



CITY OF MEMPHIS

COUNCIL AGENDA

October 15, 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 (October 1, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing October as “National Breast Cancer Awareness Month” and designating October 15, 2013, as “Cancer Survivors Day at City Hall”.

Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing the accomplishments of Mayor’s Advisory Council for Citizens with Disabilities Employment Sub-Committee.

Ford

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

- 3. RESOLUTION approving a planned development located on the southeast corner of Highland Street and Southern Avenue, containing 1.22 acres in the Commercial Mixed Use (CMU-2) District in the University District Overlay (UDO).

Collins

Case No. PD 13-320

Applicant: McDonald’s Corporation (Century Management)
SR Consulting, LLC – Representative

Request: Plan Development to allow a restaurant with drive-thru lane in the University District Overlay (UDO) with a shop front designation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES WERE MAILED ON OCTOBER 4, 2013

- 4. RESOLUTION approving a special use permit located at 1135 Winchester, containing 0.83 acre in the R-10 District.

Collins

Case No. SUP 13-213

Applicant: Bryan Williams
Attorney TeShaun Moore – Representative

Request: Childcare center with up to 60 children

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES MAILED ON OCTOBER 4, 2013

DIVISION OF PLANNING AND DEVELOPMENT

- 5. RESOLUTION approving a planned development located on the northwest corner of Kirby Parkway and Kirby Gates Blvd., containing 27.33 acres and is regulated by the Kirby Gate Business Campus Planned Development (P.D. 09-315). (Held from 8/20)

Collins

Case No. PD 13-321

Applicant: Utley Properties
Fisher & Arnold, Inc. (David Baker) – Representative

Request: Amend the PD to create an Area C and permit a free standing commercial building in excess of 3,000 square feet in that Area of P.D.

LUCB and OPD recommendation: APPROVAL, with conditions for revised plan

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6. RESOLUTION approving a special use permit located at 677 Phelan Avenue; southwest corner of Phelan Avenue and E.H. Crump, containing 2.81 acres in the EMP (Employment) District.

Collins

Case No. SUP 13-217

Applicant: Loewenburg Properties, LLC/Tower Ventures, LLC
Michael J. Fahy – Representative

Request: Cell tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving a hotel waiver for Baymont Inn & Suites, located at 6020 Shelby Oaks Drive.

Collins

Case No. HMW 13-03

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving a hotel waiver for Staybridge Suites, located at 1070 Ridge Lake Boulevard.

Collins

Case No. HMW 13-04

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (none)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

9. **ORDINANCE** to amend Chapter 2, Article IX, Code of Ordinances so as to update the Occupational Safety and Health Program Sections, up for **S E C O N D** reading.
Flinn Ordinance No. 5536

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

10. **RESOLUTION** approving final plat of CLEABORN HOPE VI SUBDIVISION, SECTIONS 3 & 4.

Case No. S 11-005
Contract No. CR-5204

Resolution approves the final plat located on the west side of Orleans Street, north of Georgia Avenue. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

11. **RESOLUTION** accepting the standard improvement contract for LEGENDS PARK PLANNED DEVELOPMENT, PH. 5, and authorizing release of bond.

Case No. PD 07-338
(Contract No. CR-5174)

Resolution accepts the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Ayers St. and Delmar Ave. The standard improvement contract was approved in October 4, 2011. Resolution also authorizes the release of the performance bond (No. 105636136) in the amount of \$280,312.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

12. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. **Case No. PD 13-316** – NORTH COOPER PLANNED DEVELOPMENT

Located at 51 N. Cooper PD; Southeast corner of N. Cooper St. and Court Avenue, containing 0.34 acre in the RW (Residential Work) and RU-3 (Residential Urban) Districts

Applicant: Overton Square North, LLC (Loeb Properties)
Solomito Land Planning (Brenda Solomito) – Representative

Request: Commercial Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

B. **Case No. PD 13-323** – J.M. HARRIS and T. MAGEE FUNERAL SERVICES

Located at 5270 Knight Arnold Road; north side of Knight Arnold Road approximately 493 feet west of the Mendenhall Road, containing .25 acre in the OG District

Applicant: Jeremy M. Harris and Terry Magee Jr.
Delinor Smith – Representative

Request: Funeral Services

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 5, 2013



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MLGW FISCAL CONSENT

13. RESOLUTION approving payment of MLGW's on-going commitment to the Greater Memphis Chamber to facilitate economic and community development in Memphis and Shelby County, in the funded amount of \$175,000 to cover the services rendered by the Greater Memphis Chamber for the period September 1, 2012 through August 31, 2013. (Held from 10/1)
14. RESOLUTION approving MLGW to pay the Greater Memphis Chamber \$80,000 to support industrial recruitment, development and expansion of business and industry in the Memphis/Shelby County area. Through TVA Contract No. 7668, between MLGW and TVA, TVA will reimburse MLGW \$40,000.00. This allows MLGW to leverage its money with TVA funds to reinforce local economic development efforts by attracting new companies and investment and supporting existing business growth. The effort is outlined in a scope of work that covers the period October 1, 2012 through September 30, 2013. (Held from 10/1).
15. RESOLUTION awarding a contract to Williams Equipment and Supply Company, Inc., for a diesel-powered portable 750 CFM air compressor, in the amount of \$62,410.00.
16. RESOLUTION approving Change No. 1 to Contract No. 11539, Mobile Document Shredding Services, with Vital Records Control, Incorporated, in the funded amount of \$23,520.00. (This change is to renew the contract for the first of four annual renewal terms covering the period January 4, 2014 to January 3, 2015 in the funded amount of \$23,520.00, which reflects an adjustment in stops. In addition, the renewal does not reflect an increase from the previous term.)
17. RESOLUTION awarding contract to Sherman Dixie Concrete Industries, Inc., for the purchase of control cable duct system, in the amount of \$198,839.30.

18. RESOLUTION awarding a contract to Trench Limited c/o Jeanes Enterprises, Inc., for the purchase of current-limiting reactors, in the amount of \$150,344.44. The current-limiting reactors will be used to replace old equipment at Southgate Substation No. 1.
19. RESOLUTION approving payment of an invoice from Shelby County Government for MLGW's contribution, to the Pictometry renewal contract, for the Shelby County photography project, in the amount of \$ 29,517.57. This amount is the first of two annual payments to be made for a total of \$59,035.14.
20. RESOLUTION approving the ratification of the issuance of Purchase Order Numbers 149022 in the amount of \$32,524.00 and 149024 in the amount of \$47,524.00 to Wagner Smith Equipment Company, for the rental of equipment for a three month period, in the total amount of \$80,048.00.
21. RESOLUTION approving Change No. 2 to Contract No. 11508 Utility Payment Centers, to FirsTech, in the funded amount of \$254,058.00. (This change renews the contract for the second of four renewal terms covering the period November 15, 2013 to November 14, 2014 with no increase in rates from the previous year.)
22. RESOLUTION awarding thirty-six month blanket contracts, for decorative concrete standards and brackets, to SALCO, Inc., in the amount of \$120,500.00 and StressCrete, Inc., in the amount of \$777,600.00.



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REGULAR AGENDA

GENERAL ORDINANCE – THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

23. RESOLUTION accepting grant funds in the amount of \$178,711.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Dislocated Worker Program.

Halbert

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting grant funds in the amount of \$61,616.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Adult Program.

Halbert

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

25. RESOLUTION authorizing the issuance, sale and delivery of not to exceed \$225,000,000.00 principal amount of City of Memphis general improvement refunding bonds for the purpose of paying at maturity the principal of certain outstanding general obligation bond anticipation notes and commercial paper of the City.

Strickland

ACTION REQUESTED: Adopt the resolution

26. INITIAL RESOLUTION authorizing the issuance of not to exceed \$150,000,000.00 General Obligation Bonds, and Bond Anticipation Notes issued as Commercial Paper, of the City of Memphis, Tennessee, for the purpose of financing the cost of public works projects in the City.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

27. RESOLUTION transferring the City of Memphis' half interest ownership in the jointly owned tax parcels known as 1000 Haynes Road, Parcel ID# 059005 00068, portion of Cawthorn Health Loop Clinic and 1064 Breedlove Street, Parcel ID# 021047 00055, portion of Guthrie Health Loop Clinic, to Shelby County Government. (Held from 5/21; 6/18; 7/16; 8/20;9/17)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

28. RESOLUTION appropriating the sum of \$500,000.00 funded by G.O. Bonds-General chargeable to the FY2014 Capital Improvement Budget for the CAAP, Inc. Project to renovate its administrative building and residential treatment facilities on its main campus at 1041 Knight Arnold Road and 3835 Lamar Avenue.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

29. RESOLUTION appropriating \$250,000.00 in Contract Construction, funded by G.O. Bonds General for improvements and to address major maintenance issues at the Memphis Zoo, CIP Project Number PK090002.

Boyd

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$79,000.00 in construction funds, funded by G.O. Bonds General for improvement to Overton Park, CIP Project Number PK07111.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

31. RESOLUTION accepting a donation of \$50.00 from Airways Ambassadors as awarded to the City of Memphis Police Department to support Police Services' operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

32. RESOLUTION appropriating \$3,000,000.00 to Other Cost funded by G.O. Bonds from Project# PW04096 for Anti-Blight Initiative to fund demolition and cleanup in targeted neighborhoods for the Division of Public Works.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

33. RESOLUTION creating a Residential Tax Abatement Program that would be presented to the State Attorney General for approval.

Strickland &
Harris

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT