



CITY OF MEMPHIS

COUNCIL AGENDA

December 3, 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 19, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION of the 2013 City Council Humanitarian Award to Cordell Walker.
Ford
2. RESOLUTION congratulating Ann C. Wall on her retirement and recognizing her for 44 years of service to the City of Memphis.(Held from 11/19)
Lowery

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION declaring December 3, 2013 as #Giving Tuesday.
Conrad,
Wharton &
Halbert

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING (None)

DIVISION OF PLANNING AND DEVELOPMENT

4. RESOLUTION approving a planned development located on the west side of Old Ridgeway Road; +/-2,370’ south of the intersection with Ridgeway Road, containing 15.45 acres –Lease Area and 4,225 sq. ft. – Compound and is regulated by Area A, Lot 7 of Ridgeway-Nonconnah Center Planned Development (P.D. 05-357).

Collins

Case No. PD 13-327

Applicant: Tower Ventures, LLC (Billy Orgel)
Michael J. Fahy – Representative

Request: CMCS Tower, 192’, mono-pole Design

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 special use permit located at 3412 Park Avenue; north side of Park Avenue; +/-700 feet west of Highland Street, containing .77 acre in the Commercial Mixed Use-1(CMU-1) District.

Collins

Case No. SUP 13-222

Applicant: TV6 Signal Source Tower LLC (Billy Orgel/Craig Royal)
Lou Katzerman – Tower Ventures – Representative

Request: Cellular Tower (150’ Tall – Mono-pole Design)

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

6. ORDINANCE rezoning 29 W. Fay Street, containing 0.32 acre in the R6 District, up for T H I R D and F I N A L 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: Take whatever action Council deems advisable

187 NOTICES MAILED ON NOVEMBER 20, 2013



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CONSENT AGENDA

GENERAL ORDINANCE- FIRST READING

7. **ORDINANCE** to expand the class of contracts covered under the Prevailing Wage Ordinance, align the City of Memphis Prevailing Wage Ordinance with State Level Prevailing Wage requirements and amend Section 5-4-12(A) and 5-4-12(F-1) (Prevailing Wage), up for F I R S T reading.

Halbert

Ordinance No. 5543

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

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

Collins

Ordinance No. 5539

ACTION REQUESTED: Adopt the ordinance on Second reading

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

Hedgepeth

Ordinance No. 5540

ACTION REQUESTED: Adopt the ordinance on Second reading

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

Brown

Ordinance No. 5541

ACTION REQUESTED: Adopt the ordinance on Second reading

- 11. **ORDINANCE** to amend Chapter 16, Article V, of the City of Memphis, Code of Ordinances, to update various provisions regarding Food Establishments, up for S E C O N D reading.

Lowery

Ordinance No. 5542

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

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. SD 13-702 (Looney Avenue Dedication)

Located on the east side of North Front Street, approximately 349 feet south of Keel Avenue, containing 0.206 acre in the Mixed Use (MU) District

Applicant: MLB-Uptown, LLC
Cindy Reaves, SR Consulting, LLC – Representative

Request: Dedicate street right-of-way for the extension of realigned Looney Avenue to North Front Street

LUCB and OPD recommendation: APPROVAL, with 2 conditions

B. Case No. SUP 13-220

Located at 1226 S. Prescott (366' +/-south of Rhodes Avenue), containing 0.99 acre in Residential-6 (R-6) District

Applicant: Tower Venture, LLC
Michael Fahy – Representative

Request: Proposal to construct a one hundred fifty foot (150') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 13-605 – (COUGHLIN DRIVE)

Located on Coughlin Drive between Brooks Road and Stonebrook Avenue, containing 2.058 acres in the Employment (EMP) District

Applicant: City of Memphis Engineering Division
Bill Wood, Pickering Firm – Representative

Request: Close and vacate a portion of Coughlin Drive right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SUP 13-223cc

Located at 779 N. Houston Levee Road (598' west of intersection with Humphrey Road), containing 5.0 acres in the Commercial Mixed Use-1 (CMU-1) District

Applicant: TV6-W, LLC
Lou Katzerman – Representative

Request: Proposal to construct a one hundred fifty foot (150') CMS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SUP 13-227

Located at 4076 Jackson Avenue, northeast corner of the intersection of South Brighton Road and Jackson Ave., containing 0.93 acre in the CMU-3 District

Applicant: Terry Boyd, PE
Fasil Kedebe – Representative

Request: Convenience Store with Gasoline Sales

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 17, 2013



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MLGW FISCAL CONSENT

13. RESOLUTION approving Change No. 3 to Contract No. 11414, Roof Maintenance, with B Four Plied Incorporated, in the funded amount of \$25,000.00. (This change renews the current contract for the third of four renewal terms covering the period January 11, 2014 to January 10, 2015. In addition, this change reflects no increase in rates from the previous year.)
14. RESOLUTION approving Change No. 2 to Contract No. 11491, System Furniture, with Staples, in the funded amount of \$271,434.00. (This change renews the current contract for the second of four renewal terms covering the period January 23, 2014 to January 22, 2015, with no increase in rates from the previous year.)
15. RESOLUTION approving Change No. 1 to Contract No. 11545, Weld Testing and Inspection Services, with American Industrial Testing, LLC, in the funded amount of \$10,127.50. (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 from the previous year.)
16. RESOLUTION approving Change No. 4 to Contract No. 11516, Tire and Tire Repair Service, with Southern Tire Mart, in the funded amount of \$959,373.59. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2014 through December 31, 2014, with no increase in rates from the previous year.)
17. RESOLUTION approving Change No. 3 to Contract No. 11413, Surveying Services, with Benchmark-Ollar Surveying, in the funded amount of \$190,175.00. (This change is to add additional funds due to an increase in the projected workload relative to preparing easement and construction surveying, involving the Nike and KTG expansion projects. The funds will be added to the current contract term which ends January 18, 2014 in the funded amount of \$50,000.00. In addition, this change is to renew the current contract for the third of four renewal terms for the period covering January 19, 2014 to January 18, 2015 in the funded amount of \$140,175.00. This change represents a 3% increase in rates from the previous year due to operating costs including insurance, fuel, software and field supplies.)
18. RESOLUTION approving Change No. 1 to Contract No. 11639, McCord Pumping Station Sewer Upgrades, with Madden-Phillips Construction, Incorporated, in the funded amount of \$1,720.50. (Due to unforeseeable conditions encountered at the beginning of construction, this change is necessary to raise the height of the manhole to grade.)
19. RESOLUTION awarding contract to Geo-JOBE G.I.S. Consulting for global positioning system (GPS) handheld devices, in the funded amount of \$97,950.00.

20. RESOLUTION approving Change No. 1 to Contract No. 11582, Programmable Logic Controller (PLC) Maintenance, with Logical Systems Incorporated, in the funded amount of \$30,000.00. (This change is to request approval of payment for services rendered in excess of the original contract approval amount. The services included programming of the Distribute Control System (DCS) which operates and controls the plant process equipment in the amount of \$8,228.00. In addition, this change is to renew the current contract for the first of four annual renewal terms covering the period January 4, 2014 through January 3, 2015 in the funded amount of \$21,772.00. This renewal represents a 2.64% increase in rates from the previous year due to increased operational cost which includes insurance premium coverage.)
21. RESOLUTION approving Change No. 1 to Contract No. 11453, Voice and Data Services, with AT&T, Inc., in the funded amount of \$636,000.00. (This change is to renew the current contract for the third and fourth renewal terms covering the period July 11, 2014 through July 10, 2016, with no increase in rates from the previous year.)
22. RESOLUTION awarding a twelve month blanket contract to Mueller Company, LLC for fire hydrants, in the funded amount of \$518,863.22.
23. RESOLUTION approving Change No. 3 to Contract No. 11500, Temporary Service for Clerical Support, with Kelly Services, in the funded amount of \$827,790.00. (This change is to increase the current contract value for 20 Street Light Service Advisor positions through the current term of December 31, 2013 in the funded amount of \$21,004.80. This change is also to renew the current contract for the second of four renewal terms covering the period January 4, 2014 to January 3, 2015 in the funded amount of \$721,453.20, with no increase in rates from the previous year. In addition, MLGW is requesting the approval of contingency funds in the amount of \$85,332.00 for unforeseen vacancies. The new contract value is \$1,565,453.80.)
24. RESOLUTION approving Change No. 3 to Contract No. 11465, Contract Security Services, with CDA, Incorporated, in the funded amount of \$2,944,716.72. (This change renews the current contract for the third of four renewal terms covering the period January 1, 2014 to December 31, 2014, with no increase in rates from the previous year.)
25. RESOLUTION approving Change No. 2 to Contract No. 11499, Temporary Service for General Labor, with Pridestaff, in the funded amount of \$571,523.00. (This change is to renew the current contract for the second of four renewal terms covering the period January 4, 2014 to January 3, 2015 in the funded amount of \$518,857.00. This change reflects a 1.48% increase in rates due to the increase of the FICA (Social Security and Medicare), Federal Unemployment tax, State Unemployment tax and Workers' Compensation Insurance. In addition, MLGW is requesting the approval of contingency funds in the amount of \$52,666.00 for unforeseen vacancies. The new contract value is \$1,995,408.00.)
26. RESOLUTION approving Change No. 1 to Contract No. 11406, Managed Prescription Drug Program, with Express Scripts, in the funded amount of \$38,610,037.00. (This change is to renew the current contract for the third and fourth terms for the period covering January 1, 2014 to December 31, 2015. This is a five year contract which allows for the requested renewal.)
27. RESOLUTION approving Change No. 3 to Contract No. 11296, Enterprise GIS Software Selection and Installation, with Environmental System Research Institute (ESRI), in the funded amount of \$900,000.00. (The ELA provides ESRI's software licenses, maintenance and support services for the Enterprise GIS solution. This solution provides MLGW with all of the infrastructure mapping of its

electric, gas, water, land, and telecommunications infrastructures. MLGW is requesting approval of continuous maintenance of the acquired system, which can only be performed by ESRI.)

28. RESOLUTION approving Change No. 4 to Contract No. 10908, Mobile Data, with Ventyx, Inc., in the funded amount of \$199,542.65. (This change is to renew annual software maintenance, license, and support in the funded amount of \$199,542.65. The term of the annual maintenance covers the period January 1, 2014 to December 31, 2014 with a 1.62% increase from the previous year. This increase is due to an increase in overall product and delivery costs.)
29. RESOLUTION approving Change No. 1 to Contract No. 11543, Environmental Abatement Services with General Construction Services Incorporated, in the amount of \$3,500,000.00. (This change is to add additional funds for unplanned work through the end of the term December 31, 2013 in the amount of \$300,000.00. This change is also to renew the current contract for the first of four annual renewal terms covering the period January 1, 2014 through December 31, 2014 in the funded amount of \$3,200,000.00.)
30. RESOLUTION approving a claims settlement in the amount of \$80,000.00.
31. RESOLUTION approving a claims settlement in the amount of \$100,000.00.



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REGULAR AGENDA

32.
Flinn

APPOINTMENTS

MEMPHIS LANDMARKS COMMISSION

Appointment

André C. Wharton

MEMPHIS, LIGHT, GAS AND WATER COMMISSION

Reappointments

Darrell T. Cobbins

Rick Masson

Steven Wishnia

MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER

Appointment

Elizabeth C. Dixon

Reappointments

Keenon McCloy

Ruby Payne

MEMPHIS AND SHELBY COUNTY PLUMBING CODE BOARD

Reappointment

Andrew T. Mahoney

GENERAL ORDINANCES – THIRD AND FINAL READING

33. **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; 7/16; 9/3)

Hedgepeth

Ordinance No. 5456

ACTION REQUESTED: Take whatever action Council deems advisable

34. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances to increase the monthly Solid Waste Fee for Residential Units, up for T H I R D and F I N A L reading. (Held from 10/1)

Fullilove

Ordinance No. 5535

ACTION REQUESTED: Take whatever action Council deems advisable

35. **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. (Held from 11/19)

Lowery

Ordinance No. 5537

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

36. **RESOLUTION** to halt further spending on litigation against potential municipal schools districts in light of April 2013 State Legislation.

Strickland

ACTION REQUESTED: Adopt the resolution

37. **RESOLUTION** amending the FY2014 Operating Budget for proceeds received from two insurance claims which occurred at The Memphis Cook Convention Center during July 2013.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

38. RESOLUTION amending the FY2014 Operating Budget to appropriate funds in the amount of \$657,700.00 to purchase firefighter turnouts clothing from Capital Projects FS04001 Personal Protective Equipment.

Conrad

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION amending the FY2014 Operating Budget to appropriate funds in the amount of \$140,401.00 to replace, test, and repair self-contained breathing apparatus from Capital Projects FS04001 Personal Protective Equipment.

Conrad

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting and appropriating grant funds in the amount of \$1,214,154.00 from the U.S. Department of Homeland Security-FEMA for development and maintenance of the National Urban Search & Rescue Response System.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

41. 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 Cawthorn 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; 7/16; 8/20; 9/17; 10/15; 11/5)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

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

42. RESOLUTION appropriating \$300,000.00 in Contract Construction for CIP Project Number PK07092, City Park Rehab and Maintenance for Southside Park Improvements funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION accepting and appropriating grant funding in the amount of \$8,828.00 from the Tennessee State Library and Archives for tablets for the Memphis Public Library and Information Center.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

44. RESOLUTION accepting a donation in the amount of \$50.00 from Euro Imports LTD, Inc. as awarded to the City of Memphis Police Department to support Police Services' materials and supplies costs.

Conrad

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION appropriating \$150,000.00 in Furniture Fixture Equipment, funded by G.O Bonds General, in other project costs to purchase roll call furniture for the precincts.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

46. RESOLUTION appropriating \$369,295.00 in G.O. Bonds funds to Curb Ramp Program Group 48, project number PW04095 for the installation of curb ramps throughout the City at various locations.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION amending the Capital Improvement Budget by appropriating \$340,000.00 in G.O. General Bond Funds to Traffic Signals, Project Number EN01004 in Furniture, Fixtures and Equipment for the purchase of equipment used in the installation of traffic signals by City Forces.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

48. RESOLUTION approving a joint resolution of the Board of Commissioners of Shelby County and the Council of the City of Memphis, Tennessee authorizing and approving the creation of a Memphis Cook Convention Center Expansion Study Committee.

Collins

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION establishing the Memphis Light, Gas and Water Division Gas in lieu-of-tax payment to the City of Memphis for Fiscal Year 2014.

Strickland

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION establishing the Memphis Light, Gas and Water Division Electric in lieu-of-tax payment to the City of Memphis for Fiscal Year 2014.

Strickland

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION to approve the 2014 Street Light Schedule of Fees.

Fullilove

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION accepting grant funds in the amount of \$1,681,945.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Worker Program.

Halbert

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION accepting grant funds in the amount of \$2,325,325.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Adult Program.

Halbert

ACTION REQUESTED: Adopt the resolution

ADD-ONS

54. RESOLUTION to designate the facility formerly known as Sears Crosstown as a blighted facility pursuant to TCA 13-20-209 et seq.; to establish the Crosstown Redevelopment Project; to allocate and appropriate an amount not to exceed \$15,000,000.00 to the project for public infrastructure and other building improvements, and to authorize the Mayor to execute the necessary procedures to establish the project.

Ford

ACTION REQUESTED: Adopt the resolution

55. RESOLUTION authorizing the acquisition by the City of Memphis of interests in Autozone Park, requesting financing by the Memphis Center City Revenue Finance Corporation of the acquisition price, authorizing leases to and from such Corporation and to Memphis Redbirds, LLC, authorizing related transactions, and otherwise providing with respect to the foregoing, and amending the Debt Management Policy and Procedures of the City with respect to transactions with the Corporation.

Ford

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held to December 17, 2013
3. Through 11 – Approved
12. A, D & E – Public Hearing set for December 17, 2013
B – Notation held until January 21, 2014
C – Notation held until March 4, 2014
13. Through 32 – Approved
33. Held until January 7, 2014
34. Failed
35. Approved, as amended
36. Held until January 21, 2014
37. Through 54 – Approved
55. Held until December 9, 2013

ACTION TAKEN ON THE MINUTES OF NOVEMBER 19, 2013

Approved, as amended. Item #48 pulled from the Minutes to go back to Committee on December 17, 2013.