



CITY OF MEMPHIS

COUNCIL AGENDA

September 3, 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 (August 20, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

1. RESOLUTION approving a planned development located on the northeast corner of Knight Arnold and Ridgeway Road, containing 5.648 acres in the Commercial Mixed Use-2 (CMU-2) District. (Held from 8/20)

Collins

Case No. PD 13-315

Applicant: New Development, LLC
New Development, LLC – Representative

Request: Gas station and other commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

2. RESOLUTION approving a planned development located at 460 E. McLemore and 0 Wellington St., containing 1.12 acres in the R-6 District.

Collins

Case No. PD 13-318

Applicant: John Love
Delinor Smith – Representative

Request: Funeral Home and parking within the R-6 zoning district

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3. RESOLUTION approving a planned development located on the northwest corner of the intersection of Hollywood Street and Gentry, containing 1.12 acres in the R-6 District.

Collins

Case No. PD 13-319

Applicant: John Love
Delinor Smith – Representative

Request: Funeral Home parking

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4. RESOLUTION approving a special use permit located at 690 Adams Avenue; northwest corner of Adams Avenue and Orleans Street, containing 0.56 acre in the RU-4 District.

Collins

Case No. SUP 13-214

Applicant: Jose Velazquez

Request: Conversion of James Lee House to Bed and Breakfast

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

- 5. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis August 10, 2010 and by Shelby County August 9, 2010, 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 13-003
Ordinance No. 5532

Applicant: Memphis and 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

LUCB and OPD 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

6. **JOINT ORDINANCE** amending Chapter 34 of the 2012 Joint Building Code for Memphis and Shelby County previously adopted by the Shelby County Board of Commissioners and the Memphis City Council, by modifying applicability requirements for the retrofitting of existing commercial buildings undergoing alterations or changes in occupancy which would mandate compliance with Chapter 34 requirements related to seismic protection and setting a new effective date for all of the structural provision of that code, up for S E C O N D reading.

Collins

Ordinance No. 5533

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **JOINT ORDINANCE** amending the 2012 Joint Existing Building Code for Memphis and Shelby County by modifying requirements for retrofitting of certain existing commercial buildings undergoing alterations or changes in occupancy which would mandate compliance with seismic protection requirements and setting a new effective date for all of the structural provision of that code, up for S E C O N D reading.

Collins

Ordinance No. 5534

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

8. **RESOLUTION** accepting GEMSTONE P.D., PART OF AREA C, PHASE 8 and authorizing release of bond.

Case No. PD 99-380

(Contract No. CR-5048)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of Weaver Road, east of Holmes Road. The standard improvement contract was approved on February 6, 2007. Resolution also authorizes the release of the letter of credit No. 840, dated December 15, 2006 in the amount of \$57,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting GEMSTONE P.D., PART OF AREA C, PHASE 9 and authorizing release of bond.

Case No. PD 99-380
(Contract No. CR-5049)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located east of Weaver Road, south of Homes Road. The standard improvement contract was approved on February 6, 2007. Resolution also authorizes the release of the letter of credit No. 845, dated December 15, 2006 in the amount of \$38,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting GEMSTONE P.D., PART OF AREAS B & C, PHASE 10 and authorizing release of bond.

Case No. PD 99-380
(Contract No. CR-5065)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located east of Weaver Road, south of Holmes Road. The standard improvement contract was approved on April 10, 2007. Resolution also authorizes the release of the letter of credit No. 850, dated March 14, 2007 in the amount of \$209,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

11. 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 13-602 – Hunt Avenue

Located East of Airways Boulevard near the Memphis Depot, containing 0.19 acre in the Commercial Mixed Use-3 (CMU-3) District

Applicant: Castalia Baptist Church
Jerry M. Johnson – Representative

Request: Close and vacate Hunt Avenue right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 17, 2013



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MLGW FISCAL CONSENT

12. RESOLUTION awarding Contract No.11617, Beale Street Landing Garage Boiler Replacement to Air Technical Services, in the funded amount of \$60,100.00.
13. RESOLUTION awarding Contract No. 11605, Replace Leibert AC Unit in MLGW Administration Building Cafeteria to Air Technical Services, in the funded amount of \$71,275.00.
14. RESOLUTION approving Change No. 1 to Contract No. 11535 Pest Control, to Nu Era Pest Control, to renew the current contract in the funded amount of \$28,420.00. The new contract value is \$95,097.00. (This change is to renew the current contract for the first of four renewal terms covering the period November 1, 2013 to October 31, 2014 in the funding amount of \$28,420.00. This change also reflects no increase in rates from the previous year.)
15. RESOLUTION awarding contracts to Stribling Equipment Company LLC, in the amount of \$69,550.00 for the purchase of a hydraulic backhoe loader and H & E Equipment Services in the amount of \$74,839.00 for the purchase of a crawler excavator, totaling \$144,389.00.
16. RESOLUTION awarding contract to Diamond International Trucks for the purchase of an EPRI (Electric Power Research Institute) Odyne PHEV (Plug-in Hybrid Electric Vehicle) aerial tower, in the amount of \$171,209.00.
17. RESOLUTION awarding contracts to Telvent USA, LLC, in the amount of \$72,500.00, Utilicor, in the amount of \$6,606.00 and CG Automation Solutions USA, Inc., in the amount of \$3,022.50, totaling \$82,128.50, for purchase of remote terminal units.
18. RESOLUTION awarding Contract No. 11630, 2014 ECDA Inspection/Survey of Natural Gas Pipeline, to Southern Cross Pipeline Integrity Services, LLC., in the funded amount of \$198,500.00.
19. RESOLUTION approving payment of annual facility maintenance fee for public water systems, to Tennessee Department of Environment and Conservation, in the amount of \$124,017.95.
20. RESOLUTION awarding contract to Marmon Utility LLC, formerly Kerite, for medium voltage power cable, in the funded amount of \$523,461.00.

21. RESOLUTION approving the selection of Courage Credit Opportunities Fund III (distressed debt fund) to manage approximately \$10,000,000 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
22. RESOLUTION authorizing payment of approximately one-third of the costs of certain right of way stabilization and repair work completed by Valero MKS Logistics, L.L.C., along Nonconnah Creek, for the benefit of the three pipelines operated in the identified right of way by MLGW and Valero, and that MLGW enter into an Amendment to Agreements to Construct, Operate and Lease Pipeline with Valero, as successor in interest to Mid-America Pipeline Company and Williams Refining and Marketing, L.L.C., providing for the funding of that one-third portion of the costs of the work through a \$24,853.81 reduction in the Initial Term Monthly Fees for the lease of the 20" Pipeline payable by Valero to MLGW under those certain Agreements to Construct, Operate and Lease Pipelines, dated March 6, 2001 and December 22, 1983, between MLGW and MAPL as amended and that certain Agreement to Construct, Operate and Lease Pipelines, dated March 6, 2001, between MLGW and Williams, as amended. The reduction in fee shall be for the period beginning October 1, 2013 and ending July 2016 for a total value of \$697,865.00. After the above-described reduction the Initial Term Monthly Fee to be received by MLGW for the 20" Pipeline shall be \$71,962.
23. RESOLUTION approving Change No. 3 to Contract No. 11393, Network Maintenance, to Venture Technologies, Incorporated, to renew the current contract, in the funded amount of \$606,457.07. (This change renews the current contract for the third of four renewal terms covering the period October 15, 2013 through October 14, 2014 in the funded amount of \$606,457.07. This change reflects no increase in rates from the previous year.)
24. RESOLUTION approving Change No. 2 to Contract No. 11451, Courier Services, to Express Courier International, Incorporated, to renew the current contract, in the funded amount of \$155,961.39. (This change is to renew the current contract for the second of four annual renewal terms covering the period September 7, 2013 through September 6, 2014, in the funded amount of \$152,176.05. This change also reflects an increase in the number of stops from 212 to 216 as well as a decrease in rates from the previous year. In addition, this renewal includes contingency funds for possible emergency stops in the amount of \$3,785.34.



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REGULAR AGENDA

25.
Flinn

APPOINTMENTS

CIVIL SERVICE COMMISSION

Appointment

June P. Johnson

MEMPHIS ANIMAL SHELTER ADVISORY BOARD

Reappointment

Jill Madajczyk

MEMPHIS AREA TRANSIT AUTHORITY

Appointment

Lauren Taylor

MEMPHIS CITY BEAUTIFUL

Appointment

Stacy L. McCall
Cat Normoyle

MEMPHIS AND SHELBY COUNTY JOINT BOARD OF APPEALS

Re-appointments

James L. Burke, Jr.

David E. Canup, Jr.
Oscar Pruitt

SHELBY COUNTY MUNICIPAL SOLID WASTE PLANNING REGION BOARD

Reappointment

Andy Ashford

GENERAL ORDINANCES – THIRD AND FINAL READING

- 26. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish an Environmental Fee, up for T H I R D and F I N A L reading. (Held from 9/4; 1/8; 3/5; 3/19; 5/7; 7/16)

Hedgepeth

Ordinance No. 5456

ACTION REQUESTED: Take whatever action Council deems advisable

- 27. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to decrease Solid Waste Fees for Collection and Disposal, Option 1, up for T H I R D and F I N A L reading. (Held from 7/2; 8/20)

Hedgepeth

Ordinance No. 5525

ACTION REQUESTED: Take whatever action Council deems advisable

- 28. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to decrease Solid Waste Fees for Collection and Disposal, Option 2, up for T H I R D and F I N A L reading. (Held from 7/2; 8/20)

Hedgepeth

Ordinance No. 5526

ACTION REQUESTED: Take whatever action Council deems advisable

- 29. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances to maintain the current monthly Solid Waste Fee for residential units, up for T H I R D and F I N A L reading. (Held from 7/16; 8/20)

Hedgepeth

Ordinance No. 5528

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

30. RESOLUTION to accept the renewal of the HUD Shelter Plus Care Grant in the amount of \$342,043.00 by the City of Memphis.

Brown

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION to accept the renewal of the HUD Shelter Plus Care Grant in the amount of \$134,585.00 by the City of Memphis.

Brown

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION to accept the renewal of the HUD Shelter Plus Care Grant in the amount of \$199,623.00 by the City of Memphis.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

33. RESOLUTION to introduce minimal transitional plan design changes to the City's Basic and Premier PPO plans, adjust total premium rates by plan, and "breakeven" projected calendar year (CY) revenues with expenses. (Held from 6/18)

Flinn

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

34. RESOLUTION requesting the Mayor to authorize the relevant citizen groups to move the statue of Christopher Columbus to Marquette Park, make improvements to Marquette Park and to convert Columbus Park to a park honoring attorneys critical to the Civil Rights Movement in Memphis.

Boyd

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving the Handy Park Lease Agreement between the City of Memphis and Handy Park, LLC.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

36. RESOLUTION amending the FY2014 Capital Improvement Budget by reducing Sewer Revenue Bonds in Rehab Existing Sewers, Project Number SW02001 and establishing an allocation funded by Capital Pay Go-Sewer in Jack Carley Pump Station Rehab, Project Number SW02113 in the amount of \$782,018.00 for replacement of 3 sanitary sewer pumps and other appurtenances.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY2014 Budget to account for increased revenue and expenditures associated with the parking meter modernization.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION authorizing the execution of a municipal lease purchase agreement with JPMorgan Chase Bank, N.A. for financing of parking meter equipment in connection with the upgrade of the parking meter system in the downtown areas and medical district.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

39. RESOLUTION establishing a four month moratorium on demolition of structures listed in the National Registry of Historic Places. (Held from 8/20)

Fullilove

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

40. RESOLUTION to amend the FY 2014 Operating Budget to re-appropriate \$500,000.00 in the MPD Budget for the testing of more sexual assault kits and amend the FY 2014 Capital Improvement Budget to transfer and re-appropriate \$1,000,000.00 from Public Works previously appropriated for the construction of International Paper infrastructure to the MPD Capital Improvement Budget for the purpose of constructing a DNA Evidence Storage Room.

Conrad

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION amending the Fiscal Year 2014 Operating Budget by accepting and appropriating grant funding in the amount of \$51,643.31 from United Way of Metropolitan Nashville for LINC211.

Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION to accept grant funds from the National Recreation and Park Association (NRPA) for the Arthritis Foundation Exercise Program in the City of Memphis Senior/Community Centers. Resolution also amends the FY 2014 Operating Budget to establish and appropriate \$4,000.00 in grant funds.

Boyd

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION to amend the appropriated fiscal year's HCD Budget to reflect the appropriation and allocation of \$12,000,000.00 towards the Pyramid Redevelopment Project to off-set and complete the project's contract obligations during the construction period as set forth by the terms and agreements in Contract No. 27034.

Brown

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION appropriating the revenue and expenditures for the Neighborhood Stabilization Program funds in the amount of \$428,168.00.

Brown

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION approving an honorary street name change in front of the Fire Museum, in honor of the Memphis Fire Fighters.

Lowery

ACTION REQUESTED: Adopt the resolution

ADD-ONS

- 46. RESOLUTION allowing the U of M to provide complimentary food and beverage in a hospitality tent, outside the Liberty Bowl Stadium at Tiger Lane.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 47. RESOLUTION amending the Capital Improvement Budget to re-appropriate \$1,000,000.00 from Public Works previously appropriated for the construction of International Paper infrastructure to the MPD Capital Improvement Budget for the purpose of constructing a DNA Evidence Storage Room.

Conrad

ACTION REQUESTED: Adopt the resolution

- 48. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances to increase the monthly Solid Waste Fee for Residential Units, up for F I R S T reading.

Consent

Ordinance No. 5535

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 25 – Approved
- 26. Held until December 3, 2013
- 27. Through 29 – Dropped
- 30. Through 32 – Approved
- 33. Held until October 1, 2013 & Back to Committee on September 17, 2013
- 34. Approved
- 35. Back to Committee on September 17, 2013
- 36. Through 38 – Approved
- 39. Approved, as amended
- 40. Approved, as amended
- 41. Through 48 - Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF AUGUST 20, 2013 MEETING

Approved

ACTION TAKEN BY COUNCIL ON ITEMS #37, #38, #40, #41, #42, #43, #44, #46 and #47 FROM TONIGHT’S MEETING

Approved