



CITY OF MEMPHIS

COUNCIL AGENDA

May 7, 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 (April 16, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION supporting the work of Friends for Life to insure HIV/Aids patients have adequate housing and medical services.

Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

2. RESOLUTION approving a planned development located on the east side of Summer Avenue, +/-1,047 feet north of the intersection with Sycamore View Road, containing 24.61 acres in the Fletcher Creek Office Park Planned Development, Area A and B.
Collins Case No. PD 13-303

Applicant: Shui K. Shen
The Reaves Firms, Inc. – Representative

Request: Amend the planned development to permit Golf Driving Range and related amenities

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3. RESOLUTION approving a planned development located on the southeast side of Lenow Road; +/-581 feet southwest of Dexter Road, containing 19.30 acres in an area currently governed by Gardens of Gray’s Creek Outline Plan (P.D. 03-351cc).
Collins Case No. PD 13-306cc

Applicant: Regency Homebuilders, LLC
Kevin Hyneman Companies, Inc. – Representative

Request: Plan amendment to allow multi-family apartment units in accordance with Residential Urban (RU-3) District within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4. RESOLUTION approving a planned development located at 7799 Trinity Road, south of Trinity Road; 390 feet west of Trinity Creek, containing 30.13 acres in the Heavy Industrial (I-H) District.
Collins Case No. PD 13-311
(Parks Edge)

Applicant: Shelby Farms Apartments
Solomito Land Planning (Brenda Solomito) – Representative

Request: Commercial Planned Development for apartments

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 approving a planned development located at 3028 Carnes Avenue, containing 0.27 acre in the RU-7 District.

Collins

Case No. PD 13-312

Applicant: Neighborhood Christian Center
SR Consulting – Representative

Request: Women’s Resource Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

- 6. RESOLUTION approving a special use permit located at 5963 Knight Arnold Road; 408 feet west to Hickory Hill Road, containing 1.43 acres in the CMU-1 (Commercial Mixed Use) District.

Collins

Case No. SUP 13-210

Applicant: TV6 Signal Source, LLC
Lou Katzerman – Representative

Request: Cell tower

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 (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-8 Administration and Enforcement of the Code of Ordinances, City of Memphis, up for F I R S T reading.
Conrad Ordinance No. 5507

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to amend Section 25-185 of the Code of Ordinances, City of Memphis, to Ban Pension Double Dipping, up for F I R S T reading.
Flinn Ordinance No. 5508

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** establishing the Fiscal Year 2014 Operating Budget for the City of Memphis, up for F I R S T reading.
Strickland Ordinance No. 5509

ORDINANCE to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2013 through June 30, 2014.

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2014, up for F I R S T reading.
Strickland Ordinance No. 5510

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** to amend Title 3 – Personnel, Chapters 3-8 Civil Service and 3-12 Civil Service Commission of the Code of Ordinances, City of Memphis, up for F I R S T reading.
Flinn Ordinance No. 5511

ACTION REQUESTED: Adopt the ordinance on First reading

- 12. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to improve the effectiveness of Civil Service Hearings and to submit the proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 5, 2013, up for F I R S T reading.

Flinn Ordinance No. 5512

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

- 13. **ORDINANCE** to amend Chapter 21, Article II, Section 21-50(D), of the Code of Ordinances, City of Memphis to discontinue funding from Traffic Violations Citations to the Memphis City Schools Driver Education Program, up for S E C O N D reading.

Strickland Ordinance No. 5505

ACTION REQUESTED: Adopt the ordinance on Second reading

- 14. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, by amending Section 2-228 (Asphaltic Binder Paving of Streets Constructed as part of Standard Improvement Contracts; Costs.), up for S E C O N D reading.

Hedgepeth Ordinance No. 5506

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

- 15. RESOLUTION approving final plat of WAVERLY PLANTATION II, P.D., PHASE 3.
Case No. PD 99-307cc

Resolution approves the final plat located north of Waverly Farms Road at Raleigh Millington Road. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

16. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 13-305 – I-55/Hudgins Road P.D.

Located at the south terminus of Hudgins Road; generally east of I-55 and extending east to a distance of approximately 1,000 feet west of Airways Boulevard, containing 59.12 acres in the Residential Single Family-8 (R-8) District

Applicant: Ferrell Properties (Keith Ferrell)
SR Consulting, LLC (Cindy Reaves) – Representative

Request: A Planned Development to permit a Truck Freight Terminal

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 13-309 – Natural Learning School P.D.

Located at 2368 Circle Avenue, containing 0.698 acre in the R-6 District

Applicant: Dalia Early
David W. Milem Consulting Engineers – Representative

Request: To allow a Planned Development for a school enrolling up to 50 students within the R-6 Zoning District

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 13-310 – MSM P.D.

Located at 2288 Germantown Parkway, 100 feet south of Varnavas Drive, containing 1.65 acres in the Planned Development District

Applicant: Lynch and Weddle Holdings
W. H. Porter Consultants, PLLC (David Porter) – Representative

Request: Commercial Planned Development for a collision repair center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 21, 2013



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MLGW FISCAL CONSENT

17. RESOLUTION awarding contract to Diamond International for cab and crew cab and chassis, in the funded amount of \$671,644.00.
18. RESOLUTION awarding contract to Scruggs Equipment Company, Inc. for the purchase of steel utility service bodies, in the amount of \$112,225.00.
19. RESOLUTION approving invoice payment to the City of Memphis for the 2012 Backwash Discharge in the amount of \$404,055.18.
20. RESOLUTION awarding a twelve (12) month blanket contract, for cable, to WESCO Distribution in the amount of \$492,378.00.
21. RESOLUTION awarding Contract No. 11554, Maintenance and Security Automation Service Agreement, to Access Control Integration (ACI), in the funded amount of \$250,000.00.
22. RESOLUTION awarding contract to Scott Construction Equipment, LLC, for a 60-ton hydraulic mobile crane, in the funded amount of \$604,279.85.
23. RESOLUTION approving the option to renew the contract with Pencco, Inc. for the first of two twelve-month renewals terms for fluorosilicic acid in the amount of \$609,000.00.
24. RESOLUTION approving to ratify the issuance of Purchase Order Numbers 147906 in the amount of \$41,218.00 and 147908 in the amount of \$26,675.00 to NESCO Sales and Rentals in the total amount of \$67,893.00, for the rental of equipment for a six (6) month period.
25. RESOLUTION awarding a sixty month blanket contract to Dell Marketing L.P., for Microsoft software and licenses as needed, in the amount of \$1,565,364.91.
26. RESOLUTION awarding a contract to Advizex Technologies in the amount of \$3,583,680.66 for Oracle software solutions. The request will cover the purchase of Oracle Database and Middleware software which is required for the deployment of Project Inspire.
27. RESOLUTION awarding a forty-eight month contract to Bell and Howell, LLC, for annual maintenance on the Bowe Bell Howell BH3500 utility bill inserter, in the amount of \$228,480.84.



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

28. **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; 3/5; 3/19)

Hedgepeth

Ordinance No. 5456

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to amend Cable Franchise Ordinance No. 5331 to be consistent with Council's authority and intent, up for T H I R D and F I N A L reading. (Held from 10/2; 11/6; 12/4; 12/18; 1/8; 1/22)

Fullilove

Ordinance No. 5473

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

30. **RESOLUTION** authorizing the issuance of not to exceed Forty Six Million Dollars (\$46,000,000.00) principal amount of Sanitary Sewage System Revenue Refunding Bonds, Series 2013 of the City of Memphis, Tennessee for the purpose of refunding certain outstanding Sanitary Sewage System Revenue Bonds.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 31. RESOLUTION approving the Proposed Consolidated Plan/FY 2014 Annual Action Plan and appropriating \$14,236,192.78 in Federal Entitlement Funds from the U.S. Department of Housing and Urban Development.

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

- 32. RESOLUTION accepting a sub-grant award from the Shelby County Sheriff’s Office on behalf of the Division of Police Services in the amount of \$48,899.00 for the purpose of continuing the federal “High Intensity Drug Trafficking Areas” Program (HIDTA).

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

- 33. RESOLUTION appropriating \$817,012.00 for bridge scour repairs at various locations.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 34. RESOLUTION appropriating \$149,662.00 for installation of raised median at Dellwood Avenue.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 35. RESOLUTION accepting grant funds from the Tennessee Stormwater Association for the Division of Public Works Stormwater Program to install rain gardens at three City schools. Resolution also amends the FY 2013 Operating Budget to establish and appropriate \$25,180.00 in grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the FY 2013 Operating Budget by accepting and appropriating \$1,566,415.00 in STP grant funds awarded by the Federal Highway Administration through the Tennessee Department of Transportation to the Division of Engineering for the STP Traffic Signal Coordination Project EN90022.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT