



CITY OF MEMPHIS

COUNCIL AGENDA

August 4, 2015

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 (July 21, 2015)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS

1. RESOLUTION approving a planned development located at 245 and 263 Wagner Place (SE and SW corner of Beale Street and Wagner Place), containing 3.21 acres in the South Main District in the South Central Business Improvement District.

Collins
Chairman
Planning &

Zoning Committee

This resolution is sponsored by the Office of Planning and Development.

Case No. PD 15-308

(Companion Case: SAC 15-606)

Applicant: Carlisle Corporation
SR Consulting, Cindy Reaves – Representative

Request: To permit a mixed-use development that includes a hotel, apartments, office space, restaurant, spa and on-site parking

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

163 NOTICES WERE MAILED ON JULY 24, 2015

2. RESOLUTION approving a planned development located south of the intersection of Misty Meadows Lane and Hacks Cross Road, containing 17.62 acres in an area currently governed by P.D. 03-363cc. This resolution is sponsored by the Office of Planning and Development. (Held from 7/21)
Collins Chairman, Planning & Zoning Committee Case No. PD 15-310

Applicant: Keras Children’s FLP
Brenda Solomito Basar – Representative

Request: Allow a Planned Development for a Subaru Auto Dealership and retail uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

103 NOTICES WERE MAILED ON JULY 10, 2015

3. RESOLUTION approving a street/alley closure located 355.41 feet south of the intersection of the west line of Wagner Place, containing 0.206 acre in the South Main District in the South Central Business Improvement District. This resolution is sponsored by the Office of Planning and Development.
Collins Chairman, Planning & Zoning Committee Case No. SAC 15-606
(Companion Case: PD 15-308)

Applicant: Carlisle Corporation
SR Consulting, Cindy Reaves – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

18 NOTICES WERE MAILED ON JULY 24, 2015

DIVISION OF PLANNING AND DEVELOPMENT

4. RESOLUTION approving a special use permit located at 3297 Summer Avenue,
Collins containing .63 acre in the Commercial Mixed Use (CMU-3) District. This resolution
Chairman, is sponsored by the Office of Planning and Development.
Planning & Case No. SUP 15-206
Zoning Committee

Applicant: Mr. & Mrs. Brannon
Tim McCaskill – Representative

Request: Allow a used auto sales establishment

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB: No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)



CITY OF MEMPHIS

COUNCIL AGENDA

August 4, 2015

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

5. **ORDINANCE** amending the Code of Ordinances, Pension and Retirement, Section 4-4-1, Governing Participant Eligibility for Lump Sum Payments, up for **F I R S T** reading. Ordinance No. 5594 is sponsored by Councilman Kemp Conrad.
- Crone
Chairman,
Personnel &
Intergovern-
mental
Committee
- ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

6. **ORDINANCE** to transfer ownership of the equestrian statue of Nathan Bedford Forrest and to remove and relocate said statue from the City of Memphis' Health Sciences Park, pursuant to Section 579.1 of the Charter and subject to the provisions of the Tennessee Code Annotated, Section 4-1-412 (C) and to ratify the February 3, 2013 Memphis City Council resolution naming Health Sciences Park, Memphis Park and Mississippi River Park Nunc Pro Tunc, to the effective date of said resolution, up for **S E C O N D** reading. Ordinance No. 5592 is sponsored by Chairman Myron Lowery.
- W. Boyd
Chairman,
Parks &
Neighborhoods
Committee
- ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

7. **ORDINANCE** rezoning both sides of Cleveland and Watkins Streets, from Larkin Avenue on the south to North Parkway on the north, approximately 5,604 feet (includes calculating both sides of the streets), in the Multi-family, office and commercial uses in the Commercial (CMU-2 and CMU-3) and Industrial (EMP) zoning districts within the Midtown District Overlay (MD), up for **S E C O N D** reading. This ordinance is sponsored by the Office of Planning and Development.
- Collins
Chairman,
Planning &
Zoning
Committee

Case No. Z 15-101

Ordinance No. 5593

Applicant: City of Memphis
Josh Whitehead, on behalf of the Memphis City Council –
Representative

Request: Apply Urban and Transitional Frontage

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATION FROM OPD

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

A. Case No. S 15-06 - The Village Subdivision

Located on the northeast corner of Williamsburg Lane and Village Road, containing .81 acre.

Appellant: Mary V. and Donald L. Jordan, Jr.

Request: Overturn the decision of the Land Use Control Board on 06/11/15 which approved a proposed two-lot resubdivision

LUCB and OPD recommendation: APPROVAL, of the resubdivision with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 18, 2015

GENERAL ITEM (None)

MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11763, Beale Street Landing Garage ADA Improvements, to Wagner General Contractors, Incorporated, in the funded amount of \$144,000.00.

10. RESOLUTION awarding Contract No. 11754, Carpet Installation, to A & B Construction Company, Incorporated, based on agreed upon rates, in the funded amount of \$186,000.00.
11. RESOLUTION approving Change No. 3 to Contract No. 11539, Mobile Document Shredding Services, with Vital Records Control, Incorporated, in the funded amount of \$23,520.00. (This change is to renew the current contract for the third of four annual renewal terms covering the period January 4, 2016 through January 3, 2017, with no increase in rates from the previous year. This change also includes an expansion in the project scope to include the support of two shred events yearly at no additional cost, with as many as 15 additional 96-gallon containers provided for these events.)
12. RESOLUTION approving Change No. 3 to Contract No. 11535, Pest Control, with Nu Era Pest Control, in the funded amount of \$28,420.00. (This change is to renew the current contract for the third of four annual renewal terms, covering the period November 1, 2015 through October 31, 2016, with no increase in rates from the previous year.)
13. RESOLUTION approving the agreement for and payment of MLGW's on-going commitment to the Greater Memphis Chamber to facilitate economic and community development in Memphis and Shelby County, in the funded amount of \$175,000, to cover the services rendered by The Greater Memphis Chamber for the period covering September 1, 2015 through August 31, 2016.
14. RESOLUTION approving TVA Contract No. 9916 between MLGW and TVA, to support industrial recruitment, development and expansion of business and industry in the Memphis/Shelby County area. MLGW will pay the Greater Memphis Chamber \$80,608.00 and TVA will reimburse MLGW \$40,304.00. This allows MLGW to leverage its money with TVA funds to reinforce local economic development efforts by attracting new companies and investment and supporting existing business growth. The effort is outlined in a scope of work that covers the period January 1, 2015 through December 31, 2015.

August 4, 2015

Page 7

15. RESOLUTION awarding a contract to Schweitzer Engineering Laboratories, Inc., for a duplex switchboard, in the amount of \$195,880.00.
16. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for submersible pumps, in the amount of \$153,162.00.
17. RESOLUTION approving a contract between Memphis Light, Gas and Water and Corporate Risk Solutions, Inc., for professional consulting services to assist MLGW with on-going support for its Internal Compliance Program (ICP), technical studies, evaluations, readiness assessment, and other NERC Reliability Standards compliance processes associated with its registration as a Distribution Provider (DP), Transmission

Planner (TP), Transmission Owner (TO), and Transmission Operator (TOP), in an amount not to exceed \$510,000.00, through December 31, 2017.

18. RESOLUTION awarding a twenty-four month contract to Brown Wood Preserving Company, Inc., for southern yellow pine poles, in the amount of \$1,554,432.00.
19. RESOLUTION approving Change No. 3 to Contract No. 11570, MLGW Rental Equipment Insurance Coverage, with Clay and Land Insurance Agency (formerly Mid-South Insurance Office, Incorporated), in the funded amount \$26,500.00. (This change is to renew the current contract for a one year term for the period covering August 24, 2015 through August 23, 2016, with no increase in coverage from the previous year.)
20. RESOLUTION approving Change No. 1 to Contract No. 11681, Department of Transportation (DOT) Drug and Alcohol Testing, with Mid-South Drug Testing, Incorporated, in the funded amount of \$75,000.00. (This change is to renew the current contract for the first of four annual renewal terms covering the period September 15, 2015 through September 14, 2016, with no increase in rates from the previous year.)



CITY OF MEMPHIS

COUNCIL AGENDA

August 4, 2015

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

REGULAR AGENDA

21.

Crone
Chairman,
Personnel &
Intergovern-
mental
Committee

APPOINTMENTS

MEMPHIS CITY BEAUTIFUL COMMISSION

Appointment

Rachel Kesselman

Reappointments

Syd Lerner
Stacy McCall

MEMPHIS LANDMARKS COMMISSION

Appointment

Neil Prosser

MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

Appointment

Joy Doss

GENERAL ORDINANCES – THIRD AND FINAL READING

22.

Strickland
Vice-Chairman,
Personnel &
Intergovern-
mental Committee

ORDINANCE to amend Chapter 28, Article VII, City of Memphis Code of Ordinances, establishing the Civilian Law Enforcement Review Board, up for **THIRD** and **FINAL** reading. Ordinance No. 5586 is sponsored by Councilwoman Halbert. (Held from 5/19; 6/2; 7/7)

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to redistrict all Council Districts and to assign newly annexed areas, if any, to Council Districts so that all such districts will remain as equal as practicable and all such districts will comply with the injunction decree issued by United States District Judge Jerome Turner pertaining to Voting Rights Act remedies, up for T H I R D and F I N A L reading. Ordinance No. 5591 is sponsored by Councilman William Boyd.

Crone
Chairman,
Personnel &
Intergovern-
mental Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

24. **RESOLUTION** transferring a construction allocation of \$142,000.00 funded by G.O. Bonds from Asphalt/Paving, Project Number PW01272, \$9,000.00 funded by G.O. Bonds from ADA Curb Ramp, Project Number PW04007 and \$25,000.00 funded by G.O. Bonds from Sidewalk Replacement, Project Number PW04024 for a combined total of \$176,000.00 to Walker Avenue Streetscape, Phase 1, Project Number PW04094 Contract Construction. This resolution is sponsored by Engineering.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

25. **RESOLUTION** amending the FY2016 Capital Improvement Budget, Walker Avenue Streetscape Phase 1, Project Number PW04094, by transferring an allocation of \$125,000.00 from Contract Construction to A&E and appropriating funds in the amount of \$724,644.00 for contract construction funded by Federal Grants CIP and G.O. Bonds. This resolution is sponsored by Engineering.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

26. **RESOLUTION** appropriating \$242,311.00 in G.O. Bonds to replace, test and repair self-contained breathing apparatus from Capital Project FS04001, Personal Protective Equipment. This resolution is sponsored by Fire Services.

Conrad
Chairman,
Public Safety
Committee

ACTION REQUESTED: Adopt the resolution

27. **RESOLUTION** appropriating \$743,014.00 in G.O. Bonds to replace personal safety equipment from Capital Project FS04001, Personal Protective Equipment. This resolution is sponsored by Fire Services.

Conrad
Chairman,
Public Safety
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

28. RESOLUTION requiring all City of Memphis Retirees to participate in Medicare A & B upon qualifying for Medicare A & B. This resolution is sponsored by Administration.
Crone
Chairman,
Personnel &

Intergovernmental Committee
ACTION REQUESTED: No recommendation

29. RESOLUTION requesting that a more robust performance review system be developed and that all employees with multiple disciplinary actions do not receive pay raises. This resolution is sponsored by Councilman Kemp Conrad.
Crone
Chairman,
Personnel &

Intergovernmental Committee
ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

30. RESOLUTION approving an amendment to the Exclusive Archery Rights Memorandum Agreement with TWRA dated April 23, 2001, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on October 15, 2014. This resolution is sponsored by the Port Commission. (Held from 3/17; 5/19; 6/2; 7/7)
Hedgepeth
Chairman,
Public Works
& Transportation Committee

Contract No. CR-5228

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

31. RESOLUTION expressing the City Council’s condolences over the tragic loss of
Consent Officer Sean Bolton.

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving an honorary street name change for Rev. Leo Holt.
Consent

ACTION REQUESTED: Adopt the resolution

33. **ORDINANCE** to add Title V, Chapter 40, of the City of Memphis, Code of
Consent Ordinances, to create the Memphis Tourism Improvement District, up for
F I R S T reading.

Ordinance No. 5595

ACTION REQUESTED: Adopt the ordinance on First reading

34. **ORDINANCE** to amend Title 5, Chapter 5-20, of the Memphis Municipal Code,
Consent to increase the existing Hotel/Motel Occupancy Tax to 3.5%, up for F I R S T
reading.

Ordinance No. 5596

ACTION REQUESTED: Adopt the ordinance on First reading

35. **JOINT ORDINANCE** amending a provision in the local amendments to the
Consent 2012 Edition of the International Code Council International Residential Code, also
referred to as the Memphis and Shelby County Residential Code, to address when the
use of engineered shear panels for seismic protection of residential structures is
required, up for F I R S T reading.

Ordinance No. 5597

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Approved, as amended
- 2. and 3 – Approved
- 4. Held until applicant brings a site plan to Council
- 5. Dropped
- 6. and 7 – Approved
- 8. Public Hearing set for August 18, 2015
- 9. Through 21 – Approved
- 22. Held until November 3, 2015

ADD-ONS

- 23. Through 28 – Approved
- 29. and 30 – Held until September 15, 2015
- 31. Through 35 – Approved

ACTION TAKEN ON THE MINUTES OF JULY 21, 2015

Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 4, 2015 FOR ITEM #23 ONLY

Approved