



# CITY OF MEMPHIS

## COUNCIL AGENDA

January 19, 2016

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 (January 5, 2016)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of S. Perkins, in honor of Officer Sean Bolton. This resolution is sponsored by Councilman Hedgepeth. (Held from 12/15; 1/5)

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing Director Toney Armstrong on his retirement from the Memphis Police Department. This resolution is sponsored by Councilman Edmund Ford, Jr.

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARING**

3. RESOLUTION approving a planned development located at the existing terminus of Countrywood Parkway, south of Interstate 40, containing 163 acres including 48 acres of open space in the Conservation Agriculture (CA) and Residential Urban (RU-3) Districts. This resolution is sponsored by the Office of Planning and Development.  
Colvett Chairman, Planning & Zoning Committee  
Case No. PD 15-317

Applicant: Jim Russell  
Dalhoff Thomas Design Studio – Representative

Request: Planned development consisting of two development options that include single-family homes, apartments, senior housing, townhomes and cabin-style guest homes

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**125 NOTICES WERE MAILED ON JANUARY 8, 2016**

**DIVISION OF PLANNING AND DEVELOPMENT**

4. RESOLUTION approving a planned development located on the northwest corner of the intersection at Hacks Cross Road and Misty Meadows Lane, containing 1.21 acres in an area currently governed by PD 03-317. This resolution is sponsored by the Office of Planning and Development.  
Colvett Chairman, Planning & Zoning Committee  
Case No. PD 15-328

Applicant: AIG TN Holding, LLC  
Jennifer Peregoy – Representative

Request: Allow a vehicle tire sales establishment within PD 03-317

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 on the northeast corner of Jackson Avenue and N. Front Street, containing 1.07 acres in the Mixed Use (MU) District. This resolution is sponsored by the Office of Planning and Development. (Held from 9/1; 11/3; 12/15; 1/5)  
Colvett Chairman, Planning & Zoning Committee  
Case No. SUP 15-213

Applicant: Front Street Group, LLC  
Brenda Solomito Basar – Representative

Request: Allow an extended stay hotel and retail component

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

6.  
Colvett  
Chairman,  
Planning &  
Zoning  
Committee

RESOLUTION approving a special use permit located at 0 Firestone Avenue (Parcel ID 039044 00004), containing 0.11 acre in the Employment (EMP) zoning district. This resolution is sponsored by the Office of Planning and Development. (Held from 12/15).  
Case No. SUP 15-224

Applicant: Tower Assets Newco, 1X, LLC (Tower Ventures)  
Lou Katzerman – Representative

Request: A Special Use Permit to construct a (150') CMCS tower in the Employment (EMP) zoning district

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 ORDINANCE - FIRST READING** (None)

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

**ZONING ORDINANCE - FIRST READING**

7. **ORDINANCE** rezoning the northeast, southeast and southwest corners of New Allen Road and New Frayser Boulevard, containing 178 acres in the Residential Single Family (R-6), Residential Urban (RU-2) and (RU-3) and Commercial Mixed Use (CMU-1) Districts. This resolution is sponsored by the Office of Planning and Development.  
Colvett  
Chairman,  
Planning &  
Zoning Committee
- Case No. Z 15-104  
Ordinance No. 5609

Applicant: Belz Investco, GP  
Burch-Porter-Johnson, PLLC – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

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

**ENGINEERING** (None)

**NOTATION FROM OPD** (None)

**GENERAL ITEM**

8. **RESOLUTION** approving an honorary street name change for Ollie M. Brown. This resolution is sponsored by Councilman Joe Brown.

ACTION REQUESTED: Adopt the resolution



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## FISCAL CONSENT AGENDA

9. RESOLUTION accepting additional grant funds in the amount of \$4,081.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Rapid Response Incumbent Worker Program. This resolution is sponsored by Workforce Investment Network.
- Boyd  
Chairman,  
Economic  
Development &  
Tourism Committee      ACTION REQUESTED:      Adopt the resolution
10. RESOLUTION accepting a donation in the amount of \$50.00 from St. Luke's United Methodist Church as awarded to the City of Memphis Police Department to support Police Services' operational activities. This resolution is sponsored by Police Services.
- Morgan  
Chairman,  
Public Safety  
Committee      ACTION REQUESTED:      Adopt the resolution
11. RESOLUTION accepting a donation in the amount of \$525.00 from BrandMuscle as awarded to the City of Memphis Police Department to support Police Services' operational activities. This resolution is sponsored by Police Services.
- Morgan  
Chairman,  
Public Safety  
Committee      ACTION REQUESTED:      Adopt the resolution
12. RESOLUTION accepting grant funds in the amount of \$600.00 from the State of Tennessee specifically for the In-Service Training Program for training 1 commissioned officer and amendment of PD90170, award 12800. This resolution is sponsored by Police Services.
- Morgan  
Chairman,  
Public Safety  
Committee      ACTION REQUESTED:      Adopt the resolution
13. RESOLUTION accepting a donation in the amount of \$891.35 from Fred's Super Dollar as awarded to the City of Memphis Police Department to support Police Services' operational activities. This resolution is sponsored by Police Services.
- Morgan  
Chairman,  
Public Safety  
Committee      ACTION REQUESTED:      Adopt the resolution



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## MLGW FISCAL CONSENT

14. RESOLUTION approving Change No. 4, to Contract No. 11640, Line Clearance, with ABC Professional Tree Services, in the funded amount of \$10,814,217.67. (The initial term of the contract was for one year from the date of the Notice to Proceed with an option of four annual renewal terms. This change is to renew the current contract for the second of four annual renewal terms for the period covering February 17, 2016 through February 16, 2017.)
15. RESOLUTION awarding individual purchase orders for a thirty-six month period to Oldham Construction Company LLC, d/b/a Oldham Crane and Barnhart Crane and Rigging Company, for the rental of cranes with lift capacities ranging from 100-600 tons in size, on an as-needed basis, based on unit prices in an amount not to exceed \$300,000.00.
16. RESOLUTION approving Change No. 11 to Contract No. 10580, Service Agreement, with Motorola, Incorporated, in the funded amount of \$49,193.40. (This change is to renew the current contract for annual maintenance and support services for an additional one year term for the period covering March 1, 2016 through February 28, 2017.)
17. RESOLUTION approving the payment of an invoice from the Tennessee Valley Public Power Association, for the 2015 Annual Membership dues, in the amount of \$51,184.73.
18. RESOLUTION awarding a contract to Engineered Sealing Components, LLC, for reducing compression couplings, in the amount of \$304,200.00.
19. RESOLUTION approving Change No. 1 to Contract No. 11678, Riskmaster Replacement, with Legal Files Software, Incorporated, in the funded amount of \$2,879.00. (The MLGW Board, at its June 5, 2014 meeting, approved the award of Contract No. 11678 for a term of one year from the date of the Notice to Proceed with four annual renewal options. However, the term of the executed contract is for a one year term with provisions for annual renewals for software maintenance and support services. Approval of this action corrects the record to reflect the actual term of the executed contract. In addition, this change is to renew the annual maintenance and support services for the period covering December 10, 2015 to December 9, 2016. Lastly, this

change is to ratify the payment of \$2,879.00 for the annual maintenance and support services which was paid prior to the renewal of the covered term.)

20. RESOLUTION awarding a contract to Business Line Systems, Inc., for Novell Software maintenance, in the amount of \$347,213.95.

**January 19, 2016**

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21. RESOLUTION awarding a contract to Fujitsu America, Inc., for maintenance and support for Enterprise Server CS500 Virtual Tape solution, in the amount of \$39,805.00.



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## REGULAR AGENDA

### GENERAL ORDINANCE – THIRD AND FINAL READING

22. **ORDINANCE** to amend Chapter 25, Pension and Retirement System of the City of Memphis, Code of Ordinances, to Modify the Disability Provisions, up for **T H I R D** and **F I N A L** reading. Ordinance No. 5598 is sponsored by Chairman Kemp Conrad. (Held from 09/15; 10/20).
- Spinosa  
Chairman,  
Personnel &  
Intergovernmental  
Committee
- 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

23. **RESOLUTION** requesting that a more robust performance review system be developed and that all employees with multiple disciplinary actions do not receive pay raises. This resolution is sponsored by Chairman Kemp Conrad. (Held from 8/4; 9/15; 10/20)
- Spinosa  
Chairman,  
Personnel &  
Intergovernmental  
Committee
- ACTION REQUESTED:** Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

**MLGW DIVISION** (None)

**DIVISION OF PARKS AND NEIGHBORHOODS** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

24. RESOLUTION approving an amendment to the Exclusive Archery Rights Memorandum Agreement with TWRA dated April 23, 2001, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on October 15, 2014. This resolution is sponsored by the Port Commission. (Held from 3/17; 5/19; 6/2; 7/7; 8/4; 9/15; 10/20)

Hedgepeth  
Chairman,  
Public Works &  
Transportation  
Committee

Contract No. CR-5228

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION allocating \$6,000,000.00, Walter Simmons – Overton Park Relocation, CIP Project Number GS01026 and transferring into CoMEM Phase I (GS Property), CIP Project Number GS01031, Construction. This resolution is sponsored by General Services. (Held from 10/20; 12/15)

Hedgepeth  
Chairman,  
Public Works  
& Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving the CoMEM Phase I – (Property) CIP Project Number GS01031, for the completion of plans and specifications and taking bids at the estimated construction cost of \$6,500,000.00; prior to acceptance of bids. Administration is required to return to City Council for approval of construction funds. This resolution is sponsored by General Services. (Held from 10/20; 12/15)

Hedgepeth  
Chairman,  
Public Works &  
Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

27. RESOLUTION by the Memphis City Council hereby acknowledges, approves and ratifies the acceptance of the Certifications by the Shelby County Election Commission of the Election Results for the October 8 and November 19, 2015 City Elections and the Oaths of Office and accompanying bonds for the persons certified as elected in those elections for the Offices of Mayor, City Council and City Court Clerk and the filing of same with the City Comptroller. This resolution is sponsored by Chairman Kemp Conrad.

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

28.  
Spinosa  
Chairman,  
Personnel &  
Intergovern-  
mental  
Committee

**APPOINTMENTS**

**ECONOMIC DEVELOPMENT GROWTH ENGINE OF MEMPHIS AND  
SHELBY COUNTY (EDGE)**

Appointment

Emily Greer

**MEMPHIS HOUSING AUTHORITY BOARD**

Appointment

Janet Covington

29.  
Robinson  
Chairman,  
MLGW  
Committee

RESOLUTION approving an amendment to the MLGW Division Pension Plan in order to comply with the amended Tennessee law, as of July 1, 2015, which requires governmental plans to make payments under court order from the Plan to divorcees. This resolution is sponsored by MLGW.

ACTION REQUESTED: Adopt the resolution

30.  
Robinson  
Chairman,  
MLGW  
Committee

RESOLUTION approving an amendment to the MLGW Division Pension Plan in order to comply with the U.S. Supreme Court's ruling of June 26, 2015, Obergefell v. Hodges, requiring MLGW to extend spousal benefits under the Pension System to same-sex spouses identical to benefits available under the Plan to opposite-sex spouses. This resolution is sponsored by MLGW.

ACTION REQUESTED: Adopt the resolution

31.  
Brown  
Chairman,  
Housing &  
Community  
Development

RESOLUTION requesting HUD to consider suspending federal funds to certain housing developments. This resolution is sponsored by Councilwoman Janis Fullilove, Councilwoman Patrice Robinson, Councilman Joe Brown and Councilman Martavius Jones.

ACTION REQUESTED: Adopt the resolution

32.  
Hedgepeth  
Chairman,  
Public Works  
Committee

RESOLUTION authorizing Memphis Area Transit Authority (MATA) to use \$950,000.00 in FY16 appropriations in CIP Project Number GA03026 to purchase a trolley. This resolution is sponsored by MATA.

ACTION REQUESTED: Adopt the resolution

**ADD-ONS**

33. RESOLUTION to adjust expenses to cover contract for sewer cleaning by transferring  
Hedgepeth \$650,000.00 from the Capital Outlay-Vehicle budget line to the Material and Supplies-  
Chairman, Professional Services budget line. This resolution is sponsored by Public Works.  
Public Works  
Committee ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the Fiscal Year 2016 Capital Improvement Budget by  
Hedgepeth accepting grant funds in the amount of \$3,174,414.00 from the Tennessee Department  
Chairman, of Transportation (TDOT) and establishing an allocation in Plough/Winchester, Project  
Public Works Number PW01109 to redesign and reconstruct the existing Plough Boulevard inter-  
Committee change making connections along Plough Boulevard, Winchester Road and Airways  
Boulevard. This resolution is sponsored by Public Works.  
ACTION REQUESTED: Adopt the resolution

35. ORDINANCE amending the Residential Parking Permit Pilot Program near Overton  
Hedgepeth Square making the program permanent, up for F I R S T reading. Ordinance No. 5610  
Chairman, is sponsored by Engineering and Councilman Worth Morgan.  
Public Works  
Committee ACTION REQUESTED: Adopt the ordinance on First reading

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 4 – Approved
- 5. Held until February 16, 2016
- 6. Dropped
- 7. Through 21 –Approved
- 22. & 23 – Dropped
- 24. Held until March 1, 2016
- 25. Through 35 –Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF JANUARY 5, 2016 MEETING**

Approved, as amended. Item #6 was pulled from the Minutes and Sent Back to Committee for February 16, 2016.

**ACTION TAKEN ON THE MINUTES OF ITEMS #28, #31, & #32 FROM TONIGHT'S MEETING**

Approved