



CITY OF MEMPHIS

COUNCIL AGENDA

November 18, 2014

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 (November 4, 2014)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION thanking the Honorable Curtis S. Person, Jr., for his lifetime of service to this community.

Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a street/alley closure located on Coughlin Drive between Brooks Road and Stonebrook Avenue, containing 2.058 acres in the Employment (EMP) District. (Held from 4/15; 5/20; 10/7; 10/21)

Collins

Case No. SAC 13-605
Companion Case No. SD 13-701

Applicant: City of Memphis Engineering Division
Bill Wood, Pickering Firm – Representative

Request: Close and vacate a portion of Coughlin Drive Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES WERE MAILED ON APRIL 3, 2014

DIVISION OF PLANNING AND DEVELOPMENT

3. RESOLUTION approving a street dedication located on Sandbrook and Stonebrook Avenues, containing 0.146 acre in the Employment (EMP) District. (Held from 4/15; 5/20; 10/7; 10/21)

Collins

Case No. SD 13-701
Companion Case No. SAC 13-605

Applicant: City of Memphis Engineering Division
Bill Wood, Pickering Firm – Representative

Request: Dedicate new street right-of-way in conjunction with the closure of Coughlin Drive

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4. RESOLUTION approving a special use permit located at 4475 Germantown Road, (1,940 feet north of Shelby Drive), in unincorporated Shelby County.

Collins

Case No. SUP 14-229cc

Applicant: TV6 Signal Source Towers, LLC/dba Tower Ventures
Lou Katzerman – Representative

Request: Proposal to construct a 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

5. RESOLUTION authorizes the use of the Zone Schedule to implement rules, regulations and fees for the Foreign-Trade Zone No. 77.

Halbert

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

6. **ORDINANCE** to amend Chapter 21 – Motor Vehicles and Traffic, Article III, Operation of Motor Vehicles Generally, to add a new section Establishing Driving Rules in the presence of Solid Waste Collection Vehicles, up for F I R S T reading.

Conrad

Ordinance No. 5576

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

7. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, to limit participation in the City Pension System 1978 Plan to participants with 10 or more years of service and create a separate account for participants with less than 10 years of service equal to their employee contributions plus the multiple earned as of June 30, 2015, up for S E C O N D reading.

Strickland

Ordinance No. 5571

SPONSOR: Administration

ACTION REQUESTED: None

8. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan, up for S E C O N D reading. [**Non-vested employees**]

Strickland

Ordinance No. 5572

SPONSOR: Administration

ACTION REQUESTED: None

9. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan, up for S E C O N D reading. [**New hires only**]

Strickland

Ordinance No. 5573

SPONSOR: Lowery

ACTION REQUESTED: Adopt the ordinance on Second reading

- 10. **ORDINANCE** to require approval for MLG&W contracts with other municipalities, particularly contracts involving collection of various municipal charges, up for S E C O N D reading.

Lowery

Ordinance No. 5574

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

- 11. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on 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 F I R S T reading.

Collins

Case No. ZTA 14-001

Ordinance No. 5577

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

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

LUCB and OPD recommendation: APPROVAL

NOTICES WERE NOT REQUIRED

ZONING ORDINANCE - SECOND READING

- 12. **ORDINANCE** rezoning the southwest corner of Summer Avenue and Vaughn Road, containing 0.28 acre in the Residential Single Family (R-6) District, up for S E C O N D reading.

Collins

Case No. Z 14-104

Ordinance No. 5575

(Companion Case SUP 14-232)

Applicant: Tina and Tammy Nguyen
J. P. Thomas & Associates, Inc. (Keith Chapman) – Representative

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATION FROM OPD

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

A. Case No. SUP 14-232
(Companion Case Z 14-104)

Located at 4127 Summer Avenue (Southwest corner of Summer Avenue and Vaughn Road), containing 0.28 acre in the Residential Single Family (R-6) District

Applicant: Tina & Tammy Nguyen – dba A & T Auto Sales
J. P. Thomas & Associates, Inc. – Representative

Request: Special Use Permit to allow motor vehicle (auto) sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 2, 2014



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FISCAL CONSENT AGENDA

14. RESOLUTION accepting a donation in the amount of \$25.00 from Free Spirit Missionary Baptist Church as awarded to the City of Memphis Police Department to support Police Services' operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting \$1,000.00 from the National League of Cities and the National Black Caucus of Local Elected Officials for the Memphis City Council Travel Budget in honor of Myron Lowery receiving the Mary F. Gordon Distinguished Service Award and to amend the City Council Travel Budget to \$1,000.00.

Harris

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

16. RESOLUTION approving Change No. 4 to Contract No. 11414, Roofing Maintenance, with B Four Plied, Incorporated in the funded amount of \$65,000.00. (This is the fourth and final renewal term covering the period of January 11, 2015 through January 10, 2016 with no increase in rates from the previous year.)
17. RESOLUTION awarding a contract to Summit Truck Group, for heavy equipment, in the amount of \$831,103.00.
18. RESOLUTION awarding a contract to Synergy Power Group, LLC, d/b/a Team Fenex, for two underground manhole support trailers, in the amount of \$100,913.27.
19. RESOLUTION approving Change No. 2 to Contract No. 11545, Weld Testing and Inspection Services, with American Industrial Testing, LLC, in the funded amount of \$15,000.00. (This change is the second of four annual renewal terms covering the period of January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)
20. RESOLUTION approving Change No. 5 to Contract No. 11516, Tire and Tire Repair Services, with Southern Tire Mart, in the funded amount of \$958,270.89. (This change is to renew the current contract for the third of four annual renewal terms covering the period January 1, 2015 through December 31, 2015, with no increase in rates from the previous year.)
21. RESOLUTION awarding a twenty-four month contract to Mueller Company, LLC, for fire hydrants, in the amount of \$1,044,002.88.
22. RESOLUTION awarding a contract to Border States, for capacitor cans, in the amount of \$82,572.50.
23. RESOLUTION awarding a contract to Brighter Days & Nites, Inc., for electrical material, in the amount of \$967,265.00.
24. RESOLUTION awarding a twelve month contract to Brighter Days and Nites, Inc., for various wires, in the amount of \$148,269.14.

25. RESOLUTION awarding a contract to Logicalis, Inc., for VMWare license upgrade to Enterprise Plus, in the amount of \$112,541.44.

November 18, 2014

Page 9

26. RESOLUTION approving Change No. 2 to Contract No. 11537, Professional Services Support, with NexTech Solutions, in the funded amount of \$1,377,410.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)
27. RESOLUTION approving Change No. 2 to Contract No. 11590, Professional Services Support, with Conch Technologies, Incorporated, in the funded amount of \$985,089.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015, with no increase in rates from the previous year.)
28. RESOLUTION approving Change No. 2 to Contract No. 11591, Professional Services Support, with Stragistics Technology, Incorporated, in the funded amount of \$1,215,863.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)
29. RESOLUTION approving Change No. 2 to Contract No. 11586, Professional Services Support, with VACO Midsouth, LLC, in the funded amount of \$1,208,016.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)
30. RESOLUTION approving Change No. 2 to Contract No. 11588, Professional Services Support, with Cook Systems, in the funded amount of \$772,960.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)
31. RESOLUTION approving Change No. 2 to Contract No. 11587, Professional Services Support, with Zycron, in the funded amount of \$1,262,836.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)



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REGULAR AGENDA

32.
Flinn

APPOINTMENTS

PUBLIC ART OVERSIGHT COMMITTEE

Reappointments

Ellen Daugherty
Carl E. Moore
Peter H. Warren

GENERAL ORDINANCES – THIRD AND FINAL READING

33. **ORDINANCE** authorizing the issuance of contractual licenses, permits and/or authorizations for use and occupation of the streets, alleys, thoroughfares and rights-of-way of the City of Memphis for installation and use of facilities for the operation of fiber optic and other communications systems and public utilities and establishing requirements, terms, conditions, limitations and provisions for recovery of the City's costs incurred for the construction, maintenance, policing, management or repair of the streets, alleys, thoroughfares and rights-of way of the City, up for T H I R D and F I N A L reading. (Held from 6/17; 9/16; 10/7; 10/21)

Hedgepeth

Ordinance No. 5551

ACTION REQUESTED: Take whatever action Council deems advisable

34. **ORDINANCE** to amend Chapter 2, Code of Ordinances of the City of Memphis, so as to establish Community Advisory Councils, up for T H I R D and F I N A L reading. (Held from 8/19; 9/16; 10/21)

Brown

Ordinance No. 5557

ACTION REQUESTED: Take whatever action Council deems advisable

35. **ORDINANCE** to set fourth Uniform Requirements for Transportation Network Services; to define Transportation Network Services, Applications, Companies, and Operators and to create Registration Provisions for Operators; and to provide for other related matters, up for T H I R D and F I N A L reading. (Held from 11/4)

Hedgepeth

Ordinance No. 5569

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

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

36. RESOLUTION requesting the City Council to convene as a Rate Making Board and approve the 2015 Memphis Light, Gas and Water Division Rate Actions.

Lowery

ACTION REQUESTED: Adopt the resolution

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

37. RESOLUTION to approve the 2015 Memphis Light, Gas and Water Division Budget.

Lowery

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 (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS

38. ELECTION of the 2015 City Council Chairman.
Strickland

39. ELECTION of the 2015 City Council Vice Chairman.
Strickland

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

40. RESOLUTION amending the FY 2015 Solid Waste Management Budget by transferring \$1,500,000.00 from the Transfers Out budget line, established to reimburse the Debt fund for the lease expense to the Capital Outlay budget line for the purposes of paying for ten of the immediately available packers until such time that the leasing agreement is in place.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting grant funds in the amount of \$61,062.00 from the State of Tennessee Department of Labor and Workforce Development Division for Disability Employment Initiative Grant.

Halbert

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION authorizing the financing \$1,500,000.00 in Memphis Cook Convention Center Improvements for fiscal year 2015 through the Memphis Center City Revenue Finance Corporation.

Harris

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION authorizing the executive, delivery and performance of a schedule to the Master Lease between Bank of America Public Capital Corp and the City of Memphis, TN, in an amount not exceeding \$15,500,000.00 relating to the acquisition of solid waste refuse trucks and to approve certain other matters relating thereto for the lease.

Harris

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. & 3 – Held until December 16, 2014
4. Through 7 – Approved
8. Failed
9. Through 12 – Approved
13. Public Hearing Set for December 2, 2014
14. Through 32 – Approved
33. Approved, as amended

- 34. Held until December 16, 2014
- 35. Held until January 6, 2015
- 36. Failed
- 37. Through 43 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 4, 2014 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #40, #41, #42 & #43 FROM TONIGHT'S MEETING

Approved