



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 16, 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 (July 2, 2013)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS** (None)

**PUBLIC HEARINGS** (None)

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

**ZONING ORDINANCES – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** establishing a Revenue Manager for the Finance Division, up for F I R S T reading.

Ford

Ordinance No. 5529

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** to amend Chapter 33, Article IV, of the City of Memphis Code of Ordinances, to clarify Enforcement Authority for the Stormwater Program, up for F I R S T reading.

Hedgepeth

Ordinance No. 5530

ACTION REQUESTED: Adopt the ordinance on First reading

**GENERAL ORDINANCES - SECOND READING** (None)

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

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

**ENGINEERING** (None)

**NOTATIONS FROM OPD** (None)



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## REGULAR AGENDA

### GENERAL ORDINANCES – THIRD AND FINAL READING

3. **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; 5/7)

Hedgepeth

Ordinance No. 5456

ACTION REQUESTED: Take whatever action Council deems advisable

4. **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. (Held from 3/5; 4/2; 7/2)

Flinn &  
Strickland

Ordinance No. 5495

ACTION REQUESTED: Take whatever action Council deems advisable

5. **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 T H I R D and F I N A L reading. (Held from 4/2)

Halbert

Ordinance No. 5503

ACTION REQUESTED: Take whatever action Council deems advisable

6. **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. (Held from 6/4; 7/2)

Flinn

Ordinance No. 5508

ACTION REQUESTED: Take whatever action Council deems advisable

7. **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. (Held from 6/4; 7/2)

Flinn

Ordinance No. 5511

ACTION REQUESTED: Take whatever action Council deems advisable

8. **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. (Held from 6/4; 7/2)

Flinn

Ordinance No. 5512

ACTION REQUESTED: Take whatever action Council deems advisable

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

Conrad

Ordinance No. 5527

ACTION REQUESTED: Take whatever action Council deems advisable

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

Hedgepeth

Ordinance No. 5528

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

11. **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; 3/5; 4/2; 7/2)

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES**

12. 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; 6/18)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

13. RESOLUTION to amend the proposed Consolidated Plan FY 2014 Annual Action Plan and appropriation of Federal Entitlement funds to the FY 2014 Housing and Community Development Budget.

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**

14. RESOLUTION accepting grant funds in the amount of \$197,000.00 from the Tennessee Office of Criminal Justice Programs for the local Internet Crimes Against Children Program.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

15. RESOLUTION appropriating funding in the amount of \$108,100.00 to purchase and demolish property located at 6511 Honeybrook, Memphis, TN 38134, Parcel ID# 089049 00002, pursuant to the resolution adopted by City Council on October 16, 2012 for the FEMA/TEMA Mitigation Grant Program (HMGP).

Hedgepeth

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION amending the FY 2013 Capital Improvement Budget by transferring an allocation of \$250,000.00 in G.O. Bonds from Traffic Signals, Project Number EN01004, to Traffic Signal Improvements to the intersection of Pleasant View Road and Covington Pike, Project Number EN01042, for the purpose of modernizing the traffic signal at this intersection; and appropriating \$250,000.00 funded by G.O. Bonds to Traffic Signal Improvements to the intersection of Pleasant View Road and Covington Pike, Project Number EN01042, for a construction contract with McCrory Electric Company.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION appropriating and encumbering construction funds for the Central Avenue Pedestrian Enhancements (U of M Crosswalk Project). Also, transferring and appropriating \$300,000.00 from the construction line item to the A/E line item to pay for Construction Engineering and Inspection (CEI) services. Both the construction portion of this project and the CEI work is being paid for with Tennessee Department of Transportation (TDOT) grant money (80%) and Tennessee Board of Regents (TBR) funds (20%). This does not require any new G.O. Bond money from the City of Memphis.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION transferring an allocation of \$6,500,000.00 funded by G.O. Bonds-General from Asphalt Paving PW01040 to FY 2014 Asphalt Paving, Project Number PW01248 needed for paving operations performed by Public Works or directly by the Street Maintenance Department.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION approving an amendment to Lease Agreement with Petty Real Estate, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on May 15, 2013. This amendment will add two (2) more additional five (5) year renewable options to the lease agreement, thus extending the termination date to December 31, 2060.

Hedgepeth

Contract No. CR-5198

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION approving a third amendment to Lease Agreement with Mid-South Milling Company, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on May 15, 2013. This amendment will add two (2) more additional five (5) year renewable options to the lease agreement, thus extending the termination date to December 31, 2060.

Hedgepeth

Contract No. CR-5199

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

21. RESOLUTION accepting the Nike State Industrial Access Road Improvements to be made by the Tennessee Department of Transportation.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION accepting and appropriating \$1,150,000.00 in grant funds awarded by the Tennessee Department of Economic and Community Development Fast Track Infrastructure Development Program for installation of a new electrical infrastructure for Nike, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION appropriating \$936,400.00 in G.O. Bonds General chargeable to the FY 2014 Capital Improvement Budget for the Fairley Road Project, Project Number PW01195.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION appropriating \$2,322,118.00 for a contract between the City of Memphis and MLGW for relocation of the existing overhead electrical utilities in the north segment of Elvis Presley Boulevard from Winchester Road to Brooks Road.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

25. **ORDINANCE** to allow “kiosk” type multi-space parking meters for on street public parking, up for F I R S T reading.

Hedgepeth

Ordinance No. 5531

ACTION REQUESTED: Adopt the ordinance on First reading

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. & 2 – Approved
3. Held until September 3, 2013
4. Held until August 6, 2013
5. Held until November 5, 2013
6. Through 8 – Approved
9. Approved, as amended
10. Held until August 20, 2013
11. Held until August 6, 2013

12. Held until August 20, 2013
13. Through 25 - Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF JULY 2, 2013 MEETING**

Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #21, #22, #23 & #24 FROM TONIGHT'S MEETING**

Approved