



# CITY OF MEMPHIS

## COUNCIL AGENDA (REVISED)

September 16, 2014

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 (September 2, 2014)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

#### **PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION honoring National Welcoming Week.  
Strickland  
&  
Mayor Wharton

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring National Hispanic Month.  
Strickland  
&  
Mayor Wharton

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing Mr. Fred Jones on the 25<sup>th</sup> Anniversary of the Southern Heritage Classic.  
Lowery

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARING**

4. RESOLUTION approving a planned development beginning at the eastern terminus of Windyke Drive, Clubview Drive and Greenbelt Drive, extending eastward approximately 5,000 feet, containing 111.2 acres in the Residential Single Family (R-10 and R-8 with Floodplain Overlay [FP]); Residential Urban-2 (RU-2 with Floodplain Overlay [FP], and Residential Urban-3 (RU-3 with Floodplain Overlay [FP]) Districts.  
Collins Case No. PD 14-310cc

Applicant: Belz Investco GP (Ron Belz)  
Ronald Harkavy – Representative

Request: A residential planned development consisting of lots for detached and attached residential units

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**148 NOTICES WERE MAILED ON SEPTEMBER 5, 2014**

**DIVISION OF PLANNING AND DEVELOPMENT**

5. RESOLUTION approving a street/alley closure located on the north side of Tanglewood Avenue at York Avenue; 713 feet west of Cooper Avenue, containing 0.16 acre in the Residential Urban-1 and Employment District.  
Collins Case No. SAC 14-606

Applicant: Robert Black  
Tim McCaskill – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with one condition

ACTION REQUESTED: Adopt the resolution

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

6. RESOLUTION approving a special use permit located at 951 Brooks Road, 115 feet east of Dogwood Lane, containing 1.27 acres in the Commercial Mixed Use-1 (CMU-1) District. (Held from 9/2)

Collins

Case No. SUP 14-222

Applicant: Sylvia Owens  
The Bray-Davis Firm (David Bray) – Representative

Request: Permit to use the commercial site for auto sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution

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

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 16, 2014

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

7. **ORDINANCE** to amend Chapter 9, Section 68-6 of the Code of Ordinances, so as to prevent Construction, Demolition and other Noisy Operations on holidays in residential areas, up for F I R S T reading.

Collins

Ordinance No. 5566

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING (None)

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

8. **ORDINANCE** rezoning the northwest corner of Macon Road and Dexter Lane, containing 4.21 acres in the Single Family Residential-6 (R-6) District, up for S E C O N D reading.

Collins

Case No. Z 14-102  
Ordinance No. 5565

Applicant: Gene Higginbotham  
S R Consulting (Cindy Reaves) – Representative

Request: Residential Work (RW) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

### ENGINEERING (None)

### NOTATION FROM OPD (None)



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 16, 2014

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

---

## MLGW FISCAL CONSENT

9. RESOLUTION approving an invoice payment to Huntsville Utilities for Contract No. 11707, Emergency Aid Agreement, based on agreed to rates, in the funded amount of \$75,000.06.
10. RESOLUTION awarding contracts for the purchase of voltage and coupling capacitor voltage transformers to Alstom Grid c/o KMS Electrical Products in the amount of \$154,501.00 and Trench Limited c/o Jeanes Enterprises in the amount of \$237,060.00, which equates to a total of \$391,561.00.
11. RESOLUTION approving Change No. 1 to Contract No. 11483, 10 MBPS Metro Ethernet for MLGW Capleville Plant, with AT&T, in the funded amount of \$10,800.00. (This change is to renew the current contract for annual software maintenance, license and support services for the first of two renewal terms covering the period December 1, 2014 through November 30, 2015, with no increase in rates from the previous year.)
12. RESOLUTION awarding a contract to Tavrida Electric North America Incorporated, for reclosers and controls, in the amount of \$148,730.00.
13. RESOLUTION approving Change No. 4 to Contract No. 11393, Network Maintenance, with Venture Technologies, Incorporated, in the funded amount of \$642,413.35. (This change is the fourth and final renewal of software maintenance, license and support. This renewal covers the period October 15, 2014 through October 14, 2015 with no increase in rates from the previous year; however, reflects adjustments in services.)
14. RESOLUTION approving the purchase of 750 kcmil aluminum 23 kV cable to complete the installation of a change over switch and meter at the Memphis and Shelby County Airport and to maintain storeroom inventory. **(SAME NIGHT MINUTES REQUESTED)**



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 16, 2014

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## REGULAR AGENDA

15.  
Flinn

### APPOINTMENTS

#### MEMPHIS LIGHT, GAS AND WATER COMMISSION

##### Appointment

Carlee M. McCullough

#### MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMITTEE

##### Appointments

David M. Schuermann

David Williams

#### GENERAL ORDINANCES – THIRD AND FINAL READING

16. **ORDINANCE** authorizing the issuance of contractual licenses, permits and/or authorizations for use and occupation of the streets, alleys, thoroughfares and rights-of-way of the City of Memphis for installation and use of facilities for the operation of fiber optic and other communications systems and public utilities and establishing requirements, terms, conditions, limitations and provisions for recovery of the City's costs incurred for the construction, maintenance, policing, management or repair of the streets, alleys, thoroughfares and rights-of way of the City, up for T H I R D and F I N A L reading. (Held from 6/17)

Hedgepeth

Ordinance No. 5551

ACTION REQUESTED: Take whatever action Council deems advisable

17. **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. (Held from 8/19)

Brown

Ordinance No. 5557

ACTION REQUESTED: Take whatever action Council deems advisable

18. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 15, to Increase Certain Fees and Modify Certain Sections Relating to the Proper Disposal of Tires and the Registration of Certain Tire Businesses and Tire Haulers within the City of Memphis, up for T H I R D and F I N A L reading. (Held from 9/2)

Hedgepeth

Ordinance No. 5558

ACTION REQUESTED: Take whatever action Council deems advisable

19. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 25, Article III, Section 25-31 (b) regarding Investment of Trust Fund, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5563

ACTION REQUESTED: Take whatever action Council deems advisable

20. **ORDINANCE** amending the Building Code to suspend the requirements of the 2012 Edition of the ICC International Residential Code relating to Seismic Design and Construction Elements, while a Study Committee reviews and recommends any changes, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5564

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION**

21. **RESOLUTION** amending the Capital Improvement Budget by appropriating \$340,000.00 in G.O. 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

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

22. RESOLUTION to create a retiree healthcare fund to be funded in an initial amount of \$2,000,000.00 for a period of one year as a “safety net” for certain retirees and the Administration is to present to the Council within sixty days, rules and regulations regarding the eligibility for assistance from this fund for adoption by the Council. (Held from 7/15; 8/5; 9/2)

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES**

23. RESOLUTION appropriating \$1,800,000.00 in Contract Construction funded by G.O. Bonds General in CIP Project Number GS01007, to fund various repair projects in City Hall.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

24. RESOLUTION appropriating \$5,050,000.00 funded by G.O. Bonds General chargeable to the FY2015 Capital Improvement Budget for the fourth phase of the development and the initiation of officially changing the name of the Cleaborn/Triangle Noir Project to the Cleaborn Pointe at Heritage Landing/Heritage Trails Project.

Brown

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION authorizing the transfer of the following City owned parcels to the Promise Development Corporation in conjunction with the Uptown Revitalization Plan for developing safe and affordable housing for low to moderate income families: 234 T M Henderson (Parcel No. 022022 A0000) and 275 Henry (Parcel No. 022027 00002)

ACTION REQUESTED: Adopt the resolution

**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**

26. RESOLUTION amending the Fiscal Year 2015 Capital Improvement Budget by transferring and appropriating \$150,452.00 funded by Capital Pay Go-Sewer in Rehab Existing Sewers, Project Number SW02001 to Nike 18' Sewer Relocation, Project Number SW02127 to move an existing sewer line to make room for a new development.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION amending the Fiscal Year 2015 Capital Improvement Budget by transferring and appropriating \$1,195,105.00 funded by Capital Pay Go-Sewer in Rehab Existing Sewers, Project Number SW02001 to rehabilitate a sanitary sewer lift station with four (4) sanitary sewer pumps, installation of approximately 5,200 feet of 10 inch sewer and certain other appurtenances at the Mallory Bayou Lift Station.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

28. RESOLUTION giving Vice President and General Counsel of Memphis Light, Gas and Water contract authority in the amount of \$165,000.00 for a legal settlement.

MLGW Fiscal  
Consent Agenda

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION to create the City of Memphis-Memphis Green Communities Program.

Brown

ACTION REQUESTED: Adopt the resolution

30. **ORDINANCE** to amend Title 10 – Public Peace, Morals and Welfare, of the City of Memphis, Code of Ordinances, to implement a Community Notification System for Sexual Offenders, up for F I R S T reading.

Consent

Ordinance No. 5567

ACTION REQUESTED: Adopt the ordinance on First reading

31. **ORDINANCE** to amend Title 11, Chapter 8 – Vehicles and Traffic, of the City of Memphis, Code of Ordinances, to Incorporate the Issuance of Electronic Traffic Citations, up for F I R S T reading.

Consent

Ordinance No. 5568

ACTION REQUESTED: Adopt the ordinance on First reading

32. RESOLUTION to authorize City Administration to fund City Insurance Coverage for Pre-65 Retirees.

Strickland

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION requesting that the FY 2015 Budget be amended to produce savings of \$23,000,000.00 to go towards pension and reduce unfunded liability by implementing the following design:

Fullilove

- 1) All active employees would remain in the plan, with 70% subsidy
- 2) The grandfathered retirees would keep 70 percent subsidy
- 3) Pre-65 retirees would come back into the plan and
- 4) Post 65 A&B retirees would get 40% Medigap subsidy

**ADD-ONS**

- 5) 24% increase would remain
  - 6) All pre-65 retirees would go into Medicare-Medigap upon reaching 65 and receive the 40% subsidy as long as Medicare eligible
  - 7) Benefit designs for active employees would stay the same with Premier and Basic
34. RESOLUTION awarding contract No. 11700 Electric Construction and Maintenance with Davis H. Elliott Construction Co. Incorporated, in the funded amount of \$8,887,424.00.

Lowery

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 6 – Approved
- 7. Held until October 7, 2014
- 8. Through 15 – Approved
- 16. Held until October 7, 2014
- 17. Held until October 21, 2014
- 18. Approved, as amended
- 19. & 20 – Held until October 7, 2014
- 21. Through 31 – Approved
- 32. Approved, as amended
- 33. & 34 – Approved

**ACTION TAKEN ON THE MINUTES OF SEPTEMBER 2, 2014 MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEMS #14, #26, #29 & #34 FROM TONIGHT'S MEETING**

Approved