



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 1, 2014

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 (March 18, 2014)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. Strickland "Mayor's Day of Recognition for National Service."
2. Strickland RECOGNITION of the first graduating class of Volunteer Code Enforcement Inspectors.
3. Strickland RESOLUTION honoring the students of Harding Academy who are "Happy in Memphis".

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION thanking Nancy Williams for her service as Executive Director of the Memphis Child Advocacy Center and congratulating her on her retirement.

Boyd

ACTION REQUESTED: Adopt the resolution

- 5. RESOLUTION declaring April as “National Stress Awareness Month” in the City of Memphis.

Harris

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION approving an honorary street name change for Pastor Eugene L. Gibson, Jr.

Halbert

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

- 7. RESOLUTION approving a planned development located on the south side of Spottswood Avenue at Buck Street, containing 1.9 acres in the Single Family Residential-6 (R-6) with a P.D. Overlay (P.D. 90-346).

Collins

Case No. PD 90-346

Applicant: Shepherd Construction, Bubba Shepherd  
SR Consulting (Cindy Reaves) – Representative

Request: Overturn the decision of the Land Use Control Board on  
February 13, 2014

LUCB and OPD recommendation: APPROVAL, with conditions for the review  
of the Site Plan

ACTION REQUESTED: Take whatever action Council deems advisable

**40 NOTICES WERE MAILED ON MARCH 21, 2014**

- 8. RESOLUTION approving a planned development located at 1440 E. Shelby Drive; +/- 1000 feet east of Faronia Road, containing 0.09 acre in an area currently governed by the Shelby Drive Office Park P.D.

Collins

Case No. PD 14-302

Applicant: Justin Ford, Sr.  
Neeraj Kumar – Representative

Request: Funeral Services

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**31 NOTICES WERE MAILED ON MARCH 21, 2014**

- 9. RESOLUTION approving a special use permit located on Raleigh LaGrange Road, 1,165 feet east of Monterey Road, containing 4.5 acres in the Conservation Agriculture (CA) District.

Collins

Case No. SUP 13-230cc

Applicant: TV6 Signal Source Tower, LLC c/o Tower Ventures, LLC  
Michael Fahy – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**17 NOTICES WERE MAILED ON MARCH 21, 2014**

**DIVISION OF PLANNING AND DEVELOPMENT**

- 10. RESOLUTION approving a hotel/motel waiver for Value Place, located at 1218 Winchester.

Collins

Case No. HMW 14-01

ACTION REQUESTED: Adopt the resolution

- 11. RESOLUTION approving a hotel/motel waiver for Inland Suites, located at 3913 Lamar Avenue.

Collins

Case No. HMW 14-02

ACTION REQUESTED: Adopt the resolution

**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** (None)

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

### **ENGINEERING**

12. RESOLUTION approving final plat of POLO GROUNDS NORTH PD, PH. 6.  
Case No. PD 99-344  
Contract No. CR-5210

Resolution approves the final plat located on the north side of Polo Grounds Drive, west of Centennial Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

### **NOTATION FROM OPD**

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

A. Case No. SAC 13-605 – (COUGHLIN DRIVE) (Held from 12/3)

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

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: April 15, 2014**

**GENERAL ITEM**

14. RESOLUTION requesting an Honorary Street Name Change of Millbranch Road in honor of Superintendent Jack Hunt, Sr.

Collins

ACTION REQUESTED: Adopt the resolution



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## MLGW FISCAL CONSENT

15. RESOLUTION approving Change No. 2 to Contract No. 11517, Directional Boring, with Memphis Road Boring Company, Incorporated, in the funded amount of \$1,252,400.00. (This change is to renew the current contract for the second of four (4) annual renewal terms covering the period July 2, 2014 through July 1, 2015 in the funded amount of \$846,200.00 which reflects no increase in rates from the previous year. In addition, this change is also to increase the quantities in unit 1B-1 (Boring Services 10" through 12" per foot) from 3400 to 3500 in the amount of \$18,800.00 and unit 1B-2 (Boring Services 18" through 20" per foot) from 0 to 1300 in the amount of \$387,400.00. The increased quantities are needed to complete projected jobs during the renewal period.)
16. APPROVING and adopting the Resolution in connection with the proposed issuance of Series 2014 Electric System Revenue Bonds.
17. RESOLUTION awarding Change No. 8 to Contract No. 10793, Professional Portfolio Software with Advent Software Incorporated, in the funded amount of \$30,152.70. (This change is to renew the current contract for an additional term covering the period May 11, 2014 through May 10, 2015 in the funded amount of \$30,152.70. This change also reflects a 3% increase from the previous year due to continued development and enhancements of the products as well as the cost to support the product. MLGW is requesting continuous maintenance support of the acquired system, which can only be performed by Advent Software Incorporated.)



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## REGULAR AGENDA

### GENERAL ORDINANCES – THIRD AND FINAL READING

18. **ORDINANCE** approving installation of individual Water Meters on all new constructed Apartment Complexes, up for T H I R D and F I N A L reading. (Held form 3/4).

Lowery

Ordinance No. 5545

ACTION REQUESTED: Take whatever action Council deems advisable

19. **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 T H I R D and F I N A L reading. (Held from 1/7; 1/21; 3/18)

Halbert

Ordinance No. 5543

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

### **FINANCE & ADMINISTRATION**

20. **RESOLUTION** defunding the City of Memphis Weights and Measures Program as of July 1, 2014 and allowing the State of Tennessee to assume responsibility of the program operation.

Harris

ACTION REQUESTED: Adopt the resolution

21. **RESOLUTION** allocating and appropriating \$250,000.00 from the Midtown Corridor Study funds to the Memphis Rock and Soul Museum.

Harris

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION requesting the Mayor to incorporate a 20 year repaving cycle in the FY2015 Capital Improvement Budget.

Harris

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION requesting the Mayor in his 2015 Budget create a “Schools Litigation Fund” and place in such fund the first of twelve annual installments of \$4,800,000.00 in the event the City of Memphis is ordered to satisfy the Claim by Shelby County Schools (Formerly Memphis City Schools) or a Settlement is reached that obligates the City of Memphis to make payment to Shelby County Schools.

Harris

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**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**

24. RESOLUTION requesting Council approval prior to continuation of project and taking bids at an estimated construction cost of \$145,000.00 for minor improvements to the following precincts: Appling Farms Station, Tillman Station, Ridgeway Station, Airways Station, Crump Station and Raines Station, CIP Project Number PD02004, part of FY14 Capital Improvement Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

25. RESOLUTION appropriating \$96,000.00 funded by G.O. Bonds – General for project number PW01098 North Parkway Realignment construction funding, to cover the local commitment made on existing agreement.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION requesting the approval of the sale of surplus property, acquired by Warranty Deed in Instrument Number V84410 in October 1984 from International Harvester The property was appraised for \$200,000.00 and is being sold for appraised value. The Property is located at 0 Klinke Rd., located in the County of Shelby, further described as Parcel 06907400022.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION amending the FY2014 Capital Improvement Budget by transferring an allocation to cover design expensed in the amount of \$100,000.00 and appropriating a total of \$1,000,000.00 funded by G.O. Bonds – General in CIP Project number GS01007, to fund roof replacement at the MPD – CSI building located at 465 Klinke Road.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

28. RESOLUTION appropriating \$1,203,919.00 funded by G.O. Bonds – General (Storm Water) for drainage repairs at Fletcher District – Shelby Oaks Bridge.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION to temporarily fund MATA, in the amount of \$3,000,000.00, to avoid consequences of cash flow shortfall.

Harris

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving \$1,500,000.00 to be identified by Director Lipscomb for Southbrook Mall renovations.

Halbert

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 6 – Approved
- 7. Held to May 6, 2014
- 8. Through 12 – Approved
- 13. Public Hearing set for April 15, 2014
- 14. Through 17 - Approved
- 18. Approved, as amended
- 19. Approved
- 20. Approved, as amended
- 21. Held to May 6, 2014
- 22. Back to Committee
- 23. Approved, as amended
- 24. Through 29 – Approved
- 30. Back to Committee

**ACTION TAKEN ON THE MINUTES OF MARCH 18, 2014**

Approved

**ACTION TAKEN ON THE MINUTES OF APRIL 1, 2014 FOR ITEMS 28 & 29 ONLY**

Approved