



CITY OF MEMPHIS

COUNCIL AGENDA

November 19, 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 (November 5, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Ann C. Wall on her retirement and recognizing her for 44 years of service to the City of Memphis.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a special use permit located on the south side of Ernestine Cove; +/-279 feet east of Covington Pike, containing 32.43 acres in the Conservation Agriculture (CA) District.

Collins

Case No. SUP 13-221

Applicant: TV6-W, LLC
Prime Development Group, Inc. – Representative

Request: Special Use Permit to allow a CMCS communications tower one-hundred sixty (160) feet in height with capacity to accommodate a maximum of six (6) flush-mount antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

196 NOTICES WERE MAILED ON NOVEMBER 8, 2013

DIVISION OF PLANNING AND DEVELOPMENT

- 3. RESOLUTION approving a planned development located at 495 Watkins Street at the intersection of Watkins Street and Autumn Road, containing 19.06 acres in the EMP and CMU-3 and CMU-1 Districts. (Held from 11/5)

Collins

Case No. PD 13-324

Applicant: Crosstown Art, LLC
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Commercial/Retail Planned Development

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 special use permit located on the northwest corner of Rockdale Cove and Millbranch Road, containing 0.51 acre in the Commercial Mixed Use (CMU-1) District.

Collins

Case No. SUP 13-219

Applicant: TV6-W, LLC
Tower Ventures, LLC – Representative

Request: Special Use Permit to allow a CMCS communications tower one-hundred sixty (160) feet in height with capacity to accommodate a maximum of six (6) flush-mount antennae

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

5. **JOINT ORDINANCE** to amend the original text of the 2012 ICC International Code Council Residential Code related to the requirements for seismic construction elements of wood frame one and two family dwellings. This ordinance would establish an alternative prescriptive method for meeting those structural seismic requirements. It would also establish the effective date for these amendments as of December 31, 2013 or when passed by the second legislative body, whichever is later, up for F I R S T reading.

Collins

Ordinance No. 5539

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** to amend Ordinance No. 5430, Chapter 15, Article 1, Section 15-26.1, City Code of Ordinances, to Decrease the Monthly Permit Fee for Dumpsters from \$500.00 to \$200.00, up for F I R S T reading.

Hedgepeth

Ordinance No. 5540

ACTION REQUESTED: Adopt the ordinance on First reading

7. **ORDINANCE** to amend Section 1103.2.4 of the 2009 International Building Code that provides for the Occupancies Specified within the City of Memphis that will require newly constructed single family, duplex and triplex occupancies within the City of Memphis that receive City or Federal assistance through the Division of Housing and Community Development, Memphis Housing Authority or the Memphis Land Bank, Inc., must be constructed with design features to make them visitable for persons with mobility impairments, up for F I R S T reading.

Brown

Ordinance No. 5541

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to amend Chapter 16, Article V, of the City of Memphis, Code of Ordinances, to update various provisions regarding Food Establishments, up for F I R S T reading.

Lowery

Ordinance No. 5542

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

- 9. **ORDINANCE** rezoning 29 W. Fay Street, containing 0.32 acre in the R6 District, up for S E C O N D reading.

Collins

Case No. Z 13-08
Ordinance No. 5538

Applicant: Church of Divine Trinity
Jacqueline Hudson – Representative

Request: Rezone from R-6 District to O-G District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

- 10. RESOLUTION approving final plat of JLT Subdivision.

Case No. S 13-005

Resolution approves the final plat located on Shelby Road and Tuggle Road. Cost of the required improvements to be borne by the developer.

ACTION REQUESTED: Adopt the resolution

- 11. RESOLUTION approving final plat of I-55/HUDGINS ROAD P.D.

Case No. PD 13-305
Contract No. CR-5205

Resolution approves the final plat located at Interstate 55 and Hudgins Road. 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

NOTATION FROM OPD (None)



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MLGW FISCAL CONSENT

12. RESOLUTION awarding Contract No. 11625, Downtown Smart Grid to Ventyx, in the funded amount of \$860,834.00. (Held from 11/5)
13. RESOLUTION awarding Contract No. 11601, Automated Call-Out System, to Arcos, Incorporated, in the funded amount of \$150,848.00.
14. RESOLUTION awarding Contract No. 11640, Line Clearance to ABC Professional Tree Services, in the funded amount of \$8,937,980.33.
15. RESOLUTION approving Change No. 3 to Contract No. 11516, Tire and Tire Repair, with Southern Tire, in the funded amount of \$181,615.00. (This change is to adjust the estimated quantities of tires, tire repairs, and tire services due to revisions to internal Transportation Department policy and operational procedures resulting in an increase in the contract value. These operational procedures impact three major areas of tire management: the replacement of new and retread tires; tires on backhoe equipment; and trailer tires. The term on this contract ends December 31, 2013.)
16. RESOLUTION awarding twenty-four month blanket contracts to Oldham Construction Company, Inc., Barnhart Crane and Rigging Company and Industrial Crane Service, Inc., for the rental of cranes with lift capacities ranging from 100-600 tons, in the funded amount not to exceed \$250,000.00.
17. RESOLUTION awarding contract to M.T. Deason Company, Inc. for the purchase of fifteen universal electro-fusion processors, in the funded amount of \$57,325.00.
18. RESOLUTION approving Change No. 6 to Contract No. 11070, Utility Meter Data Application, with Automated Energy, Inc. (AEI), in the funded estimated amount of \$236,000.00. (This change is to extend the current contract for an additional two year term for the period covering January 1, 2014 to December 31, 2015. In addition, this change is also to increase the monthly per meter price from \$15.00 to \$22.50. The set-up fee will also increase from \$50 to \$75 per meter for each new meter added to the service. These new costs represent the first increase from the introductory pricing established when the contract was executed in 2006. Further, these costs were negotiated down from the vendor's higher current market prices. Customers using the service pay monthly subscription fees to recover MLGW's contract cost.)

19. RESOLUTION approving Change No. 16 to Contract No. 10569, Interactive Voice Response System, with Avaya, Incorporated, in the funded amount of \$100,000.00. (This change is to increase the funded amount of the contract to cover costs to develop, modify, and/or maintain the Interactive Voice Response (IVR) System and hardware due to new business policies and rules. The term will remain through July 16, 2014.)
20. RESOLUTION approving Change No. 2 to Contract No. 11474, Generator Preventative Maintenance Agreement, with Cummins Mid-South, LLC, in the funded amount of \$55,528.73. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 21, 2014 through January 20, 2015 with no increase in rates.)
21. RESOLUTION awarding Contract No. 11664, CNG Fueling Station, 300 Peebles Road, to Chris Woods Construction Company, Incorporated, in the funded amount of \$2,032,000.00. (Jozelle Booker)
22. RESOLUTION awarding contract to Howard Industries, Inc. for the purchase of two pad-mounted grounded-front small power transformers, in the funded amount of \$81,767.00.
23. RESOLUTION approving Change No. 2 to Contract No. 11569, Foundation Installation Kruger Tissue Group (KTG) Transmission Line, with Reliable Constructors, Incorporated, in the funded amount of \$4,925.47. (This change is to ratify a field change. During the process of preparing the site to install the foundation, an old abandoned utility pipe had to be removed. The field change order was required, due to MLGW's inability to leave the site unsecured.)
24. RESOLUTION awarding contract to Brenntag Mid-South for a thirty-six month supply of sodium hexametaphosphate, in the funded amount of \$1,340,560.20.
25. RESOLUTION awarding contract to TESSCO, Inc., for the purchase of telecommunication equipment, in the funded amount of \$86,126.76.
26. RESOLUTION awarding contract to Lightspeed Technologies, Incorporated for the purchase of telecommunication control switch modules and accessories, in the funded amount of \$179,753.56.
27. RESOLUTION awarding Contract No. 11655, Choctaw CNG Gate Security Modifications to A & B Construction Company, Incorporated, in the funded amount of \$163,623.00.
28. RESOLUTION awarding twelve month blanket contracts to Brighter Days and Nites, Inc., for various wire and cable, in the funded amount of \$202,962.65 and Universal Scaffolding & Equipment, LLC, in the amount of \$9,216.10.
29. RESOLUTION awarding contract to Sunrise Technologies for a thirty-six month supply of photo-electric cell relays, in the funded amount of \$208,500.00.

30. RESOLUTION approving Change No. 3 to Contract No. 11476, Industrial Psychology Services, with Lopez and Associates, in the funded amount of \$26,900.00. (This change is to develop and update hiring and promotional tests for MLGW's Customer Service Departments. This change includes Customer Account and Records Selection Program Enhancement in the amount of \$14,000.00 and Service Dispatcher Position Selection Program Enhancements in the amount of \$12,900.00. The term will remain through March 31, 2016.)
31. RESOLUTION awarding Contract No. 11622, Employee Benefit Dental Plan, to Delta Dental of Tennessee, in the funded amount of \$7,765,606.00.
32. RESOLUTION approving Change No. 1 to Contract No. 11589, Professional Service Support, with TEK System, Incorporated, in the funded amount of \$699,163.00. (This change is to renew the current contract for the first of four annual renewal terms covering the period January 1, 2014 through December 31, 2014, with no increase in rates.)
33. RESOLUTION approving Change No. 1 to Contract No. 11586, Professional Service Support, with VACO Midsouth, LLC, in the funded amount of \$868,136.00. (This change is to renew the current contract for the first of four annual renewal terms covering the period January 1, 2014 through December 31, 2014 with no increase in rates.)
34. RESOLUTION approving Change No. 1 to Contract No. 11537, Professional Service Support, with NexTech Solutions, in the funded amount of \$870,977.00. (This change is to renew the current contract for the first of four annual renewal terms covering the period January 1, 2014 through December 31, 2014 with no increase in rates.)
35. RESOLUTION approving Change No. 1 to Contract No. 11590, Professional Services Support, with Conch Technologies Incorporated, in the funded amount of \$738,534.00. (This change is to renew the current contract for the first of four annual renewal terms covering the period January 1, 2014 through December 31, 2014 with no increase in rates.)
36. RESOLUTION approving Change No. 1 to Contract No. 11591, Professional Services Support with Stragistics Technology, Incorporated, in the funded amount of \$910,395.20. (This change is to renew the current contract for the first of four renewal terms covering the period January 1, 2014 through December 31, 2014 with no increase in rates.)
37. RESOLUTION approving Change No. 1 to Contract No. 11588, Professional Services Support, with Cook Systems, in the funded amount of \$750,160.00. (This change is to renew the current contract for the first of four renewal terms covering the period January 1, 2014 through December 31, 2014 with no increase in rates.)
38. RESOLUTION approving Change No. 1 to Contract No. 11587, Professional Services Support, with Zycron, Incorporated, in the funded amount of \$820,103.83. (This change is to renew the current contract for the first of four annual renewal terms covering the period January 1, 2014 through December 31, 2014 with no increase in rates.)



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REGULAR AGENDA

39.
Flinn

APPOINTMENTS

MEMPHIS LANDMARKS COMMISSION

Appointment

Cyndy Grivich Tucker

Reappointments

Joyce Cox
Stanley E. Hyland
Keith S. Kays

MEMPHIS STORMWATER BOARD

Appointment

Elizabeth Burks

MEMPHIS AND SHELBY COUNTY AIR POLLUTION CONTROL BOARD

Appointments

Doris F. Boyd
Douglas B. Dugard, Jr.
Dr. Karl J. Pensak

MEMPHIS AND SHELBY COUNTY BOARD OF EQUALIZATION

Reappointments

C. Howard Davis
Edward D. Simmons, Jr.
Lillie M. White

MEMPHIS AND SHELBY COUNTY BUILDING CODE ADVISORY BOARD

Reappointment

Antonio R. Bologna

GENERAL ORDINANCE – THIRD AND FINAL READING

40. **ORDINANCE** to amend Chapter 15 of the City of Memphis, Code of Ordinances to add Article III for the purpose of establishing a Supplemental Retirement Benefit for Solid Waste Management employees, up for T H I R D and F I N A L reading.
Lowery Ordinance No. 5537

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

41. RESOLUTION amending the 2014 CIP Budget by accepting \$4,251,750.00 in STP grant funds awarded by the Federal Highway Administration (through the Tennessee Department of Transportation) to the Division of Engineering and establishing funding for the STP Isolated Traffic Signal Improvements (Group 1), Project Number EN01049.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION amending the 2014 CIP Budget by accepting \$3,785,500.00 in STP grant funds awarded by the Federal Highway Administration (through the Tennessee Department of Transportation) to the Division of Engineering and establishing funding for the STP Isolated Traffic Signal Improvements (Group 2), Project Number EN01050.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the FY 2014 CIP Budget by accepting \$3,386,500.00 in STP grant funds awarded by the Federal Highway Administration (through the Tennessee Department of Transportation) to the Division of Engineering and establishing funding for the STP Isolated Traffic Signal Improvements (Group 3), Project Number EN01051.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

44. RESOLUTION appropriating \$669,667.00 funded by G.O. Bonds General for repairs at Fire Station 27 and Fire Station 53.

Conrad

The Council of the City of Memphis did include Fire Station Repair, CIP Project Number FS02001 as part of the Fiscal Year 2014 Capital Improvement Program. Three bids were received on September 27, 2013, with the best complying bid submitted by Barnes and Brower, Inc., in the amount of \$620,062.00, plus contingency in the amount of \$49,605.00 for a total of \$669,667.00.

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

45. JOINT CITY/COUNTY RESOLUTION requesting approval of the sale of surplus property located at 460 S. Highland, that was formerly a part of the Memphis and Shelby County Public Library System. (Held from 10/15)

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

46. RESOLUTION accepting and appropriating Greenprint Subplanning funds in the amount of \$30,000.00 from Shelby County Government through the Office of Sustainability to the FY 2014 budget for the Division of Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION amending the FY 2014 Operating Budget by accepting and appropriating the expenditures and revenues for the Lead Hazard Reduction Demonstration Grant in the amount of \$3,000,000.00.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

COUNCIL RECESSES AS CITY COUNCIL AND CONVENES AS A RATE MAKING BOARD

MEETING CALLED TO ORDER AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS

48. RESOLUTION requesting the City Council to convene as a Rate Making Board and approve the 2014 Memphis Light, Gas and Water Division Rate Actions.

Fullilove

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS

MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL BY THE SERGEANT-AT-ARMS

49. RESOLUTION approving the 2014 Memphis Light, Gas and Water Division Budget.

Fullilove

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES

50. RESOLUTION approving a lease agreement between the City of Memphis, through its Division of Parks and Neighborhoods and TV6-W, LLC. The initial term of the agreement is five (5) years with the option to renew for seven (7) consecutive five (5) year periods.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

51. RESOLUTION seeking acceptance for donations of various electronics and small appliances. All donations have an estimated value of \$1,920.71.

Conrad

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION accepting grant funds in the amount of \$414,937.36 from the State of Tennessee Department of Transportation.

Conrad

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION accepting grant funds in the amount of \$18,000.00 from the State of Tennessee Department of Transportation.

Conrad

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION accepting grant funds in the amount of \$107,664.00 from the State of Tennessee Department of Transportation.

Conrad

ACTION REQUESTED: Adopt the resolution

55. RESOLUTION accepting grant funds in the amount of \$170,223.00 from the U. S. Department of Justice, Office of Juvenile and Delinquency Prevention.

Conrad

ACTION REQUESTED: Adopt the resolution

56. RESOLUTION accepting donated funds in the amount of \$100.00 from Twinz-N-Control, Inc., for the 2014 G.R.E.A.T. Summer Camp Program. This resolution also amends the FY 2014 Operating Budget to establish and appropriate donated funds.

Conrad

ACTION REQUESTED: Adopt the resolution

57. RESOLUTION accepting donated funds in the amount of \$100.00 from Wolfchase Honda for the 2014 G.R.E.A.T. Summer Camp Program. This resolution also amends the FY 2014 Operating Budget to establish and appropriate donated funds.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

58. RESOLUTION amending the FY 2014 CIP Budget to allocate and transfer \$300,000.00 to the Division of Public Works for the purchase of up to six (6) community trash compactors pads in various locations in Downtown Memphis.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

59. RESOLUTION accepting TDOT funds related to the grant for STP 5, Resurfacing Project. The total grant amount is \$8,672,900.00, of which \$6,938,320.00 (80%) are federal funds and \$1,734,580.00 (20%) are local funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

60. RESOLUTION accepting TDOT funds related to the grant for the repair of Brooks Road bridge over Days Creek. The total grant amount is \$815,000.00, of which \$652,000.00 (80%) are federal funds and \$163,000.00 (20%) are local funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

61. RESOLUTION accepting TDOT funds related to the grant for the repair of 14 bridges on Sam Cooper. The total grant amount is \$5,333,000.00 of which \$4,266,400.00 (80%) are federal funds and \$1,066,600.00 (20%) are local funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

62. RESOLUTION accepting additional TDOT funds related to the grant for the Elvis Presley Boulevard Project. This amendment #2 adds an additional \$297,397.00 in federal funds and an additional \$5,400,000.00 in State funds to the grant amount.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

63. RESOLUTION approving final plat of BARRY/SHADY GROVE SUBDIVISION.
Consent Case No. S 12-003
Contract No. CR-5206

Resolution approves the final plat located at the northeast corner of Barry Road and Shady Grove Road. Cost of the required improvements to be borne by the developer.

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Held until December 3, 2013
2. Approved
3. Approved, as amended
4. Through 39 – Approved
40. Held until December 3, 2013
41. Through 57 – Approved
58. Held until January 21, 2014
59. Through 63 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF NOVEMBER 5, 2013 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEM#12, FROM TONIGHT'S MEETING

Approved