



CITY OF MEMPHIS

COUNCIL AGENDA

November 5, 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 15, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing The Forgotten Souls Festival event for the homeless.

Fullilove

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION celebrating the 30th anniversary of Habitat for Humanity of Greater Memphis.

Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a 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.

Collins

Case No. PD 13-316

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

Request: Commercial Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

150 NOTICES WERE MAILED ON OCTOBER 18, 2013

4. RESOLUTION approving a planned development 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.

Collins

Case No. PD 13-323

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

Request: Funeral Services

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

50 NOTICES WERE MAILED ON OCTOBER 18, 2013

5. RESOLUTION approving a special use permit located at 1135 Winchester, containing 0.83 acre in the R-10 District. (Held from 10/15)

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

6. RESOLUTION approving a hotel waiver for Embassy Suites, located at 1022 S. Shady Grove Road.

Collins

Case No. HMW 13-06

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a planned development located on Allison Avenue, 128 feet west of Graham Street, containing 0.31 acres in the Residential Urban -1 (RU-1) District.

Collins

Case No. PD 13-322

Applicant: Filament LLC/Archimania
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Residential PD for single family homes

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

8. RESOLUTION approving a planned development located at 495 Watkins Street at the intersection of Watkins Street and Autumn Road, containing 19.06 acres in the EMP and CMU-3 and CMU-1 Districts.

Collins

Case No. PD 13-324

Applicant: Crosstown Art, LLC
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Commercial/Retail Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

9. RESOLUTION approving a special use permit located at 2660 Spottswood Avenue, containing 3.04 acres in the RU-3 (Residential Urban) District.

Collins

Case No. SUP 13-215

Applicant: TV6W, LLC-Tower Ventures
Lou Katzerman – Representative

Request: CMCS (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

ZONING ORDINANCE – THIRD AND FINAL READING (none)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

10. **ORDINANCE** to amend Chapter 15 of the City of Memphis, Code of Ordinances to add Article III for the purpose of establishing a Supplemental Retirement Benefit for Solid Waste Management employees, up for S E C O N D reading.

Lowery

Ordinance No. 5537

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

11. **ORDINANCE** rezoning 29 W. Fay Street, containing 0.32 acre in the R6 District.

Collins

Case No. Z 13-08

Ordinance No. 5538

Applicant: Church of Divine Trinity
Jacqueline Hudson – Representative

Request: Rezone from R-6 District to O-G District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

12. **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 13-221

Located on the south side of Ernestine Cove; +/-279 feet east of Covington Pike, containing 32.43 acres in the Conservation Agriculture (CA) District

Applicant: TV6-W, LLC
Prime Development Group, Inc. – Representative

Request: Special Use Permit to allow a CMCS communications tower one-hundred sixty (160) feet in height with capacity to accommodate a maximum of six (6) flush-mount antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 19, 2013



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MLGW FISCAL CONSENT

13. RESOLUTION approving Change No. 3 to Contract No. 11416, Mobile Sweeping Cleaning, with Horizon of Memphis, Incorporated, in the funded amount of \$53,304.36. (This change renews the current contract for the third of four renewal terms covering the period March 1, 2014 to February 28, 2015, with no increase in rates from the previous year.)
14. RESOLUTION awarding a contract to Condux Tesmec, Inc., for the purchase of puller tensioners and winder trailers in the amount of \$704,073.52.
15. RESOLUTION awarding contracts for gas pipe and fittings, to Supply Line of Memphis, in the amount of \$127,268.00 and Consolidated Pipe and Supply, in the amount of \$50,880.00.
16. RESOLUTION awarding Contract No. 11625, Downtown Smart Grid to Ventyx, in the funded amount of \$860,834.00.
17. RESOLUTION approving Change No. 5 to Contract No. 11292, Cashiering System Replacement, with System Innovators, in the funded amount of \$320,876.00. (This change is for additional capabilities to the current Inovah System for the purpose of mail payment processing, credit card acceptance at Point of Sale (POS), and Project Inspire requirements in the funded amount of \$278,069.00. In addition, MLGW is also requesting annual support and maintenance due to this change in the funded amount of \$42,806.50. The term will remain through February 28, 2014.
18. RESOLUTION approving Change No. 6 to Contract No. 11279, Third Party Administrator for Workers' Compensation, with Brentwood Services Administrators, Incorporated, in the funded amount of \$125,000.00. (This change is to renew the current contract for the fifth of six renewal terms for the period covering January 1, 2014 to December 31, 2014 with no increase in rates from the previous year.)



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REGULAR AGENDA

19.
Flinn

APPOINTMENTS

MEMPHIS AND SHELBY COUNTY BUILDING CODE ADVISORY BOARD

Reappointment

Scott Pearce

MEMPHIS AND SHELBY COUNTY ELECTRICAL CODE BOARD

Reappointments

Anthony Milton

C. Michael Smith

James V. Weatherington

MEMPHIS AND SHELBY COUNTY GROUND WATER QUALITY CONTROL BOARD

Reappointment

Scott C. Morgan

GENERAL ORDINANCES – THIRD AND FINAL READING

20. **ORDINANCE** to amend Title 6 – Business Licenses and Regulations, Chapter 6-96, Section 1, of the Codes of Ordinances, to Create Local Preference and Workforce Training Preference for Award of City Contracts, up for T H I R D and F I N A L reading. (Held from 4/2; 7/16)

Halbert

Ordinance No. 5503

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** to amend Chapter 2, Article IX, Code of Ordinances so as to update the Occupational Safety and Health Program Sections, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5536

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

22. RESOLUTION accepting and appropriating \$25,000.00 in grant funding from the Federal Emergency Management Agency (FEMA) to the City of Memphis Fire Services Division for Hazardous Material Training.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

23. 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; 10/15)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

24. RESOLUTION to transfer an allocation and appropriation of \$7,562,548.00, Traffic Precinct, to the budget of Housing and Community Development Division to provide initial project funding for the Raleigh Springs Mall Redevelopment Project.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

25. 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; 9/3; 10/1)

Flinn

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

26. RESOLUTION requesting MLGW to present and implement a Smart Meter “Opt-Out” policy.

Fullilove

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES

27. RESOLUTION accepting and appropriating grant funding in the amount of \$51,900.00 from the Department of State, Tennessee State Library and Archives for library books and materials for Memphis Public Library.

Boyd

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION requesting the approval of the exchange of equally valued real property by and between the Division of Parks and Neighborhoods and First Unitarian Church of Memphis. The properties to be exchanged are portions of parcels located on the southwestern side of the Riverview area in Memphis, Tennessee. The parcel owned by the City of Memphis that will be given to the First Unitarian Church of Memphis is located in the City of Memphis and is further described as portion of Parcel No. 002086 00007. The parcel owned by the First Unitarian Church of Memphis that will be given to the City of Memphis is located in the City of Memphis and is further described as a portion of Parcel No. 012001 00061C.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. RESOLUTION appropriating \$24,883,341.00 to assess and rehabilitate (as necessary) the City's wastewater collection and transmission system including manholes, pipes and lift stations as required by the Consent Decree between the City and USEPA.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

30. Election of the City Council Chairman for 2014.

Ford

31. Election of the City Council Vice Chairman for 2014.

Ford

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

32. RESOLUTION accepting \$399,492.00 in funds from Community Redevelopment Agency (CRA) for Main Street to Main Street segment.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION approving a hotel waiver for Fairfield Inn & Suites, located at 6010 Macon Cove.

Collins

Case No. HMW 13-05

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION withdrawing the prior resolution pertaining to the Southbrook Mall Project from the minutes and the administration is requesting a proposal for acquiring the subject project and redeveloping it for a police precinct or other public uses, or an alternative source of funding the original proposal.

Ford

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Through 5 - Approved, as amended
6. & 7 – Approved
8. Held until November 19, 2013
9. Through 11 – Approved
12. Public Hearing Set for November 19, 2013
13. Through 15 – Approved
16. Held until November 19, 2013
17. Through 19 – Approved
20. Tabled
21. & 22 – Approved
23. Held until December 3, 2013
24. Approved
25. Dropped
26. Ruled Out of Order by the Chairman
27. Through 33 – Approved
34. Approved, as amended

ACTION TAKEN BY COUNCIL ON THE MINUTES OF OCTOBER 15, 2013 MEETING

Approved