



CITY OF MEMPHIS

COUNCIL AGENDA

August 20, 2013

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 6, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. PRESENTATION of the International Personnel Management Association award to Pearl Gibson.

Lowery

PUBLIC HEARINGS

2. RESOLUTION approving a street/alley closure located on the west half of Texas Street, generally between East Carolina Avenue and Railroad Avenue, containing 0.178 acre in the Bluffview Residential (BR) District.

Collins

Case No. SAC 13-604

Applicant: Henry Turley Company
PowersHill Design, LLC (Nisha Powers and/or Steve Hill) –
Representatives

Request: Close and vacate the west half of Texas Street beginning at East
Carolina Avenue and extending south approximately 310.00’

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES WERE MAILED ON AUGUST 9, 2013

DIVISION OF PLANNING AND DEVELOPMENT

3. RESOLUTION approving a planned development located on the northeast corner of
Knight Arnold and Ridgeway Road, containing 5.648 acres in the Commercial Mixed
Use-2 (CMU-2) District.

Collins

Case No. PD 13-315

Applicant: New Development, LLC
New Development, LLC – Representative

Request: Gas station and other commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4. RESOLUTION approving a planned development located 287 feet north of the
intersection of Stage Road and Creek View Dr., containing 3.93 acres in the CMU-2
District.

Collins

Case No. PD 13-317

Applicant: Tower Ventures, LLC
Michael J. Fahy – Representative

Request: Cell tower

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving a planned development located on the northwest corner of Kirby Parkway and Kirby Gates Blvd., containing 27.33 acres and is regulated by the Kirby Gate Business Campus Planned Development (P.D. 09-315).

Collins

Case No. PD 13-321

Applicant: Utley Properties
Fisher & Arnold, Inc. (David Baker) – Representative

Request: Amend the PD to create an Area C and permit a free standing commercial building in excess of 3,000 square feet in that Area of P.D.

LUCB and OPD recommendation: APPROVAL, with conditions for revised plan

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6. RESOLUTION approving a special use permit located at 715 Winston Street (96' +/- south of Southern Avenue, containing 0.34 acre in the Commercial Mixed Use-3 (CMU-3) District.

Collins

Case No. SUP 13-212

Applicant: TV6 Signal Source Tower LLC c/o Tower Ventures LLC
Michael J. Fahy – Representative

Request: Proposal to construct a one hundred sixty foot (160') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving a special use permit located at 3420 Old Getwell Road (126' +/- north of Holman Road, containing 10.6 acres in the Employment (EMP) District.

Collins

Case No. SUP 13-218

Applicant: Corrections Corporation of America (CCA) Properties of Tennessee
McCaskill & Associates (Tim McCaskill) – Representative

Request: Proposal to use existing buildings for a social service institution – Residential Reentry Center (RRC)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

8. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis August 10, 2010 and by Shelby County 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.

Collins

Case No. ZTA 13-003

Ordinance No. 5532

Applicant: Memphis and Shelby County Office of Planning and 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: Adopt the ordinance on Second reading

ENGINEERING

9. RESOLUTION accepting GALLERIA OF MEMPHIS PD, PH. 16, and authorizing release of bond.

Case No. PD 08-326

(Contract No. CR-5189)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Germantown Parkway and Bellevue Parkway. The standard improvement contract was approved on August 21, 2012. Resolution also authorizes the release of performance bond, No. 0593446, dated May 10, 2011 in the amount of \$68,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 10, SECTION B.

Case No. S 05-058
Contract No. CR-5200

Resolution accepts the final plat located on the west side of N. Main Street, between Keel Avenue and Saffarans Avenue. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of STONE CREEK PD., PHASE 1A and 1B.

Case No. PD 06-345cc
Contract No. CR-5201

Resolution approves the final plat located east of Hacks Cross Road, south of Shelby Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)

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



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MLGW FISCAL CONSENT

12. RESOLUTION awarding Contract No. 11606, Replace Boiler at MLGW University, to Air Technical Services, in the funded amount of \$66,350.00.
13. RESOLUTION approving Brookfield Infrastructure Fund II (private infrastructure fund) to manage approximately \$20,000,000.00 for benefit of the MLGW Retirement and Pension Fund.
14. RESOLUTION approving Change No. 4 for Contract No. 10546, Lapres Software Maintenance Agreement, with XL Print USA, LLC., in the funded amount of \$9,639.00. (This change is to provide annual software maintenance, support services and license fees for the Paris software. This change renews the current contract for an additional one year term covering the period September 1, 2013 through August 31, 2014. This change reflects a 5% increase from the previous year due to increases in costs associated with developing and supporting the Paris software. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by XL Print USA, LLC. The new contract value is \$129,936.64.)



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REGULAR AGENDA

15.
Flinn

APPOINTMENTS

MEMPHIS ANIMAL SHELTER ADVISORY BOARD

Appointment

James S. Adams

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSION

Appointment

Cynthia Daniels

MEMPHIS STORMWATER BOARD

Reappointments

David P. Berretta
Robert J. Simpson

MEMPHIS WASTEWATER HEARING AUTHORITY

Reappointments

Roy E. Gunn
Lawrence J. Smith

GENERAL ORDINANCES – THIRD AND FINAL READING

16. **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. (Held from 7/2)

Hedgepeth

Ordinance No. 5525

ACTION REQUESTED: Take whatever action Council deems advisable

17. **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. (Held from 7/2)

Hedgepeth

Ordinance No. 5526

ACTION REQUESTED: Take whatever action Council deems advisable

18. **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; 7/16)

Flinn

Ordinance No. 5508

ACTION REQUESTED: Take whatever action Council deems advisable

19. **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; 7/16)

Flinn

Ordinance No. 5511

ACTION REQUESTED: Take whatever action Council deems advisable

20. **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; 7/16)

Flinn

Ordinance No. 5512

ACTION REQUESTED: Take whatever action Council deems advisable

21. **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. (Held from 7/16)

Hedgepeth

Ordinance No. 5528

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** establishing a Revenue Manager for the Finance Division, up for T H I R D and F I N A L reading.

Ford

Ordinance No. 5529

ACTION REQUESTED: Take whatever action Council deems advisable

23. **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 T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5530

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to allow “kiosk” type multi-space parking meters for on street public parking, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5531

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

25. RESOLUTION accepting and appropriating \$888,000.00 in State In-service Training funds from the State of Tennessee.

Conrad

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION transferring an allocation funded by G.O. Bonds from Emergency Warning Sirens Capital Project GA01010 in the amount of \$171,322.00 and appropriate G.O. Bonds in Capital Project FS02027 EMA Sirens in the amount of \$181,967.00.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

27. 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)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

28. RESOLUTION awarding Contract No. 11618 Smart Meter Solution to Elster Solutions, LLC in the amount of \$10,150,000.00.

Fullilove

ACTION REQUESTED: Adopt the resolution

CITY COUNCIL AS A RATE MAKING BOARD

29. RESOLUTION requesting the City Council to convene as a rate making board to approve a Time-of-Use Residential Rate to residential customers who have a smart meter and have elected the voluntary rate beginning October 1, 2013.

Fullilove

ACTION REQUESTED: Adopt the resolution

COUNCIL RECESSES AS CITY COUNCIL AND CONVENES AS A RATE MAKING BOARD

MEETING CALLED TO ORDER AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS

PUBLIC HEARING Re: Time-of-Use Residential Rate

Presentation by: Memphis Light Gas & Water

ADJOURNMENT AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS

**MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL
BY THE SERGEANT-AT-ARMS**

30. RESOLUTION approving Change No. 11 to Contract No. 10765 Private Label Service Agreement with Aclara Software in the funded amount of \$100,750.00.

Fullilove

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES

31. RESOLUTION accepting grant funds in the amount of \$433,924.00 from the Shelby County Government through the U.S. Department of Justice.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

32. RESOLUTION approving an Option and Land Lease Agreement for the construction and operation of a cell tower facility with Tower Venture (operating as TV6-W), as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 19, 2013.

Hedgepeth

Contract No. CR-5202

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION amending the Fiscal Year 2014 Operating Budget by accepting and appropriating \$25,048.50 in grant funds passed through Shelby County Government to the Division of Engineering for transportation planning activities.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION requesting the City Council to appropriate \$50,000.00 funded by G.O. Bonds General in CIP Project #GA03025, Bus Facility Improvements, to fund the local share for bus facility improvements as part of the Fiscal Year 2014 Capital Improvement Budget, for the Memphis Area Transit Authority.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION requesting the City Council to appropriate \$300,000.00 funded by G.O. Bonds General in CIP Project #GA03024, Rail Facility Improvements, to fund the local share for bus facility improvements as part of the Fiscal Year 2014 Capital Improvement Budget, for the Memphis Area Transit Authority.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION requesting the City Council to appropriate \$1,800,000.00 funded by G.O. Bonds General in CIP Project #GA03007, Bus Replacement, to fund the local share for the purchase of 30 40' replacement buses as part of the Fiscal Year 2014 Capital Improvement Budget, for the Memphis Area Transit Authority.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION requesting to extend a construction contract with Acuff Enterprises for sewer line replacement at various locations within the city, in the amount of \$2,192,102.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION amending the FY2014 Capital Improvement Budget by transferring an allocation and appropriating \$619,150.00 funded by G.O. Bonds-General (Storm Water) from project number ST03006, to Gayoso Bayou Inspection, project number ST03119.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

39. RESOLUTION establishing a four month moratorium on demolition of structures listed in the National Registry of Historic Places.

Fullilove

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

40. RESOLUTION approving the overall project budget for the Main Street to Main Street Multimodal Connector Project for project numbers PW04090, PW04093, ST03161, ST03158 and ST03162 as outlined in the provided Exhibit B Project Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting and appropriating grant funding in the amount of \$3,000.00 from Humanities TN for scholar expenses and promotion for the public program Bridging Cultures: Muslim Contributions to the US Since 1776 for Memphis Public Library.

Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION transferring \$440,000.00 in Construction from CIP Project Number PK07012 – Greenway Improvements to Construction in CIP Project Number PK07089 – Charjean Park Improvements, funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION accepting grant funds in the amount of \$501,000.00 from the State of Tennessee Office of Criminal Justice Programs, for Police Services.

Conrad

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION accepting grant funds in the amount of \$43,752.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Resource Sharing Agreement.

Halbert

ACTION REQUESTED: Adopt the resolution

45. **JOINT ORDINANCE** amending Chapter 34 of the 2012 Joint Building Code for Memphis and Shelby County previously adopted by the Shelby County Board of Commissioners and the Memphis City Council, by modifying applicability requirements for the retrofitting of existing commercial buildings undergoing alterations or changes in occupancy which would mandate compliance with Chapter 34 requirements related to seismic protection and setting a new effective date for all of the structural provision of that code, up for F I R S T reading.

Consent

Ordinance No. 5533

ACTION REQUESTED: Adopt the ordinance on First reading

ADD-ONS

46. **JOINT ORDINANCE** amending the 2012 Joint Existing Building Code for Memphis and Shelby County by modifying requirements for retrofitting of certain existing commercial buildings undergoing alterations or changes in occupancy which would mandate compliance with seismic protection requirements and setting a new effective date for all of the structural provision of that code, up for F I R S T reading.
Consent Ordinance No. 5534

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. Held until September 3, 2013
4. Approved
5. Held for 60 days
6. and 7 – Approved, as amended
8. Through 15 – Approved
16. and 17 – Held until September 3, 2013
18. Approved, as amended
19. and 20 – Approved
21. Held until September 3, 2013
22. Withdrawn
23. Approved
24. Approved, as amended
25. and 26 – Approved
27. Held for 30 days
28. Through 38 – Approved
39. Held until September 3, 2013
40. Through 46 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 6, 2013

Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 20, 2013 FOR ITEMS 40, 41, 42, 43, 44 AND 25 ONLY:

Approved