



# CITY OF MEMPHIS

## COUNCIL AGENDA

June 4, 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 (May 21, 2013)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing the 2013 Graduating Class of Manassas High School and Principal James Griffin, for their academic achievements.

Conrad  
& Harris

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

2. **ORDINANCE** to amend Title 11-64-6 – Exemptions from Motor Vehicle Emission requirements – of the Code of Ordinances, City of Memphis, up for F I R S T reading.  
Harris Ordinance No. 5524

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to decrease Solid Waste Fees for Collection and Disposal, Option 1, up for F I R S T reading.  
Hedgepeth Ordinance No. 5525

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to decrease Solid Waste Fees for Collection and Disposal, Option 2, up for F I R S T reading.  
Hedgepeth Ordinance No. 5526

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

5. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Residential Code, up for S E C O N D reading.  
Collins Ordinance No. 5521

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Building Code, up for S E C O N D reading.  
Collins Ordinance No. 5522

ACTION REQUESTED: Adopt the ordinance on Second reading

- 7. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Existing Building Code, up for **S E C O N D** reading.  
Collins Ordinance No. 5523

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCES - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING**

- 8. **ORDINANCE** rezoning 89 N. Cooper Street; west side of Cooper Street, 104 feet north of Jefferson Avenue, containing .2025 acre in the RU-3 District, up for **S E C O N D** reading.  
Collins Case No. Z 13-102  
Ordinance No. 5516

Applicant: Justin Herter  
Richard L. Winchester, Jr. – Representative

Request: Rezone property for RU-3 (Residential Urban) to RW (Residential Work)

LUCB and OPD recommendation: Rezone property from RU-3 to RW

ACTION REQUESTED: Adopt the ordinance on Second reading

- 9. **ORDINANCE** adopting amendments to the Memphis and Shelby County Unified Development Code. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for **S E C O N D** reading.  
Collins Case No. ZTA 13-002  
Ordinance No. 5517

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

10. **ORDINANCE** rezoning the west side of Ramill Road at Twin Lakes Drive, containing 1.51 acres in the Residential Single Family (R-8) District, up for S E C O N D reading.

Collins

Case No. Z 13-103  
Ordinance No. 5518

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** rezoning the east side of Ramill Road at the western terminus of Lansford Drive, containing 0.57 acre in the Residential Single Family (R-8) District, up for S E C O N D reading.

Collins

Case No. Z 13-104  
Ordinance No. 5519

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING** (None)

**NOTATIONS FROM OPD**

12. **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 95-374 – THE COMMONS AT DEXTER LAKE PLANNED DEVELOPMENT, PHASE 3, LOT 4

Located on the south terminus of Chickering Cove, 335 feet west of Germantown Parkway, containing 1.28 acres

Appellant: Cordova Leadership Council

Request: Overturn the decision of the Land Use Control Board on 04/11/13 which approved a site plan for a parking lot expansion for 61 spaces for an existing automobile leasing agency

LUCB and OPD recommendation: APPROVAL of site plan with conditions

B. Case No. PD 12-320 – LEE’S BUSINESS CENTER

Located on the southeast corner of the intersection of College Road and Mclemore Street, containing .333 acre in the CMP-1 District

Applicant: Otha L. Broom  
Delinor Smith – Representative

Request: Retail Sales

LUCB and OPD recommendation: APPROVAL

C. Case No. PD 13-313 - (Galleria of Memphis Planned Development)

Located at the intersection of Market Plaza Drive and Germantown Pkwy, containing 40.4 acres in the Planned Development (PD) District

Applicant: Tombo Properties, Inc.  
Kevin Hyneman Companies (Zach Randolph) – Representative

Request: Amend the PD to allow vehicle sales, servicing, rental & leasing

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: June 18, 2013**



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## MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11561, Upgrade Fuel Dispensers to The Southern Company, Incorporated, in the funded amount of \$235,897.38.
14. RESOLUTION awarding a contract to Paramount Uniform, for uniform rental services for a 36-month period, in the amount of \$101,710.45.
15. RESOLUTION awarding a contract to Diamond International Trucks for the purchase of two-man aerial towers and digger derricks in the amount of \$1,770,274.00.
16. RESOLUTION awarding Contract No. 11581, Fire Stop Technologies, Incorporated, for fireproofing on pipe racks, in the funded amount of \$62,800.00.
17. RESOLUTION awarding Contract No. 11609, Black Box Network Services, for maintenance of MLGW voice network services, in the funded amount of \$1,086,518.00.
18. RESOLUTION approving MLGW to assist in expediting the water infrastructure upgrades associated with the expansion of the Nike Plant located at 3100 New Frayser Blvd., Memphis, Tennessee. (In addition, it is requested the MLGW be allowed to purchase any additional ancillary equipment, apparatus, material, and supplies necessary to effect the installation of all water infrastructure to supply domestic and fire protection water to the Nike facilities. The total anticipated cost of these items is \$800,000. Board approval will be required in order to enter into any other contract, including contracts involving the hiring of service providers or consultants.)
19. RESOLUTION awarding a contract to M.D. Henry Company, Inc., for painted steel poles, in the amount of \$324,000.00.
20. RESOLUTION awarding a contract to Universal Scaffolding & Equipment, LLC, for 477 Aluminum Conductor Coated-Steel Reinforced (ACSR) wire, in the amount of \$604,447.20.
21. RESOLUTION approving the selection of Seizert Capital Partners, a mid-cap core manager, to manage approximately \$14,000,000 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.

22. RESOLUTION awarding Change No. 16 to Contract No. 10019, Agreement between Southwest Tennessee Community College and Memphis Light, Gas and Water to renew the current contract and increase the value in the funded amount of \$15,000.00. (This change renews the current contract for an additional one (1) year term covering the period July 1, 2013 through June 30, 2014 with no increase in rates from the previous year. The annual cost to fund this contract is approximately \$45,000.00; however, only \$15,000.00 is needed to fund the contract through the end of this term. The new contract amount is \$752,960.00.)
  
23. RESOLUTION approving Change No. 3 to Contract No. 11412, Drug and Alcohol Collection Provider, with True Test Collection of Memphis, LLC., to add additional funds to the existing term and to renew the current contract in the funded amount of \$75,000.00. (This change is to add additional funds to the current contract due to an increase in incidents requiring drug and alcohol testing in the funded amount of \$25,000.00. This change is also to renew the current contract for the third of four (4) annual renewal terms for the period covering September 29, 2013 through September 28, 2014, with no increase in rates from the previous year, in the funded amount of \$50,000.00. The new contract value is \$210,000.00.)



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## REGULAR AGENDA

24. CONSIDERATION of the Communication Workers of America Impasse Committee recommendation.

Brown

25. CONSIDERATION of the IBEW – Crafts Impasse Committee recommendation.

Fullilove

26. CONSIDERATION of the IAMAW – Machinists Impasse Committee recommendation.

Fullilove

### BUDGET ITEMS

27. RESOLUTION approving the FY2014 Budget for the Downtown Memphis Commission.

Strickland

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION directing the City Treasurer to prepare Tax Bills for the various Utilities and Carriers utilizing the Last Certified Assessment available as of June 30, 2013.

Strickland

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2014-2018.

Strickland

ACTION REQUESTED: Adopt the resolution

30. **ORDINANCE** establishing the Fiscal Year 2014 Operating Budget for the City of Memphis, up for T H I R D and F I N A L 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: Take whatever action Council deems advisable

31. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2014, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5510

ACTION REQUESTED: Take whatever action Council deems advisable

**GENERAL ORDINANCES – THIRD AND FINAL READING**

32. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-8 Administration and Enforcement of the Code of Ordinances, City of Memphis, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5507

ACTION REQUESTED: Take whatever action Council deems advisable

33. **ORDINANCE** to amend Section 25-185 of the Code of Ordinances, City of Memphis, to Ban Pension Double Dipping, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5508

ACTION REQUESTED: Take whatever action Council deems advisable

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

Flinn

Ordinance No. 5511

ACTION REQUESTED: Take whatever action Council deems advisable

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

Flinn

Ordinance No. 5512

ACTION REQUESTED: Take whatever action Council deems advisable

36. **ORDINANCE** to amend Chapter 9-12 of the Memphis Code of Ordinances to adjust the Annual Stationary Sources Emissions Fee amount, to establish a minimum emissions fee for any source subject to Title V Major Source Regulations under the Clean Air Act of 1990 and to adjust other scheduled fees for inflation and program cost increases, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5513

ACTION REQUESTED: Take whatever action Council deems advisable

37. **ORDINANCE** to amend the Sanitary Sewer Fee to reduce the residential maximum sewer charge from \$50.00 per month to \$35.00 per month during the months of June, July, August and September for a seasonal adjustment to the sewer fee due to the increased sewer volumetric charges and water consumption levels resulting for those residential customers that irrigate their lawns and plants with metered water that does not enter the sanitary sewer system, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5514

ACTION REQUESTED: Take whatever action Council deems advisable

38. **ORDINANCE** to transfer ownership of the City’s street lights within the City limits to the Memphis Light, Gas and Water Division and to assign the function of operating and maintaining street lights within the corporate limits of the City and authorizing the Board of Commissioners of the Memphis Light, Gas and Water Division to make a schedule of rates for street lighting for approval by Council in accordance with Section 680 of the Charter, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5515

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 PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

39. RESOLUTION appropriating \$3,008,333.00 for joint construction project with Shelby County to replace the Raleigh-Millington Bridge over Loosahatchie River.  
Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

**ADD-ONS**

40. RESOLUTION certifying the tax rate as determined by the provision of Chapter 253 of the Public Acts of Tennessee of 1979 at 3.3601 per one hundred dollars of assessed valuation.

Strickland

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION commemorating the life and legacy of Franklin Conklin, a giant in the Cheer and Spirit community.

Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION approving the agreement between the City of Memphis and Gameday Healthy Kids Foundation and transferring and appropriating \$150,000.00 from Contract Construction to Architect/Engineering for Penny's Fastbreak Courts.

Boyd

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the FY2013 Capital Improvement Budget by reducing Sewer Revenue Bonds in Rehab Existing Sewers, project number SW02001 and establishing an allocation funded by Capital Pay Go-Sewer in Easthill Trunk Sewer Repair, project number SW02112 in the amount of \$1,178,018.00 to repair filled sewer mainline and siphon near Kirby Whitten and Reese Road.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 11 – Approved  
12. Public Hearing set for June 18, 2013  
13. Through 24 – Approved  
25. Failed  
26. Approved  
27. Through 31 – Held until June 18, 2013  
32. Approved  
33. Through 35 – Held until July 2, 2013  
36. and 37 – Approved  
38. Held until June 18, 2013

- 39. Approved
- 40. Held until June 18, 2013
- 41. Through 43 – Approved

**ACTION TAKEN ON THE MINUTES OF MAY 21, 2013**

Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 4, 2013 FOR ITEMS #42  
AND #43 ONLY:**

Approved