



CITY OF MEMPHIS

COUNCIL AGENDA

June 18, 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 (June 4, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing Memphian and Motown Funk Brother Jack Ashford for his contribution to the music industry and his recent Hollywood Walk of Fame honor.(Held from 5/21)

Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing Ellis Keplinger, on founding and coordinating Christian Brother High Schools' E-cycle drive.

Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving an appeal located on the south terminus of Chickering Cove, 335 feet west of Germantown Parkway, containing 1.28 acres.

Collins

Case No. PD 95-374

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

ACTION REQUESTED: Take whatever action Council deems advisable

8 NOTICES WERE MAILED ON JUNE 7, 2013

4. RESOLUTION approving a planned development located on the southeast corner of the intersection of College Road and Mclemore Street, containing .333 acre in the CMP-1 District.

Collins

Case No. PD 12-320

Applicant: Otha L. Broom
Delinor Smith – Representative

Request: Retail Sales

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES WERE MAILED ON JUNE 7, 2013

5. RESOLUTION approving a planned development located at the intersection of Market Plaza Drive and Germantown Pkwy, containing 40.4 acres in the Planned Development (PD) District.

Collins

Case No. PD 13-313

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: Take whatever action Council deems advisable

32 NOTICES WERE MAILED ON JUNE 7, 2013

DIVISION OF PLANNING AND DEVELOPMENT

- 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. (Held from 5/7; 5/21)

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

- 7. RESOLUTION approving a special use permit located at 1304 N. Graham, containing 3.88 acres in the RS-6 District.

Collins

Case No. SUP 13-211

Applicant: Street Ministries, Inc.
Michael J. Fahy – Representative

Request: The placement of a 1500 foot concealed canister CMCS Tower

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

- 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 T H I R D and F I N A L 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: Take whatever action Council deems advisable

94 NOTICES WERE MAILED ON JUNE 7, 2013

- 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 T H I R D and F I N A L 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: Take whatever action Council deems advisable

NOTICES WERE NOT REQUIRED

- 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 T H I R D and F I N A L 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: Take whatever action Council deems advisable

109 NOTICES WERE MAILED ON JUNE 7, 2013

- 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 T H I R D and F I N A L 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: Take whatever action Council deems advisable

109 NOTICES WERE MAILED ON JUNE 7, 2013



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

12. **ORDINANCE** to amend Chapter 28, Article VI, Division 2 and 3 of the Code of Ordinances so as to Amend Fees and False Alarms Allowable, up for F I R S T reading.

Conrad

Ordinance No. 5527

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

13. **ORDINANCE** to amend Title 11-64-6 – Exemptions from Motor Vehicle Emission requirements – of the Code of Ordinances, City of Memphis, up for S E C O N D reading.

Harris

Ordinance No. 5524

ACTION REQUESTED: Adopt the ordinance on Second reading

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

Hedgepeth

Ordinance No. 5525

ACTION REQUESTED: Adopt the ordinance on Second reading

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

Hedgepeth

Ordinance No. 5526

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

16. RESOLUTION approving the final plat of CLARKE ROAD INTERMODAL YARD PD.

Case No. PD 12-322
Contract No. CR-5197

Resolution approving the final plat located on the east side of Clarke Road, 1320' north of E. Shelby Drive. 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

NOTATIONS FROM OPD (None)



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MLGW FISCAL CONSENT

17. RESOLUTION approving Change No. 1 to Contract No. 11517, Directional Boring, with Memphis Road Boring Company, Incorporated, in the funded amount of \$846,200.00. (This change is to renew the contract term covering the period July 2, 2013 through July 1, 2014, in the funded amount of \$432,600.00 which reflects no increase in rates from the previous year. In addition, unit 1B-1 (Boring Services 10" through 12" per foot) required an additional 2,200 quantities (from 1200-3400) in the amount of \$413,600.00. The new contract amount is \$1,606,600.00.)
18. RESOLUTION awarding Contract No. 11604, Capleville Liquefied Natural Gas HVAC Renovation to National HVAC Service, in the funded amount of \$158,416.00.
19. RESOLUTION awarding Contract No. 11538, Geographic Information System (GIS) Data Capture Software and Support, to GEO-Jobe Consultants, in the funded amount of \$513,102.00.
20. RESOLUTION awarding contract to Universal Scaffolding and Equipment, LLC, for medium voltage power cable, in the amount of \$1,131,049.00.
21. RESOLUTION approving Change No. 6 to Contract No. 11075, Community Office Pay Stations, with TIO Networks Corporation, in the funded amount of \$64,960.00. (The change includes software development for Spanish and English voice prompts for installed pay stations, the maintenance of the software and hardware (pay stations), the physical retrieval of cash from the pay stations and the electronic deposit of the funds. This change is to renew the contract for an additional two year term for the period covering July 1, 2013 to June 30, 2015.)
22. RESOLUTION awarding contract to Fujitsu America, Inc. for Enterprise Server Storage Replacement, in the amount of \$80,715.00.
23. RESOLUTION awarding contract to Logicalis, Inc. for computer hardware and software, in the amount of \$1,015,145.02.
24. RESOLUTION approving a purchase order to the City of Memphis for the purchase of unleaded and diesel fuel from the City of Memphis via its fuel supplier from July 1, 2013 through September 30, 2013, in an amount not to exceed \$1,500,000.00.



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REGULAR AGENDA

25.
Flinn

APPOINTMENTS

MEMPHIS AND SHELBY COUNTY AIR POLLUTION CONTROL BOARD

Appointment

Alison S. Burton

MEMPHIS AND SHELBY COUNTY NEW ARENA PUBLIC BUILDING AUTHORITY

Appointments

Christopher R. Garner
Rod Loggins

Re-Appointment

Henry R. Evans

BUDGET ITEMS

26. RESOLUTION approving the FY2014 Budget for the Downtown Memphis Commission. (Held from 6/4).

Strickland

ACTION REQUESTED: Adopt the resolution

27. 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. (Held from 6/4)

Strickland

ACTION REQUESTED: Adopt the resolution

28. 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. (Held from 6/4)

Strickland

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2014-2018. (Held from 6/4)

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. (Held from 6/4)

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. (Held from 6/4)

Strickland

Ordinance No. 5510

ACTION REQUESTED: Take whatever action Council deems advisable

GENERAL ORDINANCES – THIRD AND FINAL READING

32. **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. (Held from 6/4)

Hedgepeth

Ordinance No. 5515

ACTION REQUESTED: Take whatever action Council deems advisable

33. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Residential Code, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5521

ACTION REQUESTED: Take whatever action Council deems advisable

- 34. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Building Code, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5522

ACTION REQUESTED: Take whatever action Council deems advisable

- 35. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Existing Building Code, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5523

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

- 36. RESOLUTION transferring the City of Memphis’ half interest ownership in the jointly owned tax parcels known as 1000 Haynes Road, Parcel ID# 059005 00068, portion of Cawthon Health Loop Clinic and 1064 Breedlove Street, Parcel ID# 021047 00055, portion of Guthrie Health Loop Clinic, to Shelby County Government. (Held from 5/21)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

- 37. RESOLUTION introducing minimal transitional plan design changes to the City’s Basic and Premier PPO plans, add a new Value PPO plan option, adjust total premium rates by plan, achieve “70/30” aggregate cost share split between employees/retirees and the City and “break-even” projected calendar year (CY) revenues and expenses.

Flinn

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

38. RESOLUTION transferring and appropriating \$115,000.00 to Riverfront Development Corporation for Greenbelt Park Development as part of Project Number PK07092, City Park Rehab & Maintenance.

Boyd

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION appropriating \$1,500,000.00 for construction of the Holmes-Tchulahoma Park, with the low complying bid from Wagner General Contractors, Inc., CIP Project Number PK07091, part of the FY13 Capital Improvement Budget funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

40. RESOLUTION seeking acceptance of grant funds from the State of Tennessee in the amount of \$1,397,400.00 specifically for the In-Service Training Program for training of 2,329 commissioned officers.

Conrad

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION seeking to use restricted funds for Sex Offender Registry in the amount of \$39,700.00 for the purchase of furniture, materials and supplies.

Conrad

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION accepting an award from the U.S. Department of Homeland Security on behalf of the Division of Police Services in the amount of \$24,000.00 for the purpose of improving security for the Memphis Port Area.

Conrad

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION seeking acceptance of a donation in the amount of \$600.00 from The Southern Women Show as awarded to the City of Memphis Police Department to support Police Services' operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

44. RESOLUTION amending the FY13 Capital Improvement Budget by transferring an allocation of \$1,011,546.00 in G.O. Bonds – in Traffic Calming Devices, Project Number EN01007, to Speed Hump Installation – Group 8, Project Number EN01041, for the purpose of installing speed humps in various locations in the city; and appropriating \$1,011,546.00 funded by G.O. Bonds – for Speed Hump Installation Group 8, Project Number EN01041, for a Construction Contract with CANTRELL CONSTRUCTION.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

45. **APPOINTMENT**
Flinn

ALCOHOL COMMISSION

Reappointment

Johnsie Wallace

46. RESOLUTION of the City of Memphis, Tennessee, authorizing the issuance, sale and delivery of not to exceed one hundred thirty-five million dollars (\$135,000,000) principal amount of City of Memphis, Tennessee, general improvement refunding bonds for the purpose of refunding certain outstanding general improvement bonds of the city, and authorizing certain other matters with respect to the issuance of such bonds and such refundings.

Strickland

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION of the Council of the City of Memphis, Tennessee, amending the City's Fiscal Year 2013 Operating Budget to comply with Tennessee Code Annotated (TCA) 6-56-209.

Strickland

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION accepting grant funds in the amount of Three Hundred Twenty Eight Thousand, One Hundred Sixty Eight Dollars, (\$328,168.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Grant for the Rapid Response Program.

Halbert

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION amending the Severance Package resolution to add Weights and Measures employees.

Flinn

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION to appropriate funding for the Organized Crime Unit Drug Fund for Fiscal Year 2014, in the amount of \$4,175,608.10.

ADD-ONS

51. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances to maintain the current monthly Solid Waste Fee for residential units, up for F I R S T reading.

Hedgepeth

ACTION REQUESTED: Adopt the ordinance on First reading

52. **RESOLUTION** to introduce minimal transitional plan design changes to the City's Basic and Premier PPO plans, adjust total premium rates by plan and "break-even" projected calendar year (CY) revenues with expenses.

Flinn

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 - Approved
3. Dropped
4. Through 11 – Held until July 2, 2013
12. Through 28 – Approved
29. Through 31 – Held until June 25, 2013
32. Approved, as amended
33. Through 35 – Approved
36. Held until July 16, 2013
37. Approved, as amended. This item was divided into two separate resolutions. Resolution #1 – Resolution to achieve "70/30" aggregate cost share split between employees/retirees and the city, add a Value PPO plan option, and adjust Emergency Room Copay to \$200 without admittance for all plans. Resolution #1 was approved.
- Resolution #2 – set up as Item #45 – Resolution to introduce minimal transitional plan design changes to the City's Basic and Premier PPO plans, adjust total premium rates by plan and "break-even" projected calendar year (CY) with expenses. Resolution #2 will be held until September 3, 2013
38. Held until July 2, 2013
39. Through 48 – Approved
49. Held until June 25, 2013
50. and 51 – Approved
52. Held until September 3, 2013

ADD-ONS

ACTION TAKEN ON THE MINUTES OF JUNE 4, 2013

Approved