehab & Maintenance. (Held from 6/18)

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS** (None)

July 2, 2013      GENERAL ITEM (None)

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APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

**ADD-ON**

34. RESOLUTION accepting grant funds in the amount of \$2,586,254.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title 1 Grant for the Youth Program.

Halbert

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Approved
2. & 3 – Approved, as amended
4. Through 23 – Approved
24. Through 27 – Held until July 16, 2013
28. Dropped
29. & 30 – Held until August 20, 2013
31. Held until July 16, 2013
32. Approved
33. Tabled
34. Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF JUNE 18, 2013 and JUNE 25, 2013 MEETINGS**

Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEM#34 FROM TONIGHT'S MEETING**

Approved