



CITY OF MEMPHIS

COUNCIL AGENDA

December 17, 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 (December 3, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Ann C. Wall on her retirement and recognizing her for 44 years of service to the City of Memphis. (Held from 11/19; 12/3)

Lowery

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION congratulating William Hudson on his retirement and recognizing him for 49 years of service to Memphis Area Transit Authority.

Ford

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing the Frayser Advisory Community Board for their dedicated work on the Annual Frayser-Raleigh Christmas parade.

Harris

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING S

4. RESOLUTION approving a planned development located on the southeast corner of Highland Street and Southern Avenue, containing 1.22 acres in the Commercial Mixed Use (CMU-2) District in the University District Overlay (UDO). (Held from 10/15)

Collins

Case No. PD 13-320

Applicant: McDonald's Corporation (Century Management)
SR Consulting, LLC – Representative

Request: Plan Development to allow a restaurant with drive-thru lane in the University District Overlay (UDO) with a shop front designation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES WERE MAILED ON OCTOBER 4, 2013

5. RESOLUTION approving a street dedication located on the east side of North Front Street, approximately 349 feet south of Keel Avenue, containing 0.206 acre in the Mixed Use (MU) District.

Collins

Case No. SD 13-702

Applicant: MLB-Uptown, LLC
Cindy Reaves, SR Consulting, LLC – Representative

Request: Dedicate street right-of-way for the extension of realigned Looney Avenue to North Front Street

LUCB and OPD recommendation: APPROVAL, with 2 conditions

ACTION REQUESTED: Take whatever action Council deems advisable

4 NOTICES WERE MAILED ON DECEMBER 6, 2013

6. RESOLUTION approving a special use permit located at 779 N. Houston Levee Road (598' west of intersection with Humphrey Road), containing 5.0 acres in the Commercial Mixed Use-1 (CMU-1) District.

Collins

Case No. SUP 13-223cc

Applicant: TV6-W, LLC

Lou Katzerman – Representative

Request: Proposal to construct a one hundred fifty foot (150’) CMS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

34 NOTICES WERE MAILED ON DECEMBER 6, 2013

- 7. RESOLUTION approving a special use permit located at 4076 Jackson Avenue, northeast corner of the intersection of South Brighton Road and Jackson Ave., containing 0.93 acre in the CMU-3 District.

Collins

Case No. SUP 13-227

Applicant: Terry Boyd, PE
Fasil Kedebe – Representative

Request: Convenience Store with Gasoline Sales

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

40 NOTICES WERE MAILED ON DECEMBER 6, 2013

DIVISION OF PLANNING AND DEVELOPMENT

- 8. RESOLUTION decreasing the maximum percentage for tax abatement for Payment-In-Lieu of Taxes (PILOTs) from 90% to 75% to be commensurate with Shelby County.

Halbert

ACTION REQUESTED: Adopt the resolution

- 9. RESOLUTION approving a street/alley closure, located east of Kentucky St., north of West Virginia Ave., west of Florida St. and south of Rail Road, containing .21 acre in the Bluff View District.

Collins

Case No. SAC 13-607

Applicants: ECG Virginia L.P.
David Porter – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

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 (None)

GENERAL ORDINANCE - SECOND READING

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

Halbert

Ordinance No. 5543

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

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. S 11-015 – WYCHEWOOD PLACE SUBDIVISION

Located on the southwest corner of Walnut Grove Road and Wychewood Cove

Appellant: Jack Culp, TT and J Properties

Request: Overturn the decision of the Land Use Control Board on 10/10/13 which rejected a request to reduce the minimum front yard building setback on Lot 1 along Walnut Grove Road from 115 to 100 feet

LUCB and OPD recommendation: REJECTION of the building setback
reduction

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 7, 2014



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MLGW FISCAL CONSENT

12. RESOLUTION awarding contract to Supply Line of Memphis for fusion bonded epoxy coated steel gas pipe, in the funded amount of \$172,280.00.
13. RESOLUTION awarding contract to Cleaveland Price Incorporated in the amount of \$104,174.00 and Hubbell Power Systems in the amount of \$74,662.00 for 27kV low side air disconnect switches, totaling \$178,836.00.
14. RESOLUTION awarding contract to Ferguson Enterprises for gas valves, in the funded amount of \$187,000.00.
15. RESOLUTION approving (i) a Master Resolution providing for the issuance, sale and delivery of Water System Revenue Bonds, in one or more series, to be issued from time to time, pursuant to Section 686 of the Charter of the City for the purpose of funding public works projects for the MLGW Water Division as permitted under Federal and state laws, and in connection therewith, (ii) a resolution declaring the intent of the Council that the City issue its Water System Revenue Bonds, Series of 2014 in an aggregate principle amount not to exceed \$16,000,000 and evidencing the present intent of the Council that a portion of the proceeds from the sale of the Series 2014 Bonds be applied to reimburse the City and/or MLGW for certain expenditures made for capital improvements intended to be financed by the Series 2014 Bond proceeds.
16. RESOLUTION approving the City of Bartlett and MLGW to enter into an Agreement to recapture any overpayments in recent Electric Division PILOT payment calculations, as a result of an error in the classification of a portion of MLGW's plant to be within the jurisdiction of the City of Bartlett, by an amount of \$183,868.60.
17. RESOLUTION approving the Division to execute an interdivisional loan from the Gas Division to the Water Division, pursuant to Section 689 of the MLGW Charter, as amended by Ordinance No. 3054 (HRA-117), in an amount up to \$7,000,000 at an interest rate or rates not to exceed the lower of two and a half percent (2.5%) per annum or the legal limit in Tennessee, for the purpose of paying the costs of construction of additions, betterments, improvements to and extensions of the water system for the remainder of the fiscal year ended December 31, 2013, in anticipation of the collection of revenues from the water system.



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REGULAR AGENDA

18. APPOINTMENTS
Flinn

HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD

Reappointments

Monice Hagler
Lee A. Warren
Nancy C. Willis

GENERAL ORDINANCES – THIRD AND FINAL READING

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

Collins

Ordinance No. 5539

ACTION REQUESTED: Take whatever action Council deems advisable

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

Hedgepeth

Ordinance No. 5540

ACTION REQUESTED: Take whatever action Council deems advisable

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

Brown

Ordinance No. 5541

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** to amend Chapter 16, Article V, of the City of Memphis, Code of Ordinances, to update various provisions regarding Food Establishments, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5542

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

23. 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.(Held from 12/3;12/9)

Ford

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

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

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

- 24. RESOLUTION requesting the City Council to convene as a Rate Making Board and approve the 2014 Memphis Light, Gas and Water Division Rate Actions. **(This item was pulled from the 11/19/2013 Minutes on 12/03/2013).**

Fullilove

ACTION REQUESTED: Adopt the resolution

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

DIVISION OF PARK SERVICES

- 25. RESOLUTION requesting City Council approval to amend FY2014 Operating Budget to accept, appropriate and expend funds for \$53,179.20 from the Mayor’s Innovation Delivery Team (MIDT) (via the International Paper Company) for the specific purpose of establishing LIFE Literacy Learning (Computer Lab) Centers at four City Community Centers – Ed Rice, Hollywood, Pine Hill and Riverview – as an educational component of the Memphis Gun Down initiative.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

- 26. RESOLUTION accepting a grant from the U.S. Department of Justice/Office of Justice Programs on behalf of the Division of Police Services in the amount of \$150,000.00 for the purpose of implementing the FY 2013 Project Safe Neighborhoods’ Gun Crime Reduction Program.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

27. RESOLUTION appropriating \$550,000.00 to repair street surface after installation of sanitary sewer pipes at various locations.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

28. RESOLUTION approving the final plat of CRESCENT BLUFF II APARTMENTS.
Consent Case No. SCBID 13-06
Contract No. CR-5207

Resolution approves the final plat located on the northwest corner of E.H. Crump Blvd. and Florida Street. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION authorizing the Counsel for the City and the City Council to acknowledge the City’s concurrence with the terms of the Agreements of Compromise and Settlement with the six (6) municipalities and to dismiss the third party complaints of the City and the City Council in the lawsuit.

Ford

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION to accept grant funds from PetSmart Charities in order for Memphis Animal Services to implement the Humane Society of the United States Pets for Life community outreach and spay/neuter animal welfare mentorship program in low-income communities in the City of Memphis. Resolution also amends the FY 2014 Operating Budget to establish and appropriate \$50,000.00 in grant funds.

Boyd

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Dropped
- 2. and 3 – Approved
- 4. Dropped
- 5. and 6 – Approved
- 7. Failed
- 8. Approved, as amended
- 9. and 10 – Approved
- 11. Public Hearing set for January 7, 2014
- 12. Through 21 – Approved
- 22. Approved, as amended
- 23. Held until January 7, 2014
- 24. Through 30 – Approved

ACTION TAKEN ON THE MINUTES OF DECEMBER 3, 2013

Approved, as amended

**ACTION TAKEN ON THE MINUTES OF DECEMBER 17, 2013 FOR ITEMS
24, 25, 29 AND 30**

Approved