



CITY OF MEMPHIS

COUNCIL AGENDA

February 19, 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 (February 5, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION celebrating the 80th Anniversary of the founding of the Brooks Museum League.

Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change of Driver Street, between Trigg Avenue and Lucy Avenue for Pastor Hayward Peter Brown.

Brown

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION declaring March 4th through March 8th, 2013, as “Boys and Girls Club Week”.

Conrad

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

4. RESOLUTION approving a 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.

Collins

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: Take whatever action Council deems advisable

195 NOTICES WERE MAILED ON FEBRUARY 8, 2013

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

5. **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 S E C O N D reading.

Boyd

Ordinance No. 5494

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **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 S E C O N D reading.

Flinn &
Strickland

Ordinance No. 5495

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **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 S E C O N D reading.

Hedgepeth

Ordinance No. 5498

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **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 S E C O N D reading.

Lowery

Ordinance No. 5499

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **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 **S E C O N D** reading.
Harris Ordinance No. 5500

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

10. **ORDINANCE** rezoning the west side of Mill Branch Road; +/-356 feet north of E. Shelby Drive, containing 0.10 acre (3,920 sq. ft.) in the Commercial Mixed Use (CMU-1) District, up for **F I R S T** reading.
Collins Ordinance No. 5501
Case No. Z 13-101

Applicants: Roy and Latasha Spears

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING

11. **ORDINANCE** rezoning 2,025.35 feet west of centerline of Pleasant Hill, containing 8.222 acres in the CA District, up for **S E C O N D** 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 Second reading

12. **ORDINANCE** rezoning the south side of Raines +/-312 feet east of Michael Dr., containing 0.396 acre in the R-10 District, up for **S E C O N D** 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 Second reading

ENGINEERING (None)

NOTATION FROM OPD (None)



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MLGW FISCAL CONSENT

13. 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.) (Held from 2/5).
14. RESOLUTION awarding Contract No. 11571, Brunswick Emergency Generator with Transfer Switch to Barnes and Brower, Incorporated, in the funded amount of \$294,742.00.
15. RESOLUTION awarding Contract No. 11568, Netters Building Uninterruptible Power Supply (UPS) Addition & Modification to Shelby Electric Company, in the funded amount of \$144,593.00.
16. RESOLUTION awarding 36-month contract to Patterson Welding Service for repair and fabrication of substation equipment, in the approximate amount of \$390,000.00.
17. RESOLUTION approving Change No. 5 to Contract No. 11075, Community Office Paystations, with TIO Networks, in the funded amount of \$14,700.00. (This change is to add software to the current contract to support the MLGW "Share the Pennies" program. This software will allow kiosk customers to enroll in the program. The new contract amount will be \$351,434.00.)
18. RESOLUTION awarding 60-month contract to NovaCopy, Inc., for rental of Wide format Copier/Scanner/Plotter devices, in the amount of \$305,344.00.



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REGULAR AGENDA

19. APPOINTMENT
Flinn

MEMPHIS YOUTH GUIDANCE COMMISSION

Appointment

Monica N. Wharton

GENERAL ORDINANCES – THIRD AND FINAL READING

20. **ORDINANCE** amending Chapter 48 of the City of Memphis Code of Ordinances, by adding Sections 48-23 thru 48-28 to include “Property Registration Requirements” that will require owners of real properties, including condominiums, to maintain on file with the County Register or other designee of the City, an accurate name and mailing address of one or more of the owners for purposes of notice and service of process and to require registration by a mortgagee or mortgagee’s agent upon notice of default or vacancy by a mortgagor regarding single family residential real property including condominiums located in the municipal boundaries of the City of Memphis, up for T H I R D and F I N A L reading. (Held from 12/4; 1/22)

Hedgepeth

Ordinance No. 5477

ACTION REQUESTED: Take whatever action Council deems advisable

21. **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 T H I R D and F I N A L reading.

Collins

Ordinance No. 5493

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

22. RESOLUTION requesting the MLGW Board and Comcast to consider mediation to decide the terms and conditions of Comcast's use of MLGW utility property.

Strickland

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

23. RESOLUTION establishing a public hearing date of March 5, 2013, for adopting the Redevelopment Plan for the Cleaborn Homes Area.

Brown

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION adopting a Redevelopment Plan for Cleaborn Homes/Cleaborn Pointe Area.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

25. RESOLUTION creating a Blight and Rental Property Reporting Hotline. (Held from 12/4; 1/22)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION allocating and appropriating \$2,800,000.00 in G.O. Bonds for Nike Infrastructure Improvement and expansion of Nike's Distribution Center, project number PW01243.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

27. RESOLUTION authorizing the Engineering Division to designate on street parking spaces as selected by the Downtown Memphis Commission for the exclusive use of carsharing vehicles for a 3-year pilot.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION approving the receipt and use of revenues for the purpose of promoting and maintaining the Beale Street Entertainment District.

Strickland

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION designating a certain geographic area surrounding the area formerly known as The Mid South Fairgrounds, as a tourism development zone for the purpose of financing the Fairgrounds Redevelopment Project, and the Liberty Bowl Memorial Stadium renovations.

Ford

ACTION REQUESTED: Adopt the resolution

30. **ORDINANCE** to amend Chapter 21, Relative to Parades and Public Assemblies, up for F I R S T reading.

Consent

Ordinance No. 5502

ACTION REQUESTED: Adopt the ordinance on First reading

31. RESOLUTION by the Memphis City Council that the Whitehaven Golf Course be re-opened on March 1, 2013.

Fullilove

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 3 – Approved
- 4. Approved, as amended
- 5. Through 12 – Approved
- 13. Held until March 5, 2013
- 14. Through 19 – Approved
- 20. Held until April 2, 2013

- 21. Through 23 – Approved
- 24. and 25 – Held until March 5, 2013
- 26. Approved
- 27. and 28 – Approved, as amended
- 29. Through 31 – Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 5, 2013

Approved, as amended

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 19, 2013 FOR ITEMS
26, 29, AND 31 ONLY**

Approved