



CITY OF MEMPHIS

COUNCIL AGENDA

February 5, 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 (January 22, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Stage Road, between Summer Avenue and Appling Road, as "Dan Martini Boulevard."

Flinn

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change for Superintendent Elmo Randolph.

Fullilove

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing Walker Pitts for his heroic acts and display of bravery.
Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

4. RESOLUTION approving a planned development located on the northeast corner of Airways Boulevard and Pecan Circle, containing 5.3 acres in the Residential Urban-3 (RU-3) District. (Held from 1/22)

Collins

Case No. PD 12-319

Applicant: Samuel Tadesse

Request: Commercial Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

79 NOTICES MAILED ON JANUARY 11, 2013

5. RESOLUTION approving a special use permit located on the south side of Leroy Avenue; +/-138 feet west of Walter Cove, containing 1.04 acres in the Residential Single Family (R-6) District.

Collins

Case No. SUP 12-219

Applicant: Cellular South Real Estate, Inc.
Faulk and Foster (Belinda Bodie) – Representative

Request: Special Use Permit to allow a communications tower one-hundred twenty (120) feet in height of concealed canister design with capacity to accommodate a minimum of three (3) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

79 NOTICES WERE MAILED ON JANUARY 25, 2013

DIVISION OF PLANNING & DEVELOPMENT

6. JOINT RESOLUTION of the Board of Commissioners of Shelby County and the Council of the City of Memphis, Tennessee, authorizing and approving the amendment of the Certificate of Incorporation of the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee.

Halbert

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving the recommendations of the Incentive Study Committee.
Halbert

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving a hotel/motel waiver for Hampton Inn & Suites – Beale Street, located at 175 Peabody Place.
Collins Case No. HMW 13-01

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving a special use permit located at 1374 and 1384 Madison; +/- 182 feet east of the western right-of-way line of Watkins Street, containing .63 acre in the Commercial Mixed-Use (CMU-3) District.
Collins Case No. SUP 12-226

Applicant: The HART Center – The Healing Arts Training Center
Solomito Land Planning (Brenda Solomito) – Representative

Request: Therapy facility/Rehabilitation Services

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

10. **ORDINANCE** to amend Chapter 34 of the City of Memphis Code of Ordinances to add Article VII which shall govern the Management of Public Trees and Create and Establish a Memphis Tree Board, up for F I R S T reading.

Boyd

Ordinance No. 5494

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** to amend Ordinance No. 5460, to allow the Maximum Local Option Sales Tax be levied in the City of Memphis and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis, at a special election to be held by September 30, 2013, up for F I R S T reading.

Flinn &
Strickland

Ordinance No. 5495

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

12. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to modify Section 21-80 (b) of the Traffic Control Photographic System Requirements, up for S E C O N D reading.

Collins

Ordinance No. 5493

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

13. **ORDINANCE** rezoning 2,025.35 feet west of centerline of Pleasant Hill, containing 8.222 acres in the CA District, up for F I R S T reading.

Collins

Ordinance No. 5496

Case No. Z 12-109

Applicant: DCT – Shelby 18 L.P.
The Reaves Firm, Inc. – Representative

Request: Warehouse facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

14. **ORDINANCE** rezoning the south side of Raines +/-312 feet east of Michael Dr., containing 0.396 acre in the R-10 District, up for F I R S T reading.

Collins

Ordinance No. 5497
Case No. Z 12-108

Applicant: Linda & Earl Mosley
Linda Mosley – Representative

Request: Re-zone from R-10 (Single-family Residential) to O-G (General Office) District

LUCB and OPD recommendation: Property be rezoned from R-10 to O-G

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING

15. RESOLUTION accepting RUBY ESTATES SUBDIVISION, 1ST ADDITION and authorizing release of bond.

Case No. S 06-028
(Contract No. CR-5066)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located at the eastern terminus of Ruby Creek Place. The standard improvement contract was approved on April 10, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$23,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION accepting WESLEY FOREST SUBDIVISION, and authorizing release of bond.

Case No. S 00-013
(Contract No. CR-4955)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located on the west side of Neely Road, north of Raines Road. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$32,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving the final plat of CRESCENT CENTER PD.

Case No. PD 12-302

Contract No. CR-5196

Resolution approves the final plat located on the southwest corner of Poplar Avenue and Ridgeway 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.

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

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

- A. Case No. PD 12-322 - CLARKE ROAD INTERMODAL YARD PLANNED DEVELOPMENT

Located on the east side of Clarke Road; +/-1,320 feet north of E. Shelby Drive, containing 30.47 acres in the Conservation Agriculture (CA) District.

Case No. PD 12-322

Applicant: The Marino Group
Chism-Hardy Enterprises, LLC &
Ledford Engineering & Planning, LLC – Representatives

Request: Planned development to allow an intermodal yard for storage, maintenance and repair for a goods containment service and operations

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 19, 2013



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MLGW FISCAL CONSENT

19. RESOLUTION approving the selection of Memphis Biomed Ventures III, LP to manage approximately \$2,000,000.00 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation. (Held from 1/8)
20. RESOLUTION approving payment of 2013 annual membership dues, plus locate request tickets, to Tennessee One-Call System, Inc. in the amount of \$94,772.34.
21. RESOLUTION awarding Contract No. 11600, Gas Leak Survey, to Heath Consultants, Incorporated, in the funded amount of \$807,570.20.
22. RESOLUTION approving Change No. 2 to Contract No. 11423, Smart Meter Demonstration, with Itron Incorporated, in the funded amount of \$10,000.00. (This change is to increase the current contract funding in the amount of \$10,000.00, for a new contract value of \$390,300.00. Of this amount, \$5,161.00 is for services provided outside the scope of the original contract and, therefore, the authority to pay is being requested. The remaining amount covers upcoming data services for a period not to exceed six months in 2013.)
23. RESOLUTION approving amendment of contract between MLGW and GDS Associates, Inc. for professional consulting services to assist MLGW with preparation for NERC registration, process and procedure implementation, technical studies and evaluations, and readiness assessments. (This amendment expands the scope of work to include GDS assistance with MLGW preparation and training for the June, 2013 NERC 693 and August, 2013 NERC 706 – CIP audits, including additional onsite and one-on-one training and preparation with MLGW's Subject Matter Experts. Expenditures under the contract had been capped at \$442,000.00 through December 31, 2014. This raises the cap on expenditures by an additional \$280,000.00, for a total not to exceed \$722,000.00.)
24. RESOLUTION awarding Contract No. 11574, Commercial Auto Insurance for Out-of-State Travel, with Pete Mitchell and Associates, Incorporated, in the funded amount of \$97,704.00.



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REGULAR AGENDA

25.
Flinn

APPOINTMENTS

MEMPHIS ANIMAL SHELTER ADVISORY BOARD

Appointment

Karen Sheeks-Williams

MEMPHIS AND SHELBY COUNTY CROSS CONNECTION BOARD

Reappointment

John H. McCormick

MEMPHIS AND SHELBY COUNTY DOWNTOWN MEMPHIS COMMISSION

Appointment

Sharon Leicham

Reappointments

Alpha L. Lyons
Isaac W. Northern, Jr.

GENERAL ORDINANCES – THIRD AND FINAL READING

26. **ORDINANCE** amending Title 6, Business Licenses and Regulation, of the Memphis, Tennessee, Code of Ordinances to add Chapter 105, Prohibiting Wage Theft, providing Administrative Procedures for Wage Theft, and allowing Shelby County Government to impose penalties against those employers found guilty of Wage Theft, up for T H I R D and F I N A L reading. (Held from 12/18; 1/8)

Flinn

Ordinance No. 5478

ACTION REQUESTED: Take whatever action Council deems advisable

- 27. **ORDINANCE** to amend No. 4934, of the City Code of Ordinances, Chapter 2, Article III, Division 4, Public Art – Public Art Program for the City of Memphis, up for T H I R D and F I N A L reading. (Held from 1/8)

Hedgepeth

Ordinance No. 5488

ACTION REQUESTED: Take whatever action Council deems advisable

- 28. **ORDINANCE** to amend Chapter 9-60 (Litter Control) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6; 12/18; 1/8; 1/22)

Hedgepeth

Ordinance No. 5474

ACTION REQUESTED: Take whatever action Council deems advisable

- 29. **ORDINANCE** to amend Chapter 9-58 (Tire Business and Tire Hauler Registration) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6; 12/18; 1/8; 1/22)

Hedgepeth

Ordinance No. 5475

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

- 30. RESOLUTION to set the sales tax referendum to allocate money in the amount of \$27,000,000.00 for Pre-Kindergarten Programs and property tax decrease in the amount of \$20,000,000.00.

Strickland

ACTION REQUESTED: Adopt the resolution

- 31. RESOLUTION transferring an allocation and appropriation from Treasury System Upgrade to various capital improvement Capital Improvement Projects funded by G.O. Bonds-General.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

32. RESOLUTION to amend the Death Benefit Resolution adopted January 26, 1993, to clearly define the intended recipient(s) of the \$100,000.00 Line-of-Duty Death Benefit by replacing the Term “legal dependents” with “spouse and minor children” and adding the stipulation that such recipient(s) be paid “in equal shares”.

Flinn

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES

33. RESOLUTION accepting grant funds from Nike, Inc. and Affiliates in the amount of \$10,000.00 for a Community Outreach program, aimed to strengthen, empower and cultivate proactive partnerships within the community utilizing innovative crime prevention techniques and educational programs.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

34. RESOLUTION allocating and appropriating \$35,379.00 for project ST03159, Tanyard-650 Madison Alley to repair and replace certain inlets and drainage pipes in a City alley in the vicinity of 656 Madison Avenue Rear Alley.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving the amendment to Lease Agreement with Elliott AmQuip LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on August 15, 2012. This amendment will extend the lease agreements for a period of two years with an additional option for two years.

Hedgepeth

Contract No. CR-5195

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

36. **ORDINANCE** to amend Chapter 33, Article III, of the City of Memphis Code of Ordinances, so as to modify the existing Sewer Fee, up for F I R S T reading.
Consent Ordinance No. 5498

ACTION REQUESTED: Adopt the ordinance on First reading

37. RESOLUTION accepting \$79,755.00 from the Center City Revenue Finance Corporation for Architectural and engineering fees associated with the Main Street to Main Street Multimodal Connector.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION accepting \$79,880.00 from the Community Redevelopment Agency for the purpose of contributing to design costs for the Main Street to Main Street Multimodal Connector.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

39. **ORDINANCE** to amend Article III, Chapter 23, of the City of Memphis Code of Ordinances, relative to the naming and renaming of City Parks and to rename Forrest Park, Forrest-Wells Park, up for F I R S T reading.
Consent Ordinance No. 5499

ACTION REQUESTED: Adopt the ordinance on First reading

40. **ORDINANCE** to amend Article III, Chapter 23, of the City of Memphis Code of Ordinances, relative to the naming and renaming of City Parks and to rename Forrest Park, Confederate Park and Jefferson Davis Park, up for F I R S T reading.
Consent Ordinance No. 5500

ACTION REQUESTED: Adopt the ordinance on First reading

41. RESOLUTION establishing a committee of two members of the Council, two university professors, an NAACP rep, a member of the Shelby County Historical Society and the Parks Director or designee, to review the renaming of Forrest Park, Confederate Park and Jefferson Davis Park.
Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION naming and renaming Forrest Park, Confederate Park and Jefferson Park.

Boyd

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION accepting grant funds in the amount of \$97,738.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Grant for the Rapid Response Program.

Halbert

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 17 – Approved
- 18. Public Hearing set for February 19, 2013
- 19. Through 21 – Approved
- 22. Back to Committee on March 5, 2013
- 23. Through 25 – Approved
- 26. and 27 – Dropped
- 28. Through 30 – Held to March 5, 2013
- 31. Approved, as amended
- 32. Through 41 – Approved
- 42. Approved, set up as Special Item #2
- 43. Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 22, 2013

Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 5, 2013 FOR ITEMS 8, 37, 38, 41, 43 & Special Item #2 only

Approved