



# CITY OF MEMPHIS

## COUNCIL AGENDA

December 16, 2014

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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### 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 (December 2, 2014)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating the Whitehaven Raiders Football Teams on their outstanding season and designation as the Shelby Youth Sports 2014 Super Bowl Champions.

Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION congratulating Rainey Fisher on her selection for the National Academy of Future Physicians and Medical Scientist Award of Excellence.

Collins

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving an Honorary Street Name Change for Evangelist Georgia A. King.

Harris

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION commending Jim Duncan for his outstanding accomplishments as Executive Director of Memphis Botanic Garden.

Strickland

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

5. RESOLUTION approving a special use permit located at 4127 Summer Avenue (Southwest corner of Summer Avenue and Vaughn Road), containing 0.28 acre in the Residential Single Family (R-6) District. (Held from 12/2)

Collins

Case No. SUP 14-232  
(Companion Case Z14-104)

Applicant: Tina & Tammy Nguyen – dba A & T Auto Sales  
J. P. Thomas & Associates, Inc. – Representative

Request: Special Use Permit to allow motor vehicle (auto) sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**64 NOTICES WERE MAILED ON NOVEMBER 21, 2014**

6. RESOLUTION approving a planned development located on the northeast corner of Quince Road and Kirby Gate Boulevard, containing 14.54 acres in an area currently governed by P.D. 97-377.

Collins

Case No. PD 14-318

Applicant: Grant Properties, LLC  
Fisher Arnold, Inc. – David Baker – Representative

Request: 1) Revise the zoning districts that regulate the P.D.  
2) Allow a self-service storage facility in Parcel 2 only  
3) Delete the requirement to extend Equine Run north to Kirby Gate Boulevard

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**27 NOTICES WERE MAILED ON DECEMBER 5, 2014**

**DIVISION OF PLANNING AND DEVELOPMENT**

7. RESOLUTION approving a planned development beginning at the northwest and southwest corners of Houston Levee Road and Macon View Road and extending west +/-1,324', containing 9.7 acres in the crossings at Woodland Hills P.D. 99-308cc.

Collins

Case No. PD 14-315cc

Applicant: TV6W, LLC Tower Ventures (Billy Orgel)  
Lou Katzerman – Representative

Request: Add a CMCS Tower and Compound as a permitted use

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 on the west side of Mt. Moriah Road; +/-240 feet north of Park Avenue, containing 0.26 acre (11,250 sq. ft.) and is currently governed by Oak Tree Planned Development (P.D. 02-362).

Collins

Case No. PD 14-317

Applicant: Majid & Margaret Paydar  
McCaskill & Associates – Representative

Request: Plan amendment to allow Commercial Mixed Use (CMU-1)  
District land uses to an existing building

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**

9. ORDINANCE rezoning the southwest corner of Summer Avenue and Vaughn Road, containing 0.28 acre in the Residential Single Family (R-6) District, up for T H I R D and F I N A L reading. (Held from 12/2)

Collins

Case No. Z 14-104  
Ordinance No. 5575  
(Companion Case SUP 14-232)

Applicant: Tina and Tammy Nguyen

J. P. Thomas & Associates, Inc. (Keith Chapman) – Representative

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**61 NOTICES WERE MAILED ON NOVEMBER 21, 2014**

10. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on 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 14-001

Ordinance No. 5577

Applicant: Memphis and Shelby County Office of Planning & Development  
Josh Whitehead, 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

**NOTICES WERE NOT REQUIRED**



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## CONSENT AGENDA

**GENERAL ORDINANCE - FIRST READING** (None)

**GENERAL ORDINANCE - SECOND READING**

11. Hedgepeth **ORDINANCE** amending the Taxi Ordinance, up for S E C O N D reading.  
Ordinance No. 5578

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING** (None)

**NOTATION FROM OPD** (None)

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



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## MLGW FISCAL CONSENT

12. RESOLUTION approving Contract No. 11769, a fifteen year Parking Lease Agreement, between MLGW and the State of Tennessee of 412 reserved parking spaces on the upper floors of the Beale Street Landing Parking Garage, and for the completion by MLGW, of up to \$180,000 of improvements, including fencing and security monitoring equipment to the upper floors of the Garage. (The State agrees to pay in one lump sum upon completion and acceptance of the improvements, all of the costs of the improvements required to be made to the Garage and to pay a monthly parking rental fee in the amount of \$25 per space subject to annual increases in an amount not to exceed the CPI.)
13. RESOLUTION awarding Contract No. 11719, Elevator Maintenance, to Kone, Incorporated, in the funded amount of \$129,000.00.
14. RESOLUTION approving Change No. 2 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 current contract for the second of four annual renewal terms covering the period January 4, 2015 through January 3, 2016, with no increase in rates from the previous year.)
15. RESOLUTION approving Change No. 4 to Contract No. 11416, Mobile Sweeping Cleaning, with Horizon of Memphis, Incorporated, in the funded amount of \$53,304.36. (This change is to renew the current contract for the fourth and final renewal term covering the period March 1, 2015 through February 28, 2016, with no increase in rates from the previous year.)
16. RESOLUTION approving Change No. 1 to Contract No. 11490, UPS/PDU Maintenance, with Emerson Network Power Liebert Services, in the funded amount of \$44,140.00. (This change is to renew the current contract for a two year term covering the period January 1, 2015 to December, 31, 2016. This change reflects a fixed rate during this term. In addition, this change reflects an 11.52% increase from the previous year due to direct pricing imposed by the manufacturer.)

17. RESOLUTION approving Change No. 1 to Contract No. 11565, painting of three elevated and two stand pipe water storage tanks, with Thomas Industrial Coatings, Incorporated, in the funded amount of \$19,800.00. (This change is to extend the current contract until December 31, 2015. In addition, this change is to increase the current contract amount in the funded amount of \$19,800, which reflects a 2.29% increase from the original contract amount. The initial contract includes a painting schedule provided by MLGW which specified five tanks being completed by spring of 2015. However, due to budgetary constraints in the Water Division, MLGW requested the contractor delay painting of three of the tanks. As a result of the delay, the contractor has incurred an increase in labor and equipment costs.)
18. RESOLUTION awarding a contract to MidSouth CNGV, Inc., for a cascade Compressed Natural Gas (CNG) storage assembly, in the amount of \$129,676.00.
19. RESOLUTION to amend Purchase Order Number 151311 to Brighter Days and Nites, LLC, for steel pipe. This amendment is to increase the contract value in the amount of \$1,016.07, due to the invoiced amount for the original request exceeding the authorized MLGW Board and City Council approved amount.
20. RESOLUTION approving a fee increase for Gavion, LLC from \$55,000 to \$80,000 annually (previously named Consulting Services Group, LLC, Contract No. 11471).
21. RESOLUTION approving selection of Intercontinental Real Estate Corporation, a core-plus real estate manager, to manage \$60,000,000 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
22. RESOLUTION approving the selection of TerraCap Partners III, a value-added real estate fund, to manage approximately \$10,000,000.00 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
23. RESOLUTION requesting approval of Heitman Value Partners III, a value-added real estate fund, to manage \$48,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
24. RESOLUTION requesting approval of American Strategic Value Realty Fund, a value-added real estate fund, to manage approximately \$30,000,000 for the benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
25. RESOLUTION awarding a twenty-four month contract to Universal Scaffolding and Equipment, LLC, for medium voltage power cable, in the amount of \$1,428,703.00.
26. RESOLUTION awarding a contract to Industrial Sales Company, for pendant luminaries, in the amount of \$80,185.00.
27. RESOLUTION awarding Contract No. 11726, E-Learning Courses and Administration, to Skillsoft Corporation, in the funded amount of \$61,018.75.



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## REGULAR AGENDA

28.  
Flinn

### APPOINTMENTS

#### MEMPHIS AREA TRANSIT AUTHORITY

##### Reappointment

Lauren Taylor

#### MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

##### Appointment

Aaron Petree

##### Reappointments

John Jackson III

Andre Jones

Timothy Rainey

#### MEMPHIS STORMWATER BOARD

##### Appointment

(Louie) L. Yu Lin

**GENERAL ORDINANCES – THIRD AND FINAL READING**

29. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, to limit participation in the City Pension System 1978 Plan to participants with 10 or more years of service and create a separate account for participants with less than 10 years of service equal to their employee contributions plus the multiple earned as of June 30, 2015, up for T H I R D and F I N A L reading. (Held from 12/2)

Strickland Ordinance No. 5571

SPONSOR: Administration

ACTION REQUESTED: None

30. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan, up for T H I R D and F I N A L reading. **[New hires only]** (Held from 12/2)

Strickland Ordinance No. 5573

SPONSOR: Lowery

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to require approval for MLG&W contracts with other municipalities, particularly contracts involving collection of various municipal charges, up for T H I R D and F I N A L reading. (Held from 12/2)

Lowery Ordinance No. 5574

ACTION REQUESTED: Take whatever action Council deems advisable

32. **ORDINANCE** to amend Chapter 21 – Motor Vehicles and Traffic, Article III, Operation of Motor Vehicles Generally, to add a new section Establishing Driving Rules in the presence of Solid Waste Collection Vehicles, up for T H I R D and F I N A L reading.

Conrad Ordinance No. 5576

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

33. RESOLUTION amending the FY2015 CIP Budget to transfer and appropriate \$50,000.00 in unused funds from Public Works CIP designated for infrastructure improvements related to International Paper to the Friends of Memphis City Beautiful for the purchase of Holiday Lights and other Holiday Decorations along the Parade Route for the Annual Frayser-Raleigh Christmas Parade.

Harris

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the FY2015 Operating Revenue Budget to accept additional revenue of \$1.9 million for MLGW revenue in-lieu of taxes on the properties of the Water Division of MLGW within the limits of the City of Memphis, and to recognize expected revenues that will exceed the budget from prior year ad-valorem tax collections of \$2.6 million and that the FY2015 Operating Expenditure Budget be amended by \$2,971.8 million, to utilize the MLGW revenue and the ad-valorem prior tax.

Harris

ACTION REQUESTED: Adopt the resolution

**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** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

35. RESOLUTION amending the FY 2015 Capital Improvement Budget by transferring an allocation and appropriating \$1,186,120.00 funded by G.O. Bonds-General (Storm Water) from Bridge Repair Storm Water, project number ST03083, to Holmes/BNSF RR Slope Repair, project number ST03165, for slope repair at the Holmes Road Bridge over the BNSF Railroad.

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the FY 2015 Capital Improvement Budget by appropriating funds in the amount of \$594,809.39 for project number PW01251, Corning Avenue (Steele Street to Winston Street) safety improvement.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating a total of \$1,800,000.00 in Contract Construction funded by G.O. Bonds-General in CIP Project number GS01007, to fund various repairs, modifications and improvements to City properties including roofing, plumbing, painting, carpentry and HVAC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION amending the FY 2015 Capital Improvement Budget by transferring an allocation and appropriate \$953,320.00 funded by G.O. Bonds-General (Storm Water) from Drainage-ST, project number ST03006, to Bridge Scour Repair Project #2, project number ST03154, to repair scour related problems on bridges which are in poor condition.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEMS**

39. RESOLUTION to change the Council Rules of Procedure to add the sponsor of a resolution or ordinance to the caption.

Strickland

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION to change the Rules of Procedure to address cell phone usage, holding an annual retreat, creating a Rules Committee and other items.

Strickland

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

44. RESOLUTION accepting grant funds in the amount of \$2,604,545.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Dislocated Worker.

Halbert

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION accepting grant funds in the amount of \$2,386,138.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Adult Program.

Halbert

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION approving an honorary street name change of St. Martin Street.

Conrad

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 4 – Approved
5. Moot
6. Approved, as amended
7. and 8 – Approved
9. Failed
10. Approved, as amended
11. Through 28 – Approved
29. Dropped
30. Approved, as amended
31. Held until January 6, 2015
32. and 33 – Approved
34. Approved, as amended
35. Through 40 – Approved
41. Through 43 – Held until January 20, 2015
44. Through 46 – Approved

**ACTION TAKEN ON THE MINUTES OF DECEMBER 2, 2014**

Approved, as amended. Item #49 was pulled from the Minutes

ADD-ONS

ACTION TAKEN ON THE MINUTES OF DECEMBER 16, 2014 FOR SPECIAL  
ITEM #1, 30, 44 and 45 ONLY

Approved