



CITY OF MEMPHIS

COUNCIL AGENDA

October 4, 2016

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 (September 20, 2016)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION designating October as Breast Cancer Awareness Month and recognizing Susan G. Komen Memphis Mid-South. This resolution is sponsored by Councilman Colvett.

PUBLIC HEARING (None)

DIVISION OF PLANNING AND DEVELOPMENT

2. RESOLUTION approving a special use permit located on the North side of Madison Avenue between Second Street and B.B. King Blvd., containing 0.47 acre in the Sports and Entertainment (SE) District. This resolution is sponsored by the Office of Planning and Development.
Colvett
Chairman,
Planning &

Zoning
Committee

Case No. SUP 16-13

Applicant: Memphis 158 Madison LLC
Pardo Elemental Architecture- (Chris Pardo) - Representative

Request: Hotel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit located on the Northside of Poplar Avenue; +/- 550' west of Kirby Parkway, containing 1.06 acres in the Commercial Mixed Use- 2 (CMU- 2) District. This resolution is sponsored by the Office of Planning & Development.

Case No. SUP 16-14

Applicant: Kroger Limited Partnership I
Solomito Land Planning- (Brenda Solomito Basar)- Representative

Request: Convenience store with gasoline sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE-THIRD AND FINAL READING

4.
Colvett
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning 3902 Prescott Road and rear 1.138 acre-tract of 3884 Prescott Road, containing 6.138 acres in the R-8 district, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning & Development.

Case No. Z 16-03

Ordinance No. 5627

Applicant: Barry Sims
Kevin Ledford, PE – Representative

Request: Re-zone from R-8 (Single-family Residential) to EMP (Employment) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

October 4, 2016

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22 NOTICES WERE MAILED ON SEPTEMBER 23, 2016



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

5. Spinosa
Chairman,
Personnel,
Intergovern-
mental &
Annexation
Committee
- ORDINANCE** to amend the Code of Ordinances of the City of Memphis, Section 20-28 Panhandling to add additional restrictions, up for S E C O N D reading. Ordinance No. 5628 is sponsored by Councilman Spinosa.
- ACTION REQUESTED: Adopt the Ordinance on Second reading
6. Spinosa
Chairman,
Personnel,
Intergovern-
mental &
Annexation
Committee
- ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to amend section 25-200 of the 1978 Plan to add Subparagraph (H) to allow for limited suspension of the DROP program by qualifying participants, up for S E C O N D reading. Ordinance No. 5630 is sponsored by Human Resources Division.
- ACTION REQUESTED: Adopt the Ordinance on Second reading
7. Boyd
Chairman,
Economic
Development
& Tourism
Committee
- ORDINANCE** to add Article VII, Chapter 36, Section 36-130 of the City of Memphis, Code of Ordinance to establish Rules and Operation, Registration and Regulation of short term rentals in Memphis, up for S E C O N D reading. Ordinance No. 5631 is sponsored by Councilman Ford.
- ACTION REQUESTED: Adopt the Ordinance on Second reading
8. Boyd
Chairman,
Economic
Development
& Tourism
Committee
- ORDINANCE** to amend Part I, Article VI, Division 5 of the Code of Ordinances known as the "Equal Business Opportunity Program;" consistent with certain findings of the 2016 "Minority and Women Business Enterprise Procurement Program" disparity study and legal analysis report and other data relative to the business opportunities available to minority and women owned business in the Memphis Metropolitan Statistical Area (MSA) up for S E C O N D reading. Ordinance No. 5632 is sponsored by Finance Division.

ACTION REQUESTED: Adopt the Ordinance on Second reading

ZONING ORDINANCE - FIRST READING

9.
Colvett,
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning 163 North Evergreen Street-West side of N. Evergreen St.; +/- 152' south of Poplar Ave., containing 0.159 acre in the Commercial Mixed Use -3 (CMU-3) District, up for F I R S T reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. Z 16-04
Ordinance No. 5633

Applicant: Steve and Kathleen Williams

Request: Residential Urban-3 (RU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on First reading

ZONING ORDINANCE - SECOND READING

10.
Colvett
Chairman,
Planning &
Zoning
Committee

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 & Development and the Land Use Control Board. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for S E C O N D reading. This ordinance is sponsored by the Office of Planning & Development.

Case No. ZTA 16-001
Ordinance No. 5629

Applicant: Memphis and Shelby County Office of Planning and Development
Josh Whitehead, 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

11. RESOLUTION authorizing the release of bond for JACKSON AVE PD.
Case No. PD 03-330
(Contract No. 4843)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of the intersection of Jackson Ave and Hollywood St. The standard improvement contract was approved on December 16, 2003. Resolution also authorizes the release of the performance bond in the amount of \$189,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving final plat of AEROTROPOLIS PD, PHASE 1, TAG TRUCK CENTER.
Case No. PD 11-324
Contract No. CR-5244

Resolution approving the final plat located on the north side of American Way, east of Cherry Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of ARTSPACE DRAINAGE IMPROVEMENTS.
Contract No. CR-5245

Resolution approving the contract located on the north side of St. Paul Ave., east of Main St. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving final plat of MORNING WOODS PD, PHASE 2, PARCEL 1.
Case No. PD 99-330
Contract No. CR-5246

Resolution approving the final plat located on the southeast corner of US Hwy 64 and Davies Plantation Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

15. **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. PD 16-08 –CALLIS CUTOFF PLANNED DEVELOPMENT, AREA G

Located on the north side of Callis Cutoff Road; +/- 2,500 feet east of Germantown Road, containing 14.03 acres and is governed by the approved conditions of the Callis Cutoff Planned Development (P.D. 95-365)

Applicant: Lightman Realty Company (Michael Lightman)
SR Consulting – (Cindy Reaves) - Representative

Request: Amend the conditions of Area G to permit multiple family residential development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: October 18, 2016



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FISCAL CONSENT AGENDA

16. RESOLUTION to accept a donation of six school buses from Durham School Services with an estimated value of \$3,000.00 to be used for collapse props and advanced vehicle extrication courses. This resolution is sponsored by Fire Services.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

17. RESOLUTION approving Change No. 1 to Contract No. 11840, Professional Engineering Services for Central Support Services, with Thompson Engineering, Incorporated, is the funded amount of \$19,910.00. (This change is to increase the current contract value in the funded amount of \$19,910.00 to cover the design fees for two 2016 projects: 1) the water and sump pump replacements in the Administration Building; and 2) the Beale Street Landing Garage Air Handling Unit #2. The design fees for these projects were not calculated in the original award amount. The contract term will remain through May 1, 2017.)
18. RESOLUTION approving Change No. 5 to Contract No. 11491, System Furniture, with Staples, in the funded amount of \$69,529.51. (This change is to increase the current contract value through the current contract term which ends January 22, 2017. The increase is needed to replenish funds used for unanticipated furniture purchases.)
19. RESOLUTION approving Change No. 4 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 fourth and final annual renewal term covering the period January 4, 2017 through January 3, 2018, with no increase in rates from the previous year.)
20. RESOLUTION awarding Contract No. 11881, Tire and Tire Services, to Wingfoot Commercial Tire Systems, LLC, d/b/a Goodyear Commercial Tire & Service Centers, in the funded amount of \$826,830.56.
21. RESOLUTION approving Change No. 1 to Contract No. 11770, Trash Removal/Solid Waste Services, with Waste Connections of Tennessee, Incorporated, in the funded amount of \$141,169.12. (This change is to renew the current contract for the first of four annual renewal terms for the period covering January 4, 2017 through January 3, 2018, with no increase from the previous year.)
22. RESOLUTION awarding Contract No. 11859, Duct Lining-Lt. George W. Lee Avenue (Between the Westin Hotel and Third Street), to Hill Services, Incorporated, in the funded amount of \$145,200.00.
23. RESOLUTION approving Contract No. 11924, Interlocal Agreement between Memphis Light, Gas and Water Division and the Town of Arlington, Tennessee for Storm Water Fee billing services within Arlington's corporate limits.

24. RESOLUTION approving Contract No. 11923, Interlocal Agreement between Memphis Light, Gas and Water Division and the City of Millington, Tennessee, for solid waste and storm water user fee billing services within the corporate limits of the City of Millington, Tennessee.
25. RESOLUTION approving the payment of an invoice from the City of Memphis Public Works Department for the annual sewer discharge fee for the 2015 filter backwash discharge for seven water pumping stations in the amount of \$412,489.08.
26. RESOLUTION approving Change No. 1 to Contract No. 11622, Employee Benefit Dental Plan, with Delta Dental of Tennessee, in the estimated funded amount of \$2,439,924.00. (This change is to renew the current contract for the first of two annual renewal terms for the period covering January 1, 2017 through December 31, 2017.)
27. RESOLUTION awarding Contract No. 11898, Wireless Network Upgrade and Enhancement Project, to Venture Technologies, Incorporated, in the funded amount of \$121,682.08.



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REGULAR AGENDA

28.
Spinosa
Chairman,
Personnel,
Intergovern-
mental &
Annexation
Committee

Appointments (Held from 9/20)

CIVIL SERVICE COMMISSION

Appointment

Stephen H. Biller

MEMPHIS & SHELBY COUNTY SPORTS AUTHORITY

Appointment

Lauran Stimac

BEALE STREET TOURISM DEVELOPMENT AUTHORITY

Appointments

Travis Green

Brian Whaley

CITY OF MEMPHIS BOARD OF ETHICS

Appointment

Cindy Newman

MEMPHIS WASTEWATER HEARING AUTHORITY

Reappointments

Stephen Patrick Harcourt

Cletea Scott-Woodfork

GENERAL ORDINANCE – THIRD AND FINAL READING

29. **ORDINANCE** to amend Chapter 20 of the City of Memphis Code of Ordinances relative to Miscellaneous Offenses and Provisions by adding Section 33 to institute a Civil Penalty for the Knowing Possession or Casual Exchange of less than one half ounce of Marijuana, up for T H I R D and F I N A L reading. Ordinance No. 5626 is sponsored by Councilman Boyd and Councilman Jones.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

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 (None)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES

30. **RESOLUTION** to appropriate \$1,000,000.00 funded by G.O. Bonds- General in Other Cost expense Category for CIP Project PD04026 for Helicopter Maintenance. This resolution is sponsored by Police Services.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

31. RESOLUTION requesting the approval of sale of City-owned surplus property as described in and acquired by Quit-Claim Deed on June 3, 2008 and recorded in Instrument #09071896, in the Shelby County Register of Deeds office. The parcel is located at 0 Pontotoc Street in Memphis, Shelby County, Tennessee also known as Parcel #007016 00004. This resolution is sponsored by General Services.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION requesting the approval of the sale of 625 square feet, more or less, being the northern most five (5) feet of a City-owned parcel acquired in a Tax Sale in Chancery Court, Docket #TRD 6572 on April 22, 1945, located in the Shelby County Register of Deeds office. The parcel is located at 0 Lundee Place in Memphis, Shelby County, Tennessee also known as Parcel #045040 00011. The City shall retain the remainder of the parcel which contains a drainage ditch. The proposed sale is to an adjoining property owner. This resolution is sponsored by General Services.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION requesting the approval of the sale of a City owned vacant parcel located at 0 Rile Street, and further described as Parcel #035031 00011, Memphis, Shelby County, Tennessee. The proposed sale will be executed pursuant to the Mow-to-Own Program as described in the amended ordinance 2-291.1 and the approved Memorandum of Understanding (MOU). This resolution is sponsored by General Services.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

34. RESOLUTION to accept one SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed at 4789 Cromwell at the request of J.M. Smucker Company, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$7,206.36. This resolution is sponsored by Police Services.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

Fiscal Consent

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION to accept two SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed at Ransom Lane at the request of Andrew Groveman, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$21,655.87. This is sponsored by Police Services.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

Fiscal Consent

ACTION REQUESTED: Adopt the resolution

36. **ORDINANCE** to amend Ordinance No. 5515 Relative to Operation and Maintenance of Street Lights and other public safety measures within the Corporate Limits of the City and authorizing the Board of Commissioners of the Memphis Light Gas and Water MLG&W Division to make a schedule of rates or fees for street lighting and other public safety measures for approval by the Council in accordance with the procedures set forth in Section 680 of the Charter, up for T H I R D and F I N A L reading. Ordinance No. 5625 is sponsored by Councilwoman Robinson. **This Ordinance failed on 3rd and Final reading on August 23, 2016. The minutes for this Ordinance was reconsidered on September 6, 2016 and was Sent Back to Committee for September 20, 2016, without objection.**

Robinson
Chairman,
MLG&W
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

37. RESOLUTION to appropriate \$250,000.00 in Contract Construction, funded by G.O. Bonds General, in PK09002, Zoo Major Maintenance. The City of Memphis has entered into an Agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriations. This resolution is sponsored by the Division of Parks and Neighborhoods.

Swearingen
Chairman,
Parks &
Environment
Committee

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION to appropriate \$280,000.00 in Furniture, Fixtures and Equipment in PK07114, Park Cover Line, funded by G.O. Bonds General, to purchase FF&E items for various community centers. This resolution is sponsored by the Division of Parks and Neighborhoods.

Swearingen
Chairman,
Parks &

ADD-ONS CONT.

Environment
Committee

ACTION REQUESTED: Adopt the resolution

39.

RESOLUTION approving final plat of RIVERWALK EXTENSION.

Consent

Contract No. CR-5247

Resolution approving the final plat beginning at AW Willis and extending to Saffarans. Cost of required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40.

RESOLUTION approving final plat of UPTOWN REDEVELOPMENT ALLEY IMPROVEMENTS III.

Consent

Contract No. CR-5248

Resolution approving the final plat located south of Bethel Avenue, between Sixth and Seventh Streets and south of Mill Avenue between Fourth and Fifth Streets. Cost of the required improvements to be borne by the Agency and Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

41.

Hedgepeth
Chairman,
Public Works,
Transportation &
General
Services
Committee

RESOLUTION to accept grant funds in the amount of \$1,526.40 from the State of Tennessee Emergency Management Agency for cleanup of debris caused by event DR-1978-TN (April 2011 storm). This resolution is sponsored by Public Works Division.

ACTION REQUESTED: Adopt the resolution

Fiscal Consent

42.

Colvett
Chairman,
Planning &
Zoning

RESOLUTION approving a Hotel/Motel Waiver for Royal Living Memphis II, LLC D/B/A: 'Holiday Inn & Suites-Memphis', located at 2751 New Brunswick Road. This resolution is sponsored by the Office of Planning and Development.

Case No. HMW 16-07

ADD-ONS CONT.

Committee ACTION REQUESTED: Adopt the resolution

43. RESOLUTION approving an honorary street name change of Front Street, between Poplar Avenue and A.W. Willis Avenue, for Memphis City Council Chairman Emeritus Myron Lowery. This resolution is sponsored by Councilman Ford.

 ACTION REQUESTED: Adopt the resolution

44. RESOLUTION approving line-of-duty benefit payments to the heirs of Officer Verdell Smith and Lt. Rodney Eddins. This resolution is sponsored by Councilman Ford.

 ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 14 – Approved
- 15. Public Hearing Set for October 18, 2016
- 16. Through 28 – Approved
- 29. Approved, as amended
- 30. Through 44 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF SEPTEMBER 20, 2016 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #34, #35, #37, #38 & #44 FROM TONIGHT'S MEETING

Approved