



CITY OF MEMPHIS

COUNCIL AGENDA

August 18, 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 (August 4, 2015)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION proclaiming September as Ovarian Cancer Awareness Month in Strickland Memphis.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the northeast corner of Summer Avenue and Graham Street, containing 1.29 acres in the Residential Urban-3 (RU-3), General Office (O-G) and Residential Single Family-6 (R-6) Districts. This resolution is sponsored by the Office of Planning and Development. (Held from 7/21)
Collins Chairman, Planning & Zoning Committee
Case No. PD 15-307

Applicant: H/Residential LLC and H/Summerview LLC (Harry Skefos)
Brenda Solomito Basar – Representative

Request: Planned Development to allow a Commercial Shopping Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

57 NOTICES WERE MAILED ON JULY 10, 2015

3. RESOLUTION approving a subdivision appeal located on the northeast corner of
Collins Williamsburg Lane and Village Road, containing .81 acre. This resolution is
Chairman, sponsored by the Office of Planning and Development. Case No. S 15-06
Planning &
Zoning Committee

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: Take whatever action Council deems advisable

60 NOTICES WERE MAILED ON AUGUST 7, 2015

DIVISION OF PLANNING AND DEVELOPMENT

4. RESOLUTION approving a street/alley closure located on the south side of Frayser
Collins Boulevard; +/-282.81 feet east of Schoolfield Road, containing 1.70 acres in the
Chairman, Commercial Mixed Use (CMU-1) and Employment (EMP) Districts. This resolution
Planning & is sponsored by the Office of Planning and Development. Case No. SAC 15-605
Zoning
Committee

Applicant: City of Memphis/Belz Investco GP
SR Consulting, LLC – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with seven (7) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

5.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning the intersection of Summer Avenue and Graham Street; extending east along Summer Avenue +/-292.07 feet and north along Graham Street +/-271.93 feet and applying to the east side of Graham Street only, containing 0.484 acre in the Residential Urban-3 (RU-3), General Office (O-G) and Residential Single Family-6 (R-6) Districts, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development. (Held from 7/21)

Case No. RC 15-401
Ordinance No. 5590

Applicant: H/Residential LLC and H/Summerview LLC
Solomito Land Planning-Brenda Solomito Basar – Representative

Request: Delete a portion of the Graham Street Residential Corridor

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

56 NOTICES WERE MAILED ON JULY 10, 2015

6.
Collins
Chairman,
Planning &
Zoning
Committee

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 T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

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: Take whatever action Council deems advisable

45 NOTICES WERE MAILED ON AUGUST 7, 2015



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** to amend Chapter 25, Pension and Retirement System of the City of Memphis, Code of Ordinances, to Modify the Disability Provisions, up **F I R S T** reading. Ordinance No. 5598 is sponsored by Councilman Kemp Conrad and Chairman Myron Lowery.
- Crone
Chairman,
Personnel &
Intergovernmental
Committee
- ACTION REQUESTED:** Adopt the ordinance on First reading

8. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to amend Section 25-200 of the 1978 Plan to add Paragraph G to allow for limited suspension of the DROP Program by qualifying participants, up for **F I R S T** reading. Ordinance No. 5599 is sponsored by Administration.
- Lowery
Chairman,
Executive
Session
- ACTION REQUESTED:** Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

9. **ORDINANCE** to add Title V, Chapter 40, of the City of Memphis, Code of Ordinances, to create the Memphis Tourism Improvement District, up for **S E C O N D** reading. Ordinance No. 5595 is sponsored by Councilman Edmund Ford, Jr.
- Halbert
Chairman,
Economic
Development &
Tourism Committee
- ACTION REQUESTED:** Adopt the ordinance on Second reading

10. **ORDINANCE** to amend Title 5, Chapter 5-20, of the Memphis Municipal Code, to increase the existing Hotel/Motel Occupancy Tax to 3.5%, up for **S E C O N D** reading. Ordinance No. 5596 is sponsored by Councilman Edmund Ford, Jr.
- Halbert
Chairman,
Economic
Development &
Tourism Committee
- ACTION REQUESTED:** Adopt the ordinance on Second reading

11. **JOINT ORDINANCE** amending a provision in the local amendments to the 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 S E C O N D reading. Ordinance No. 5597 is sponsored by Councilman Reid Hedgpeeth.
Collins
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

12. **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 15-09 – Clark and Fay’s Belle Meade Subdivision

Located on the northwest corner of Poplar Avenue and Belle Meade Lane, containing .71 acre.

Appellant: John R. Wills, Jr.

Request: Overturn the decision of the Land Use Control Board on 07/09/15, which rejected a proposed two-lot re-subdivision

OPD recommendation: APPROVAL, of the re-subdivision with conditions

LUCB recommendation: REJECTION, of the re-subdivision

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 1, 2015

GENERAL ITEM (None)



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MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11764, Replace Air Handling Unit-1 at Beale Street Landing Garage, to Air Technical Services, Incorporated, in the funded amount of \$149,850.00.
14. RESOLUTION awarding Contract No. 11788, Gas Leak Surveys, to Heath Consultants, Incorporated, in the funded amount of \$809,601.80.
15. RESOLUTION awarding a contract for the purchase of a hydraulic crawler excavator and a mobile hydraulic rough terrain crane, to Power Equipment Company in the amount of \$246,500.00, and H & E Equipment Services, Inc. in the amount of \$340,500.00.
16. RESOLUTION awarding a contract to Man Lift Manufacturing, for the purchase of a 60 foot boom lift, in the amount of \$233,795.00.
17. RESOLUTION awarding thirty-six month contracts, for water meters, to Coburn Supply in the amount of \$18,740.10, Neptune Technology Group, Inc. in the amount of \$662,585.88 and Zenner USA in the amount of \$1,652,909.78.
18. RESOLUTION approving Change No. 1 to Contract No. 11634, Substation Engineering Grounding, with MESA Associates, 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 June 2, 2015 through May 30, 2016, with no increase in rates through December 31, 2015. In addition, this change also reflects a 3.34% rate increase from January 1, 2016 through May 30, 2016 due to an increase in the cost of software.)
19. RESOLUTION awarding Contract No. 11800, Infowater Hydraulic Model Implementation Services, to Innovyze, Incorporated, in the funded amount of \$107,500.00.
20. RESOLUTION awarding Contract No. 11732, MLGW Phone Switch Installation, to Black Box Network Services, in the funded amount of \$425,490.86.
21. RESOLUTION awarding Contract No. 11773, Water Production Well, to Layne Christensen Company, in the funded amount of \$4,047,580.00.

22. RESOLUTION approving the selection of OFI Global Asset Management, an international small cap manager, to manage approximately \$26,000,000, for the benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
23. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for reclosers, switches and controls, in the amount of \$1,799,445.00.
24. RESOLUTION awarding a twenty-four month contract to Engineered Sealing Components, LLC, for gas fittings, in the amount of \$893,626.28.
25. RESOLUTION awarding Contract No. 11740, Claims Case Management, to American Technical Services, in the funded amount of \$91,500.00.
26. RESOLUTION approving Change No. 1 to Contract No. 11735, Onsite Computer and Technical Classes, with Southwest Tennessee Community College, in the funded amount not-to-exceed \$55,000.00. (This change is to renew and amend the current contract term for the period covering July 1, 2015 through June 30, 2016 to align with Southwest Tennessee Community fiscal year.)
27. RESOLUTION awarding a contract to PCM Sales, Inc., for Unidesk Software licenses and maintenance, in the amount of \$71,440.00.
28. RESOLUTION awarding Contract No 11743, NERC Access Management Solution Software, to Quantum Secure, in the funded amount of \$250,000.00.
29. RESOLUTION awarding Contract No. 11821, NERC Compliance Management Solution Software, to AssurX, Incorporated, in the funded amount of \$384,500.00.



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REGULAR AGENDA

GENERAL ORDINANCE – THIRD AND FINAL READING

30. **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 T H I R D and F I N A L reading. Ordinance No. 5592 is sponsored by Chairman Myron Lowery.

W. Boyd
Chairman,
Parks &
Neighborhoods
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (Fire)

DIVISION OF GENERAL SERVICES

31. **RESOLUTION** appropriating \$288,000.00 in Engineering-Architecture and 2,592,000.00 in Contract Construction funded by G.O. Bonds General in CIP Project Number GS01007, to fund various repairs, modifications and improvements to City properties including roofing, plumbing, painting, carpentry and HVAC. This resolution is sponsored by General Services.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

32. RESOLUTION ensuring that all surviving spouses of employees who died in the Line of Duty shall continue to receive health insurance benefits. This resolution is sponsored by Councilman Jim Strickland.

Crone
Chairman,
Personnel &
Intergovernmental
Committee

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS

33. RESOLUTION to approve extension of Contract No. 26029, between the City of Memphis and Memphis Athletic Ministries (MAM) for a second and final four (4) year term for the management/operations of 4 City of Memphis community centers; Bethel LaBelle; Greenlaw; Magnolia-Simon/Boyd and Hamilton. This resolution is sponsored by Parks and Neighborhoods.

Boyd
Chairman,
Parks
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

34. RESOLUTION accepting grant funds from the State of Tennessee in the amount of \$1,300,200.00 specifically for the In-Service Training Program for training of 2,167 commissioned officers. The resolution is sponsored by Police Services.

Conrad
Chairman,
Public Safety
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

35. RESOLUTION approving a Lease Agreement with Diamond Pipeline, LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on March 18, 2015. This resolution is sponsored by the Port Commission.

Hedgepeth
Chairman,
Public Works &
Transportation Committee

Contract No. CR-5232

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the FY2016 Capital Improvement Budget by transferring an allocation and appropriating \$2,980,860.00 funded by G.O. Bonds, Asphalt/Paving, Project Number PW01272 to Project Number PW04104, FY2016 Resurfacing Group
Hedgepeth Chairman, Public Works & Transportation Committee
1. This resolution is sponsored by Public Works.
ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY2016 Capital Improvement Budget by transferring a construction allocation of \$453,000.00 reprogrammed funds, funded by G.O. Bonds General – Stormwater in Bridge Repair Storm Water, Project Number ST03083 to Holmes/BNSF Railroad Slope Repair, Project Number ST03165 for repair of unanticipated slope failure at Holmes Road over the BNSF Railroad. This resolution is sponsored by Public Works.
Hedgepeth Chairman, Public Works & Transportation Committee

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

38. RESOLUTION to accept and appropriate Clean Tennessee Energy Grant funds in
Hedgepeth in the amount of \$80,000.00 from the Tennessee Department of Environment and
Chairman, Conservation for a solar installation and educational display at Lichterman Nature
Public Works & Center. This resolution is sponsored by Public Works.
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION to transfer and appropriate construction funds to provide a complete
Hedgepeth and comprehensive repair for rewinding four 750 horsepower induction electric
Chairman, motors located at Gayoso Pump Station, 35 West Saffarans, for flood control. This
Public Works & resolution is sponsored by Public Works.
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION to approve donations and expenditures for Police Services Division
Hedgepeth FY2016 Gifts for Guns Program.

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Failed
3. Held until September 15, 2015
4. Approved
5. Held until September 1, 2015
6. Through 11 – Approved
12. Held until September 1, 2015
13. Through 16 – Approved
17. Back to Committee on September 1, 2015
18. Through 40 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF AUGUST 4, 2015

Approved

**ACTION TAKEN ON THE MINUTES OF AUGUST 18, 2015 FOR ITEMS 32, 34,
38, 39 and 40 ONLY**

Approved

