



CITY OF MEMPHIS

COUNCIL AGENDA

March 17, 2015

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 (March 3, 2015)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS

1. RESOLUTION approving a planned development located at 4069 and 4070 Lamar Avenue, containing 6.13 acres in the CMU-3 District. This resolution is sponsored by the Office of Planning and Development.

Collins
Chairman,
Planning & Zoning
Committee

Case No. PD 15-301

Applicant: Speedway, LLC
Jonathan Woche, AICP – Representative

Request: Allow a convenience store with automobiles and tractor fueling sales within the CMU-3 Zoning District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES WERE MAILED ON MARCH 6, 2015

2. RESOLUTION approving a street/alley closure located on Coughlin Drive between Brooks Road and Stonebrook Avenue, containing 2.058 acres in the Employment (EMP) District. This resolution is sponsored by the Office of Planning and Development. (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20)
Collins
Chairman,
Planning &
Zoning Committee

Case No. SAC 13-605
Companion Case No. SD 13-701

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

ACTION REQUESTED: Take whatever action Council deems advisable

25 NOTICES WERE RE-MAILED ON MARCH 6, 2015

3. RESOLUTION approving a special use permit located at 310 Union Avenue and 341 Monroe Avenue, approximately 200 feet west of Danny Thomas Boulevard, containing 1.71 acres in the South Central Business Improvement District (SCBID) and the Sports & Entertainment (SE) District. This resolution is sponsored by the Office of Planning and Development.
Collins
Chairman,
Planning &
Zoning
Committee

Case No. SUP 14-240

Applicant: Gopal (Sam) Govan
Pickering Firm, Inc. – Harvey Matheny – Representative

Request: Proposed new hotel development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES WERE MAILED ON MARCH 6, 2015

DIVISION OF PLANNING AND DEVELOPMENT

4. RESOLUTION approving a hotel/motel wavier for Hyatt Place Memphis, located at 7905 Giacosa Place, Memphis, TN 38133. This resolution is sponsored by the Office of Planning and Development.
Collins
Chairman,

Planning &
Zoning Committee

Case No. HMW 15-01

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving hotel/motel waiver for Holiday Inn, located at 2240 Democrat Road, Memphis, TN 38132. This resolution is sponsored by the Office of Planning and Development.
Collins Chairman,
Planning & Zoning Committee

Case No. HMW 15-03

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a street/alley closure located on the street right-of-way between McLemore and Colorado, containing 2.22 acres in the Employment (EMP) and Heavy Industrial (IH) Districts. This resolution is sponsored by the Office of Planning and Development.
Collins Chairman,
Planning & Zoning Committee

Case No. SAC 14-610
(Kentucky Street)

Applicant: Trumbo, Inc.
Tim McCaskill – Representative

Request: Close and vacate a portion of street right-of-way

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 street dedication located on Sandbrook and Stonebrook Avenues, containing 0.146 acre in the Employment (EMP) District. This resolution is sponsored by the Office of Planning and Development. (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20).
Collins Chairman,
Planning & Zoning Committee

Case No. SD 13-701
Companion Case No. SAC 13-605

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

Request: Dedicate new street right-of-way in conjunction with the closure of Coughlin Drive

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

8. RESOLUTION approving a special use permit located at 1780 Getwell Road, containing
Collins 2.21 acres in the Commercial Mixed Use-3 (CMU-3) District. This resolution is
Chairman, sponsored by the Office of Planning and Development. (Held from 2/17; 3/3)
Planning & Case No. SUP 14-238
Zoning Committee

Applicant: Lee Nguyen

Request: To establish a used car sales facility

LUCB and OPD recommendation: APPROVAL, with (7) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – 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 (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

9. RESOLUTION approving final plat of 4177 S. MENDENHALL ROAD-ASPR.
Contract No. CR-5229

Resolution approves the final plat located on the southwest corner of Raines Road and Mendenhall 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

NOTATIONS FROM OPD (None)

GENERAL ITEM

10. RESOLUTION approving an Honorary Street Name Change of E. Holmes Road for CD.
Collins This resolution is sponsored by Councilman Harold Collins.

Chairman,
Planning & Zoning
Committee

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

11. RESOLUTION awarding contracts to Summit Truck Group in the amount of \$1,625,969.00 and Scruggs Equipment Company in the amount of \$146,720.00, for medium and heavy duty vehicles.
12. RESOLUTION awarding a contract for the purchase of bi-fuel light duty CNG (compressed natural gas) gasoline trucks, in the amount of \$464,553.00 to AutoNation Ford Memphis and in the amount of \$36,256.00 to Chuck Hutton Chevrolet.
13. RESOLUTION approving Change No. 2 to Contract No. 11600, Gas Leak Survey, with Heath Consultants, Incorporated, in the funded amount of \$446,100.90. (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 for the second of four renewal terms covering a six month period, April 1, 2015 through October 1, 2015.)
14. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for coated welded steel pipe, in the amount of \$54,282.20.
15. RESOLUTION approving payment of an invoice from the American Gas Association, for the 2015 Annual Membership Dues, in the amount of \$59,600.00.
16. RESOLUTION approving payment of an invoice from Tennessee Regulatory Authority, for the TRA inspection fee for 2014, in the amount of \$78,000.00.
17. RESOLUTION awarding a twenty-four month contract to Brighter Days and Nites, Inc., for the purchase of ductile iron pipe, in the amount of \$2,073,760.00.
18. RESOLUTION awarding twelve month contracts to Elster American Meter in the amount of \$116,409.60, and Experitec, Inc. in the amount of \$7,104.00, for gas regulators.
19. RESOLUTION awarding a twenty-four month contract to Brighter Days and Nites, Inc., for the purchase of polyethylene pipe, in the amount of \$765,052.45.
20. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for switches and controls, in the amount of \$248,304.00.

21. RESOLUTION approving Change No. 1 to Contract No. 11351, Title Flexible Spending Administrator, with WageWorks, Incorporated, in the funded amount of \$18,000.00. (This change is to extend the current contract for an additional one year term covering the period May 1, 2015 through April 30, 2016, which reflects no increase in rates from the previous year. This change will also allow MLGW time to solicit proposals for a new contract.)

22. RESOLUTION approving Change No. 1 to Contract No. 11642, Environmental Consulting Services, with BH&M Environmental Consultants, LLC, in the funded amount of \$4,500,000.00. (This change is to renew the current contract for the first of four renewal terms covering the period April 14, 2015 through April 13, 2016, with no increase in rates from the previous year.)



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REGULAR AGENDA

23.

Flinn

Chairman,

Personnel,

Intergovern-
mental &

Annexation

Committee

APPOINTMENTS

MEMPHIS HOUSING AUTHORITY

Appointment

Lisa Wheeler Jenkins

Re-Appointments

Elma H. Mardis

William E. Stemmler

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

Appointment

Travis D. Green

PREVAILING WAGE COMMISSION

Appointment

Cameron Taylor

GENERAL ORDINANCES – THIRD AND FINAL READING

24.

Hedgepeth

Chairman,

Public Works &

Transportation

Committee

ORDINANCE to set fourth Uniform Requirements for Transportation Network Services; to define Transportation Network Services, Applications, Companies, and Operators and to create Registration Provisions for Operators; and to provide for other related matters, up for T H I R D and F I N A L reading. Ordinance No. 5569 is sponsored by Councilman Kemp Conrad and Co-sponsored by Chairman Myron Lowery. (Held from 11/4; 11/18; 1/6; 1/20; 2/3; 2/17; 3/3)

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend Chapter 2, Code of Ordinances of the City of Memphis, so as to establish Community Advisory Councils, up for T H I R D and F I N A L reading. Ordinance No. 5557 is sponsored by Councilwoman Wanda Halbert. (Held from 8/19; 9/16; 10/21; 11/18; 12/16; 1/20; 2/3; 2/17).
Brown
Chairman,
Housing &
Community
Development
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** amending the Taxi Ordinance, up for T H I R D and F I N A L reading. Ordinance No. 5578 is sponsored by Councilman Kemp Conrad and Chairman Myron Lowery. (Held from 1/6; 1/20; 2/3; 2/17; 3/3)
Hedgepeth
Chairman,
Public Works,
& Transportation
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

27. RESOLUTION approving the Mid-Year Clean-Up to adjust expenses for unanticipated circumstances. This resolution is sponsored by Administration.
Strickland
Chairman,
Budget Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

28. RESOLUTION requesting the acquisition, by condemnation or by purchase, of property located at 0 Belmont Circle valued at \$5,000.00, for the development of the Wolf River Greenway Trail, Phase IV. The site contains approximately 0.845 acres. This resolution is sponsored by General Services.
Hedgepeth
Chairman,
Public Works
& Transportation
Committee

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 (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. 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.
Hedgepeth Chairman, Public Works & Transportation Committee Contract No. CR-5228

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

30. RESOLUTION approving an honorary street name change for Pastor George W. Matthews.
Consent

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

31. NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:
Consent

A. Case No. S 11-007 – Belle Meade Subdivision, Resubdivision of Lot 94

Located northwest corner of Poplar Avenue and Belle Meade Lane, containing .71 acre.

Appellant: John R. Wills, Jr.

Request: Remand hearing of the resolution approving the appeal of John R. Wills, Jr., seeking to overturn the action of the Memphis and Shelby County Land Use Control Board rejecting the preliminary plan for the re-subdivision of Lot 94 of the Belle Meade Subdivision

LUCB recommendation: Rejection

OPD recommendation: APPROVAL, of the re-subdivision with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 21, 2015

32. ORDINANCE to amend City of Memphis, Code of Ordinances, Chapters 9-12-35 and 9-12-36(A)(1), requesting approval to increase the Air Pollution Emission Fee from \$43.00 to \$48.00 per ton of annual emissions and to increase the annual permit fee from \$1000.00 to \$2000.00 for Title V sources, up for F I R S T reading. Ordinance No. 5581 is sponsored by Public Works.
Consent

ACTION REQUESTED: Adopt the ordinance on First reading

ADD-ONS

33. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Title 9, Chapter 9-12, Article 1, Section 9-12-4, Titled “Open Burning” to meet the requirement recently adopted by the Tennessee Air Pollution Control Board and placed in the Certificate of Exemption (COE) issued to Shelby County and all of its municipalities on May 14, 2014, under the provisions of the Tennessee Air Quality Act, T.C.A. § 68-201-115 (e) ET SEQ., to authorize an expedited process to grant waivers from Open Burning Regulations, up for F I R S T reading. Ordinance No. 5582 is sponsored by Public Works.

Consent

ACTION REQUESTED: Adopt the ordinance on First reading

34. RESOLUTION honoring the life of Lady Judith Kerr Patterson.

Consent

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION authorizing the issuance, sale and delivery of not to exceed \$235,000,000.00 aggregate principal amount of General Improvement Refunding Bonds for the purpose of refunding certain Outstanding General Improvement Bonds of the City and General Improvement Bonds for the purpose of paying at maturity, the principal of certain General Obligation Commercial Paper of the City.

Lowery
Chairman,
Executive
Session

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Held April 7, 2015
- 2. Held to April 21, 2015
- 3. Through 6 – Approved
- 7. Held until April 21, 2015
- 8. Failed
- 9. Through 22
- 23. Approved, as amended
- 24. Through 26 – Held until April 21, 2015
- 27. Approved, as amended
- 28. Approved
- 29. Held for 60 days
- 30. Approved
- 31. Public Hearing set for April 21, 2015
- 32. Through 35 – Approved

ADD-ONS

ACTION TAKEN ON THE MINUTES OF MARCH 3, 2014

Approved, as amended

ACTION TAKEN ON THE MINUTES OF MARCH 17, 2015 FOR ITEM #35 ONLY

Approved