



CITY OF MEMPHIS

COUNCIL AGENDA

August 7, 2012

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

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (July 17, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION thanking TaJuan Stout Mitchell for her service to the City of Memphis.
Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION thanking Steve Ross and Dr. Joe Weinberg for recognizing and revealing election ballot inaccuracies.

Strickland &
Flinn

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a planned development located on the south side of Tournament Drive; +/-1,800 feet west of Hacks Cross Road, containing 22 acres in an area currently governed by the approved conditions for Area B and C (Office Uses) of the Tournament Center Planned Development (P.D. 09-305). (Held from 7/17)

Ford

Case No. PD 12-304

Applicant: Clark et.al (Ben Clark)
ETI Corporation (Ralph Smith) – Representative

Request: Amendment to the planned development for multi-family development on the south side of Tournament Drive in Area B and C

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

44 NOTICES WERE MAILED ON JULY 6, 2012

4. RESOLUTION approving a street/alley closure located on the north side of North Parkway, 232 feet east of Thomas Street, containing 4,337 square feet.

Ford Case No. SAC 12-601

Applicant: MLB-Uptown, LLC

Request: Close and vacate Peyton Street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

8 NOTICES WERE MAILED ON JULY 20, 2012

5. RESOLUTION approving a street/alley closure located on the east side of Mulberry Street, 150.50 feet north of Pontotoc Avenue, containing 583 square feet.

Ford Case No. SAC 12-602

Applicant: Church of God in Christ, Inc.

Request: Close an existing alley 120 feet long by 5 feet wide

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

3 NOTICES WERE MAILED ON JULY 20, 2012

6. RESOLUTION approving a special use permit located on the southwest corner of S. Perkins Road and Knight Arnold Road, containing 5,000 sq. ft. tenant space in the Commercial Mixed Use (CMU-1) District. (Held from 6/19) **(This item was pulled from 7/3/2012 Minutes on 7/17/2012 and held until August 7, 2012).**

Ford Case No. SUP 12-203
(Companion Case Z 12-101)

Applicant: Premier Pawn & Jewelry Shop
W. H. Porter Consultants, PLLC – Representative

Request: Special use permit to allow a pawn shop

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

120 NOTICES WERE MAILED ON JUNE 8, 2012

DIVISION OF PLANNING & DEVELOPMENT

- 7. RESOLUTION approving a planned development located on the south side of U.S. Highway 64; +2,292 feet west of Collierville-Arlington Road, containing 2.59 acres in the Agricultural (AG) District currently governed by PD 07-328. (Held from 7/17)
- Ford Case No. PD 12-308

Applicant: Billy May
McCaskill & Associates, Tim McCaskill – Representative

Request: A mixed use planned development consisting of commercial/office uses

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

- 8. RESOLUTION amending the FY2013 CIP by appropriating \$2,000,000.00 to the Center City Development Corporation for the purpose of funding blight remediation work at the Chisca Hotel Project.
- Halbert

ACTION REQUESTED: Adopt the resolution

- 9. RESOLUTION authorizing the Center City Revenue Finance Corporation to use \$1,000,000.00 from its PILOT Extension Fund as a loan to Downtown Parking Authority to be used to acquire and undertake improvements to the Chisca Garage.
- Halbert

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES – THIRD AND FINAL READING

- 10. **ORDINANCE** rezoning the southwest corner of S. Perkins Road and Knight Arnold Road, containing 10.92 acres in the Commercial Mixed Use (CMU-1) District, up for T H I R D and F I N A L reading. (Held from 6/19) **(This item was pulled from 7/3/2012 Minutes on 7/17/2012 and held until August 7, 2012).**
- Ford Case No. Z 12-101
Ordinance No. 5453
(Companion Case No. SUP 12-203)

Applicant: Village Plaza, Inc.
W. H. Porter Consultants, PLLC – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

120 NOTICES WERE MAILED ON JUNE 8, 2012

11. **ORDINANCE** rezoning the west side of Jack Carley at W. Trigg Avenue, containing 20.63 acres in the Conservation Agriculture (CA) Flood Plain [FP] District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 12-105
Ordinance No. 5465

Applicant: SCF Real Estate, LLC
Josh Lawhead – Representative

Request: Change the zoning to Heavy Industrial (I-H), (FP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES WERE MAILED ON JULY 20, 2012



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

12. **ORDINANCE** to amend Section 2-73 of the City Code of Ordinances to establish the City Attorney's Office as the City's Centralized Revenue Office for the Collection of delinquent city receivables, judgments, and related court costs, fees, fines and authorized civil penalties on behalf of the City of Memphis, up for F I R S T reading.
- Strickland Ordinance No. 5466

ACTION REQUESTED: Adopt the ordinance on First reading

13. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-28, Section 11-28-3, of the Code of Ordinances (Right-Of-Way in Crosswalks), up for F I R S T reading.
- Conrad Ordinance No. 5467

ACTION REQUESTED: Adopt the ordinance on First reading

14. **ORDINANCE** to amend Chapter 25 of the City of Memphis, Code of Ordinances, to increase the Pension Benefit of Certain Retirees over the age of Sixty-Five, with at least Twenty Five Years of Service, up for F I R S T reading.
- Strickland Ordinance No. 5468

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

15. **RESOLUTION** accepts the standard improvement contract for PARK/HIGHLAND PD, and authorizing release of bond.
- Case No. PD 10-310
(Contract No. CR-5169)

Resolution accepts the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Park and Highland. The standard improvement contract was approved on July 5, 2011.

Resolution also authorizes the release of the performance bond (No.015033196) in the amount of \$189,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving final plat of RAGGIO SUBDIVISION, RESUBDIVISION OF LOT 2.

Case No. S 11-002

Resolution approves the final plat, north of Poplar Ave., east of Tillman. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

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

- A. Case No. PD 12-307 – MCLEMORE-FOURTH PLANNED DEVELOPMENT

Located on the northeast corner of South Fourth Street and East McLemore Avenue, containing 0.41 acre (17,860 sq. ft.) in the Residential Single Family (R-6) District

Applicant: Marwan Aduhnoud
Bray-Davis Firm, LLC – Representative

Request: Planned development for a 4,800 sq. ft. retail building to allow Commercial Mixed Use (CMU-1) District land uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 21, 2012



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MLGW FISCAL CONSENT

18. RESOLUTION awarding Contract No. 11511, Netters Radio Tower and Shelter, to Sabre Communications Corporation, in the funded amount of \$161,357.00.
19. RESOLUTION awarding contract for gas fittings to Consolidated Pipe and Supply Company in the amount of \$449,588.30.
20. RESOLUTION awarding contract for control cable to Brighter Days and Nites in the amount of \$250,426.50.
21. RESOLUTION awarding 12-month blanket contract for #2 triplex cable to Utilicor in the amount of \$164,100.00.
22. RESOLUTION awarding 12-month blanket contract for 750 KCMIL conductor cable to Marmon Utility, LLC, formerly Kerite, in the amount of \$419,479.00.
23. RESOLUTION awarding 12-month blanket contracts for five items of wire to Utilicor in the amount of \$280,938.75 and to Universal Scaffolding & Equipment, LLC, in the amount of \$614,652.55, for a total amount of both awards being \$895,591.30.
24. RESOLUTION approving Change No. 2 to Contract No. 10927, Perpetual Licensing Agreement, with Pitney Bowes Software, Inc., in the funded amount of \$29,871.00, for a new contract value of \$246,628.00. (This change is to ratify payment in the amount of \$9,957.00 covering the period April 1, 2012 to August 31, 2012. Although this amount was available and absorbed in the current contract value at the time of payment, the term expiration date was March 31, 2012. This change is also to renew the contract for software maintenance and support services for the period covering September 1, 2012 to August 31, 2013 with no increase from the previous year).
25. RESOLUTION approving Change No. 3 to Contract No. 10346, Database Navigation Editor Software Product, with Allen System Group, Inc., (ASG) in the funded amount of \$9,197.69, for a new contract value of \$189,493.45. (This change is to renew the software maintenance, licenses, and support services in the funded amount of \$9,197.69 for the period covering July 1, 2012 to June 30, 2013, with no increase from the previous year. MLGW acquired the software database query tool through the MLGW proposal solicitation process. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Allen System Group, Inc.).
26. RESOLUTION awarding contract for a SONET multiplexer to GE Multilin US/GE Digital Energy, in the amount of \$60,494.70.
27. RESOLUTION increasing the value of Purchase Order No. 142336 issued to APAC Tennessee, Inc., in the amount of \$12,254.66 for #57 washed limestone gravel, for a new purchase order value of \$61,754.66.

28. RESOLUTION approving contract between MLGW and TVA to support industrial recruitment, development and expansion of business and industry in the Memphis/Shelby County area, whereby MLGW will pay the Greater Memphis Chamber \$80,000.00, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives. TVA will reimburse MLGW \$40,000.00.
29. RESOLUTION approving agreement for and payment of MLGW's on-going commitment to the Greater Memphis Chamber in the amount of \$175,000.00, to facilitate economic and community development in Memphis and Shelby County, for the period September 1, 2011 through August 31, 2012, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives.
30. RESOLUTION awarding Contract No. 11570, MLGW Rental Equipment Insurance Coverage, with Mid-South Insurance Office, Inc., in the funded amount of \$47,250.00.
31. RESOLUTION approving Change No. 4 to Contract No. 11281, Maintaining MLGW Archival Documents, with Vital Records Control, Inc., in the funded amount of \$28,909.00, for a new contract value of \$142,625.00. (This change renews the current contract for the fourth and final renewal term, July 15, 2012 to July 14, 2013, with no increase in rates).



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

32. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, Section 2-277, Subsection C.4, to increase discretionary spending amounts for Divisions from \$2,500 to \$5,000, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5462

ACTION REQUESTED: Take whatever action Council deems advisable

33. **ORDINANCE** to amend Chapter 2, Section 2-110 of the City of Memphis, Code of Ordinances, to remove Shelby County from participation in the Memphis and Shelby County Convention Center Commission and to change the name and membership of the Commission, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5463

ACTION REQUESTED: Take whatever action Council deems advisable

34. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended pursuant to the provisions of Article XI, Section of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 so as to authorize the levy and collection of a One Cent Gasoline Tax and to authorize the use of revenue derived therefrom and for budget expenditures for public transportation and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 6, 2012, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5464

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

35. **RESOLUTION** to accept and appropriate \$1,400,000.00 in Federal Grant funds from the Tennessee Department of Transportation for the Division of Engineering for the total appropriation of \$1,400,000.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

36. RESOLUTION to amend the FY 2013 Operating Budget to accept Grant funds from Wells Fargo for local priority initiatives.

Strickland

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending Ordinance#5450 (Appropriation Ordinance) to increase the Fiscal Year 2013 Operating Budget to provide the necessary funding for service provision in the South Cordova Annexation area.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

PARK SERVICES

38. RESOLUTION amending the FY2013 CIP Budget, to accept and appropriate grant funds in the amount of \$10,000.00 from National Recreation and Park Association (NRPA), Sprite Sparks Park Grant for improvements to Jesse Turner Park Basketball Court. No matching funds are required and improvements are to be completed by December 31, 2012. Grant Funds to be included and expended from CIP Project #PK01024, Rec./Aquatic Facilities Major Maintenance.

Boyd

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION amending the FY2013 Capital Improvement Budget in CIP Project Number GA01002, Beale Street Landing by transferring an allocation of \$445,000.00 from Contract Construction to Architect/Engineering. Resolution also seeks to appropriate \$445,000.00 in Architect/Engineering and \$9,300,000.00 in Contract Construction, funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

40. RESOLUTION creating a commission to develop a program to encourage housing development, repairs and renovations in blighted areas.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

41. RESOLUTION amending the Fiscal Year 2013 Capital Improvement Budget by transferring an allocation and appropriating \$2,500,000.00 funded by G.O. Bonds (Storm Water) from Major Drainage Rehab/Replace, project number ST03098, to Trenchless Rehab FY09, project number ST03114, for rehab of trenchless Storm Water structures and for a construction contract extension with Moore Construction Company, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION modifying the Fiscal Years 2013 Capital Improvement Budget by creating MEPPi Public Infrastructure, project number SW2103 and accepting \$1,000,000.00 on Local Shared Revenue from Shelby County to support the development of a manufacturing facility to be constructed by Mitsubishi Electric Power Products, Inc. Resolution also amends the Fiscal Year 2013 Capital Improvement Budget by establishing an allocation and appropriating \$1,000,000.00 funded by Local Shared Revenue for MEPPi Public Infrastructure, project number SW02103.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

43. RESOLUTION to cease funding of vehicle inspections, effective July 1, 2013 and to allow Shelby County government or the State of Tennessee to assume responsibility for addressing air quality issues and operation of the I&M program.

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. Approved, as amended
4. Approved
5. Approved, as amended
6. Failed
7. Through 16 – Approved
17. Public Hearing set for August 21, 2012
18. Through 35 – Approved
36. Back to Committee
37. Approved, as amended
38. Through 42 – Approved
43. Held to August 21, 2012

ACTION TAKEN ON THE MINUTES OF JULY 17, 2012

Approved