



CITY OF MEMPHIS

COUNCIL AGENDA

January 22, 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 (January 8, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Kay Veazey on her successful tenure as President of the Friends of the Library.

Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION congratulating Pastor Keith Norman on his election as NAACP's Memphis Branch President.

Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

- 3. RESOLUTION approving a planned development located on the northeast corner of Airways Boulevard and Pecan Circle, containing 5.3 acres in the Residential Urban-3 (RU-3) District.

Collins

Case No. PD 12-319

Applicant: Samuel Tadesse

Request: Commercial Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

79 NOTICES MAILED ON JANUARY 11, 2013

DIVISION OF PLANNING & DEVELOPMENT

- 4. RESOLUTION approving a planned development located on the southwest corner of A. W. Willis Avenue and Front Street, extending south +/-1,600 feet along Front Street, containing 47.64 acres in the Heavy Industrial (I-H) District.

Collins

Case No. PD 12-323

Applicant: City of Memphis
Alan Barner, OT Marshall Architects – Representative

Request: Retail store, hotel, outdoor sales and display

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 4700 Summer Avenue, 312 feet west to the centerline of Stratford, containing 2.2 acres in the Commercial Mixed Use-3 (CMU-3) District.

Collins

Case No. SUP 12-225

Applicant: MTURLEY Properties, LLC
Homer Branan – Representative

Request: Outdoor retail (flea market) in front of Imperial Bowling Lane

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

- 6. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code, as adopted by the City of Memphis August 10, 2012 and by Shelby County August 9, 2012, as amended to revise and enhance the Joint Zoning and Subdivision Regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board, up for T H I R D and F I N A L reading.

Collins

Case No. ZTA 12-002
Ordinance No. 5491

Applicant: Memphis/Shelby County Office of Planning and Development
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

- 7. **JOINT ORDINANCE** and resolution amending the Memphis and Shelby County Unified Development Code to make certain changes in the map and to comply with regulations of the Federal Emergency Management Agency, up for T H I R D and F I N A L reading.

Collins

Case No. Z 12-107
Ordinance No. 5492

Applicant: Memphis/Shelby County Office of Planning and Development
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

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

A. Case No. SUP 12-219

Located on the south side of Leroy Avenue; +/-138 feet west of Walter Cove, containing 1.04 acres in the Residential Single Family (R-6) District

Applicant: Cellular South Real Estate, Inc.
Faulk and Foster (Belinda Bodie) – Representative

Request: Special Use Permit to allow a communications tower one-hundred twenty (120) feet in height of concealed canister design with capacity to accommodate a minimum of three (3) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 5, 2013



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MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11575, Uninterruptible Power Supply (UPS)/Power Distribution Unit (PDU) Electric Operations Maintenance, to Electronic Power Systems Incorporated, in the funded amount of \$52,650.00.
10. RESOLUTION awarding Contract No. 11555, Administration Building Repair and Upgrades, to Hamilton Elles Incorporated, in the funded amount of \$388,640.00.
11. RESOLUTION awarding contract to Vermeer Mid-South, Inc. for directional boring system with trailer, in the funded amount of \$380,500.00.
12. RESOLUTION awarding 24-month blanket contracts for electric meter sockets to Milbank Manufacturing in the amount of \$258,672.79, HD Supply Utilities in the amount of \$51,800.00, and The Durham Company in the amount of \$16,233.10, totaling \$326,705.89.
13. RESOLUTION awarding a 60-month strategic alliance contract to SPX Waukesha c/o H.V. Sales and ABB c/o Yoder Sales for power transformers, in the amount not to exceed \$43,749,902.00.
14. RESOLUTION approving Change No. 6 to Contract No. 11320, Local Dial Tone Services, with Windstream Communication, in the funded amount of \$132,600.00. (This change is to renew the current contract for the third and final renewal term covering the period April 1, 2013 to March 31, 2014 with no increase in rates from the previous year.)
15. RESOLUTION approving Change No. 8 to Contract No. 10580, Service Agreement, with Motorola Incorporated, in the funded amount of \$47,759.16, for a new contract amount of \$624,025.47. (This change renews the current contract for an additional one (1) year term covering the period March 1, 2013 to February 28, 2014 with no increase in rates from the previous year. MLGW is requesting approval of continuous maintenance of the acquired system, which can only be performed by Motorola Incorporated.)
16. RESOLUTION awarding Contract No. 11582, Programmable Logic Controller (PLC) Maintenance, to Logical Systems Incorporated, in the funded amount of \$15,000.00.

17. RESOLUTION approving Change No. 3 to Contract No. 11292, Cashiering System Replacement, with System Innovators, in the funded amount of \$53,165.00. (This change is to renew annual software maintenance and support services in the amount of \$36,085.00. This is the third of four renewal terms covering the period March 1, 2013 to February 28, 2014. This change is also to modify the system to accept debit and credit card payments in the amount of \$17,080.00.)
18. RESOLUTION awarding 24-month blanket contracts for the purchase of ductile iron pipe, to Griffin Pipe Products Company in the amount of \$79,740.00 and U.S. Pipe and Foundry Company, LLC in the amount of \$1,291,362.00, for a total amount of \$1,371,102.00.
19. RESOLUTION awarding contract to Universal Scaffolding and Equipment, LLC for single conductor cable, in the amount of \$574,483.00.
20. RESOLUTION awarding 24-month blanket contract to HD Supply Power Solutions for various luminaires, in the amount of \$3,579,623.19.
21. RESOLUTION awarding 12-month contract to Protech Systems Group, Inc. for EMC Storage Area Network (SAN) Maintenance, in the funded amount of \$128,230.47.



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REGULAR AGENDA

22.
Flinn

APPOINTMENTS

ANIMAL SHELTER ADVISORY BOARD

Reappointment

Stephen R. Tower

MEMPHIS WASTEWATER HEARING AUTHORITY

Appointment

Cletea Scott-Woodfork

MEMPHIS AND SHELBY COUNTY AIR POLLUTION CONTROL BOARD

Reappointment

Robert D. Kirkpatrick

MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY

Reappointment

Ann W. Langston

MEMPHIS AND SHELBY COUNTY JOINT BOARD OF APPEALS

Reappointment

James A. Thomas

MEMPHIS AND SHELBY COUNTY PLUMBING CODE BOARD

Reappointment

Ronald L. Thompson

GENERAL ORDINANCES – THIRD AND FINAL READING

23. **ORDINANCE** to amend Cable Franchise Ordinance No. 5331 to be consistent with Council’s authority and intent, up for T H I R D and F I N A L reading. (Held from 10/2; 11/6; 12/4; 12/18; 1/8)

Fullilove

Ordinance No. 5473

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend Chapter 9-60 (Litter Control) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6; 12/18; 1/8)

Hedgepeth

Ordinance No. 5474

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend Chapter 9-58 (Tire Business and Tire Hauler Registration) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6; 12/18; 1/8)

Hedgepeth

Ordinance No. 5475

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** amending Chapter 48 of the City of Memphis Code of Ordinances, by adding Sections 48-23 thru 48-28 to include “Property Registration Requirements” that will require owners of real properties, including condominiums, to maintain on file with the County Register or other designee of the City, an accurate name and mailing address of one or more of the owners for purposes of notice and service of process and to require registration by a mortgagee or mortgagee’s agent upon notice of default or vacancy by a mortgagor regarding single family residential real property including condominiums located in the municipal boundaries of the City of Memphis, up for T H I R D and F I N A L reading. (Held from 12/4)

Hedgepeth

Ordinance No. 5477

ACTION REQUESTED: Take whatever action Council deems advisable

27. **ORDINANCE** to Amend Title 7 – Alcoholic Beverages, Chapter 7-8 – Beer and Light Alcoholic Beverages, Article 2 – License to Store, Sell, Distribute or Manufacture, of the Code of Ordinances, City of Memphis, so as to create a Caterer’s Permit, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5490

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

28. RESOLUTION accepting grant funds in the amount of \$90,000.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Grant for the Incumbent Worker Program.

Halbert

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

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

29. RESOLUTION closing Whitehaven Golf Course for the winter months, increasing golf cart rental fees and establishing a non-Shelby County user fee. (Held from 11/6; 12/4; 12/18)

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

30. RESOLUTION accepting a donation in the amount of \$300.00 from Red Acres Neighborhood Association Inc., as awarded to the City of Memphis Police Department to support Police Services' operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION accepting a donation in the amount of \$807.65 from Fred's Super Dollar as awarded to the City of Memphis Police Department to support Police Services' operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting a donation in the amount of \$10,000.00 from Southern Heritage Foundation, Inc., as awarded to the City of Memphis Police Department for funding innovative crime prevention and educational programs.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

33. RESOLUTION creating a Blight and Rental Property Reporting Hotline. (Held from 12/4)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION relocating an existing sewer line to allow for the expansion of the Nike facility located at 3100 Frayser Boulevard with an estimated construction cost of \$297,000.00, Project Number SW02109.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

35. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to modify Section 21-80 (b) of the Traffic Control Photographic System Requirements, up for F I R S T reading.

Consent

Ordinance No. 5493

ACTION REQUESTED: Adopt the ordinance on First reading

36. **RESOLUTION** accepting and appropriating \$1,342,173.00 in grant funding from the Inland Rivers Ports and Terminals, LLC.

Conrad

ACTION REQUESTED: Adopt the resolution

37. **RESOLUTION** accepting and appropriating \$1,519,233.00 in grant funding from the Inland Rivers Ports and Terminals, LLC.

Conrad

ACTION REQUESTED: Adopt the resolution

38. **RESOLUTION** accepting \$1,400,000.00 and appropriating \$1,600,000.00 in grant funding from the Inland Rivers Ports and Terminals, LLC.

Conrad

ACTION REQUESTED: Adopt the resolution

39. **RESOLUTION** accepting a sub-grant award from Inland Rivers Ports and Terminals, EP on behalf of the Division of Police Services in the amount of \$370,414.00 for the purpose of implementing the City of Memphis' Port Security Program.

Conrad

ACTION REQUESTED: Adopt the resolution

40. **RESOLUTION** to transfer G.O. Bonds allocations and appropriations in the amount of \$1,242,720.00 from Treasury System Upgrade funding to Nike Infrastructure Improvements and the Main to Main Project.

Strickland

ACTION REQUESTED: Adopt the resolution

41. **RESOLUTION** accepting \$328,109.00 in grant funding from Shelby County Government to enhance the enforcement of City of Memphis Police Department's Arrest Program, for the purpose of combating domestic violence.

Conrad

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Held until February 5, 2013
4. & 5 – Approved
6. Approved, as amended
7. Approved
8. Public Hearing Set for February 5, 2013
9. Through 22 – Approved
23. Held until May 7, 2013
24. & 25 – Held until February 5, 2013
26. Held until February 19, 2013
27. & 28 – Approved
29. Held until April 2, 2013
30. Through 32 – Approved
33. Held until February 19, 2013
34. Through 41 – Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 8, 2013 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #4, #34, #36, #37, #38, #39, #40 & #41 FROM TONIGHT'S MEETING

Approved