



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 5, 2013

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**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 19, 2013)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**DIVISION OF PLANNING & DEVELOPMENT** (None)

### **ZONING ORDINANCES – THIRD AND FINAL READING**

1. **ORDINANCE** rezoning 2,025.35 feet west of centerline of Pleasant Hill, containing 8.222 acres in the CA District, up for **T H I R D** and **F I N A L** 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: Take whatever action Council deems advisable

**27 NOTICES MAILED ON FEBRUARY 22, 2013**

2. **ORDINANCE** rezoning the south side of Raines +/-312 feet east of Michael Dr., containing 0.396 acre in the R-10 District, up for T H I R D and F I N A L 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: Take whatever action Council deems advisable

**56 NOTICES MAILED ON FEBRUARY 22, 2013**



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

3. **ORDINANCE** to amend Title 6 – Business Licenses and Regulations, Chapter 6-96, Section 1, of the Codes of Ordinances, to Create Local Preference and Workforce Training Preference for Award of City Contracts, up for F I R S T reading.

Halbert

Ordinance No. 5503

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

4. **ORDINANCE** to amend Chapter 21, Relative to Parades and Public Assemblies, up for S E C O N D reading.

Collins

Ordinance No. 5502

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

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

ENGINEERING (None)

NOTATION FROM OPD

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

A. Case No. SAC 12-605 – Autumn Avenue (Brack Alley) Closure

Located on the east side of Scott Street, approximately 330 feet south of Broad Avenue, containing 1.060 acres in the R-6 (Residential Single-Family) District

Applicant: First Baptist Church - Broad

Request: Close and Vacate Alley/Street Right-of-Way

LUCB and OPD recommendation: APPROVAL

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: March 19, 2013**

GENERAL ITEM

7. RESOLUTION approving an honorary street name change of Beale Street between Lauderdale and Danny Thomas for 1968 Strikers.

Brown

ACTION REQUESTED: Adopt the resolution



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## MLGW FISCAL CONSENT

8. 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; 2/19).
9. RESOLUTION ratifying the award of Contract No. 11613, Emergency Storm Restoration, to Service Electric. (This contract was executed on January 15, 2013 in anticipation of the forecasted ice storm for the MLGW service delivery area that day. No work has been performed under this contract. The term of this contract is for a 3-year period, with the option to renew for two one-year terms, upon mutual agreement of the parties up to five years total.)
10. RESOLUTION ratifying the award of Contract No. 11576, Emergency Storm Restoration to Davis H. Elliot. (This contract was executed on January 15, 2013 in anticipation of the forecasted ice storm for the MLGW service delivery area that day. No work has been performed under this contract. The term of this contract is for a three-year period with the option to renew for two one-year terms, upon mutual agreement of the parties, up to five years total.)
11. RESOLUTION awarding Contract No. 11567, Hickory Hill Emergency Generator with Transfer Switch to Barnes and Brower, Incorporated, in the funded amount of \$288,146.00.
12. RESOLUTION approving payment of an invoice from the Tennessee Regulatory Authority (TRA), for the inspection fee for the year of 2012, in the amount of \$78,000.00.
13. RESOLUTION approving payment of 2013 membership dues, to Tennessee Valley Public Power Association, in the amount of \$50,783.04.

14. RESOLUTION approving Change No. 4 to Contract No. 11292, Cashiering System Replacement, with System Innovators, in the funded amount of \$5,000.00. (This change is to modify the system to accept debit and credit card payments and the capability to distinguish between commercial and residential customers. The new contract amount is \$349,631.26.)
  
15. RESOLUTION approving Change No. 1 to Contract No. 11531, Customer Satisfaction Survey, with Renee Enterprises, in the funded amount of \$33,774.00. (This change renews the contract for the first of four renewal terms covering the period April 1, 2013 through March 31, 2014, with no increase in rates from the previous year. The new contract amount will be \$67,548.00.)



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## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

16. RESOLUTION commending Officer Anthony Morris for his lifesaving actions.

Ford

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION commending Office James Graham for his lifesaving actions.

Ford

ACTION REQUESTED: Adopt the resolution

### GENERAL ORDINANCES – THIRD AND FINAL READING

18. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish an Environmental Fee, up for T H I R D and F I N A L reading. (Held from 9/4; 1/8)

Hedgepeth

Ordinance No. 5456

ACTION REQUESTED: Take whatever action Council deems advisable

19. **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; 2/5)

Hedgepeth

Ordinance No. 5474

ACTION REQUESTED: Take whatever action Council deems advisable

20. **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; 2/5)

Hedgepeth

Ordinance No. 5475

ACTION REQUESTED: Take whatever action Council deems advisable

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

Boyd

Ordinance No. 5494

ACTION REQUESTED: Take whatever action Council deems advisable

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

Flinn &  
Strickland

Ordinance No. 5495

ACTION REQUESTED: Take whatever action Council deems advisable

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

Hedgepeth

Ordinance No. 5498

ACTION REQUESTED: Take whatever action Council deems advisable

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

Lowery

Ordinance No. 5499

ACTION REQUESTED: Take whatever action Council deems advisable

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

Harris

Ordinance No. 5500

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION**

26. **RESOLUTION** requesting that the Administration considers requests for proposals and/or qualifications for the management of the Percent-for-Art Program.

Collins

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION**

27. RESOLUTION accepting grant funds in the amount of \$27,083.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Grant for the Title One Incentives Funds.

Halbert

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION**

28. 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. (Held from 2/5)

Strickland

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION for Mid -Year Clean-up to amend the FY 2013 Budget for unanticipated expenditures.

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

30. RESOLUTION adopting a Redevelopment Plan for Cleaborn Homes/Cleaborn Pointe Area. (Held from 2/19)

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

31. RESOLUTION increasing the line-of-duty death benefit.

Flinn

ACTION REQUESTED: Adopt the resolution

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES**

32. RESOLUTION accepting and appropriating \$590,349.00 in grant funds from the Tennessee Department of Transportation (TDOT) for CIP Project Number PK07113 – Greenway Improvements Phase IV. Resolution also seeks to appropriate \$1,350,000.00 in Contract Construction for CIP Project Number PK07012 – Greenway Improvements funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

33. RESOLUTION creating a Blight and Rental Property Reporting Hotline. (Held from 12/4; 1/22; 2/19)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting \$3,000,000.00 from the Tennessee Department of Environment and Conservation Clean Water State Revolving Loan for the construction of the Mary's Creek interceptor Sewer Phase 2.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION accepting \$22,000,000.00 from the Tennessee Department of Environment and Conservation Clean Water State Revolving Loan for improvements to Sludge Lagoon No. 5 at the T.E. Maxson WWTP and modifications to the outfall structure at the M.C. Stiles WWTP.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION accepting \$100,000,000.00 from the Tennessee Department of Environment and Conservation Clean Water State Revolving Loan for sewer rehabilitation of the City of Memphis sanitary sewer collection system.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION providing funding in the amount of \$1,693,039.00 in State Revolving Loans to Loosahatchie and Mary's Creek, Project Number SW04008 to construct a portion of a new 36 inch diameter interceptor sewer.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

38. RESOLUTION approving a hotel/motel waiver for Crown Plaza – Memphis, located at 300 N. Second Street.

Collins

Case No. HMW 13-02

ACTION REQUESTED: Adopt the resolution

39. APPOINTMENT

Flinn

MEMPHIS LIGHT, GAS AND WATER PRESIDENT & CHIEF EXECUTIVE OFFICER

Reappointment

Jerry Collins

40. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish an Environmental Fee, up for S E C O N D reading. (Held from 9/4; 1/8)

Consent

Ordinance No. 5456

ACTION REQUESTED: Adopt the ordinance on Second reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 17 – Approved
18. Held until March 19, 2013
19. Through 21 – Approved
22. Held until April 2, 2013
23. Approved
24. & 25 – Tabled
26. & 27 – Approved
28. Held until April 2, 2013
29. Approved, as amended
30. Through 32 - Approved
33. & 34 – Held until March 19, 2013
35. & 36 – Approved
37. & 38 – Held until March 19, 2013
39. & 40 – Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 19, 2013 MEETING

Approved