



CITY OF MEMPHIS

COUNCIL AGENDA

November 1, 2016

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 18, 2016)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Bryan Street in honor of Mr. Julian Williams for his outstanding work in the community. This resolution is sponsored by Councilwoman Fullilove.

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing 10th anniversary of The Forgotten Souls Festival event for the homeless. This resolution is sponsored by Councilman Ford.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

3. RESOLUTION approving a street/alley closure located on the west entrance of Roane Road from Shady Grove Road; containing 90' X 50' in the Single-Family Residential-10 (R-10) District. This resolution is sponsored by the Office of Planning & Development. Case No. SAC 16-14
Colvett
Chairman,
Planning &
Zoning Committee

Applicant: William M & Kathleen R Poston
Byron Fisher- Representative

Request: ROW Vacation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES WERE MAILED ON OCTOBER 21, 2016

DIVISION OF PLANNING AND DEVELOPMENT

4. RESOLUTION approving a special use permit located on the northwest side of Austin Peay Highway at Jones Road, containing 0.67 acre (29,185 sq. ft.) in the Commercial Mixed Use (CMU-2) District. This resolution is sponsored by the Office of Planning & Development (Held from 8/23;9/20). Case No. SUP 16-10
Colvett
Chairman,
Planning &
Zoning
Committee

Applicant: Mirna Sanchez
Smith Building Design & Associates, Inc. (Delinor Smith) –
Representative

Request: Special permit to allow motor vehicle sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving a special use permit located at 1720 E. Holmes Road (Parcel ID 079093 00050C), containing 0.615 +/- Acre in the Commercially used property within the Commercial Mixed Use-1 (CMU-1) zoning district. This resolution is sponsored by the Office of Planning & Development. (Held from 10/18). Case No. SUP 16-15
Colvett
Chairman,
Planning &
Zoning
Committee

Applicant: Southern Security Federal Credit Union/Jay Shiek
David Bray- Representative

Request: Special Use Permit to allow auto sales at the former Southern Security Credit Union

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit located at 4035 Summer Avenue, containing 0.31 acre in the Former used car lot; Residential Urban-3 (RU-3) District. This resolution is sponsored by the Office of Planning & Development.

Case No. SUP 16-18

Applicant: Latinos 901 Auto Sales
David Bray – Representative

Request: A Special Use Permit to allow office use

LUCB and OPD recommendation: APPROVAL, with a condition

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit located at 2109 Chelsea Avenue and 2119 Chelsea Avenue (Parcel ID 041016 00004 & 041043 00001), containing 0.267 acre in the Vacant Lot and vacant structure; Commercial Mixed-Use (CMU-3) zoning District. This resolution is sponsored by the Office of Planning & Development.

Case No. SUP 16-20

Applicant: Chelsea Auto Mart
Tim McCaskill – Representative

Request: A Special Use Permit to allow vehicle sales

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

8. **ORDINANCE** rezoning 163 North Evergreen Street-west side of N. Evergreen St.; +/- 152' south of Poplar Ave., containing 0.159 acre in the Commercial Mixed Use -3 (CMU-3) District, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

Colvett,
Chairman,
Planning &
Zoning
Committee

Case No. Z 16-04
Ordinance No. 5633

Applicant: Steve and Kathleen Williams

Request: Residential Urban-3 (RU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES WERE MAILED ON OCTOBER 21, 2016



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

9. RESOLUTION for FAMILY DOLLAR STORE at 2743 N. Watkins Street-Drainage Improvements and authorizing release of bond.
(Contract No. CR-4878)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located on the southwest corner of Roosevelt Avenue and North Watkins Street. The standard improvement contract was approved on July 6, 2004. Resolution also authorizes the release of performance bond in the amount of \$46,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of MIDTOWN MEMPHIS PD, PHASE 1.
Case No. PD 08-303
Contract No. CR-5250

Resolution approves the final plat located on the southwest corner of Poplar Avenue and Watkins Street. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)

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

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE:



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MLGW FISCAL CONSENT

11. RESOLUTION approving Change No. 5 for an invoice payment to Davis H. Elliot Construction Company, Incorporated, Contract No. 11576, Emergency Storm Restoration, based on agreed upon rates, in the funded amount of \$145,536.30. (This payment request is for emergency restoration work performed on MLGW's electric system to replenish funds used as a result of the June 15, 2016 storm for Invoice No. 311883. The contract term will remain through January 14, 2017.)
12. RESOLUTION approving payment of an invoice to Scottsboro Electric Power Board for Contract No. 11709, Mutual Aid Agreement, based on agreed upon rates, in the funded amount of \$15,372.37.
13. RESOLUTION approving Change No. 5 for an invoice payment to Service Electric Company for Contract No. 11613, Emergency Storm Restoration Agreement, based on agreed upon rates, in the funded amount of \$248,850.67. (This payment request is for emergency restoration work performed on MLGW's electric system as a result of the June 15, 2016 storm for Invoice No. 46561.)
14. RESOLUTION awarding a contract to Williams Equipment and Supply Company, Inc., for the purchase of a skid steer loader with hydraulic front loader, in the amount of \$58,900.00.
15. RESOLUTION approving Change No. 2 to Contract No. 11797, Line Clearance Minor, with Asplundh Tree Expert Company, in the funded amount of \$3,518,034.10. (This change is to renew the current contract for the first of four annual renewal terms for the period covering December 2, 2016 through December 1, 2017, based on agreed upon rates, in the funded amount of \$3,461,663.53, which reflects a 2% rate increase from the previous year. This increase will be applied to employee wages, health insurance, and general operating costs of equipment maintenance. In addition, this change is to increase the current contract in the funded amount of \$56,370.57 to replenish funds for work performed as a result of the June 2016 storm restoration efforts for a total funded amount of \$3,518,034.10.)
16. RESOLUTION awarding a contract to Welsco, Inc., for the purchase of four electric arc welders, in the amount of \$52,822.04.
17. RESOLUTION awarding a contract to Summit Truck Group, for the purchase of a cab and chassis with tank body, in the amount of \$138,998.00.

18. RESOLUTION approving the ratification and awarding, after the fact, Contract No. 11892, Fite Road Emergency Bore, to Owens Irrigation, Incorporated, d/b/a Owens Construction Services of Tennessee, in the funded amount of \$331,535.54
19. RESOLUTION awarding Contract No. 11914, MLGW Utility Payment Centers, to FirsTech, Incorporated, in the funded amount of \$239,352.00.
20. RESOLUTION awarding a contract to PCM, Inc., for Veritas Backup Agent Software maintenance, in the amount of \$96,326.99.
21. RESOLUTION awarding a contract to Unico Technology, for Trend Micro Enterprise Security Communication & Collaboration Software maintenance and support, in the amount of \$372,200.00.
22. RESOLUTION approving Change No. 6 to Contract No. 10741, Laser Disk Document Storage, with Jack Henry and Associates, Incorporated, operating as a division of Profitstars, in the funded amount of \$107,198.40. (This change is to upgrade the Spoolview software and is a single source change due to the current software being at its end-of-life in the funded amount of \$97,338.40. In addition, this change also includes the renewal of the upgraded software for annual software maintenance, license and support services for the period covering July 1, 2016 through June 30, 2017 in the funded amount of \$9,810.00).



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REGULAR AGENDA

23.

Spinosa

Chairman,
Personnel,

Intergovern-
mental &

Annexation
Committee

Appointments

MEMPHIS CITY BEAUTIFUL

Appointment

Erick New

MEMPHIS AND SHELBY COUNTY FILM & TELEVISION COMMISSION

Appointments

Emma Crystal

Robert Gordon

Pamela Williams Kelly

Lawrence "Boo" Mitchell

Reappointments

Gale Jones Carson

Susan Murrmann

MEMPHIS YOUTH GUIDANCE COMMISSION

Reappointment

Ekundayo Bandele

PENSION BOARD OF ADMINISTRATION

Reappointment

Derek Brassel

GENERAL ORDINANCE – THIRD AND FINAL READING

24. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to amend section 25-200 of the 1978 Plan to add Subparagraph (H) to allow for limited suspension of the DROP program by qualifying participants, up for T H I R D and F I N A L reading. Ordinance No. 5630 is sponsored by Human Resources Division. (Held from 10/18).

Spinosa
Chairman,
Personnel,
Intergovernmental &
Annexation
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

25. **RESOLUTION** appropriating \$1,099,505.00 in G.O. Bonds, to purchase firefighting turnouts/protective ensemble from CIP FS04001 Personal Protective Equipment. This resolution is sponsored by Fire Services.

Morgan
Chairman,
Public Safety &
Homeland
Security Committee

ACTION REQUESTED: Adopt the resolution

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

**COUNCIL RECESSES AS CITY COUNCIL AND CONVENES AS
A RATE MAKING BOARD**

**MEETING CALLED TO ORDER AS A RATE MAKING BOARD BY THE
SERGEANT-AT-ARMS**

26. RESOLUTION requesting the City Council to approve the revenue neutral Electric Division rate changes. This resolution is sponsored by Memphis Light, Gas & Water Division.

Robinson
Chairman,
MLG&W
Committee

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving the 2017 Memphis Light, Gas & Water Division Budget. This resolution is sponsored by Memphis Light, Gas & Water Division.

Robinson
Chairman,
MLG&W
Committee

ACTION REQUESTED: Adopt the resolution

**ADJOURNMENT AS A RATE MAKING BOARD BY
THE SERGEANT-AT-ARMS**

**MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL
BY THE SERGEANT-AT-ARMS**

DIVISION OF PARKS AND NEIGHBORHOODS

28. RESOLUTION seeking to transfer and appropriate \$235,413.00 in Contract Construction from CIP Project Number PK08016, Pink Palace Planetarium Rehab to CIP Project Number PK08017, Pink Palace Rehabilitation. Resolution also seeks to appropriate \$4,050,432.00 in Contract Construction for CIP Project Number PK08017, Pink Palace Rehabilitation, funded by G.O. Bonds General. This funding has been raised in a partnership with Memphis Museums, Inc. with MMI and City of Memphis, each providing 50% of the project funding. This resolution is sponsored by Parks and Neighborhoods Division.

Swearingen
Chairman,
Parks &
Neighborhoods
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. RESOLUTION appropriating funding in the amount of \$4,485,797.00, for street repaving of various streets throughout the City of Memphis. This resolution is sponsored by Public Works Division.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services Committee

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving the lease agreement between Hattiloo Theatre and the City of Memphis, located at 2499 Chelsea Avenue, Memphis, Tennessee 38108. This resolution is sponsored by General Services, Real Estate Service Center.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services Committee

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

31. RESOLUTION accepting two SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed in Court Square at the request of the stakeholders in the Court Square park area, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$3,396.96. This resolution is sponsored by Police Services.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

Fiscal Consent

32. RESOLUTION accepting a donation from the Valleywood Homeowners' Association to purchase (1) SkyCop Patented Security Enclosure with (2) 2MP (1080P) Camera, 2) Flashing blue lights, and MPD/SkyCop Logos. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$5,868.90. This resolution is sponsored by Police Services.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

Fiscal Consent

33. RESOLUTION accepting nine SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed in the Kirby Woods neighborhood at the request of the residents of Kirby Woods, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$91,812.81. This resolution is sponsored by Police Services.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

Fiscal Consent

34. RESOLUTION accepting grant funds in the amount of \$65,520.00 from the State of Tennessee Department of Labor and Workforce Development Division for the WIOA Pre-Release pilot program. This resolution is sponsored by Workforce Investment Network.

Boyd
Chairman,
Economic
Development
& Tourism
Committee

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION transferring and appropriating construction funds to install a sanitary sewer extension for the new TVA Allen Combined Cycle Plant on Riverport Road in the amount of \$258,608.00 project SW17202. This resolution is sponsored by Public Works Division.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving a special use permit located on the south side of Knight Arnold Road; +/-475 feet east of Hickory Hill Road, containing +/-2,700 sq. ft.

Colvett

ADD-ONS CONT.

Chairman,
Planning &
Zoning
Committee

of 1.43 acres in the Commercial Mixed Use (CMU-1) District. This resolution is sponsored by the Office of Planning & Development.

Case No. SUP 16-19

Applicant: TV6 Signal Source Towers, LLC
Lou Katzerman – Representative

Request: Special permit to allow a CMCS communications tower with flush-mount antennae to protrude beyond the required thirty (30) inches from the face of tower pole at a maximum height of one-hundred fifty (150) feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

37. RESOLUTION amending the FY2017 Operating Budget by accepting and appropriating the Expenditures and Revenues for the Weatherization Assistance Program (WAP) Grant (\$555,332.05) and the Tennessee Low Income Home Energy Assistance Program (LIHEAP) Grant (\$995,639.39) in the total amount of \$1,550,971.44. This resolution is sponsored by Housing and Community Development Division.

Brown
Chairman,
Housing &
Community
Development
Committee

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. & 5 – Failed
- 6 & 7 – Approved
8. Held until November 15, 2016
9. Through 23 – Approved
24. Approved, as amended
25. Through 37 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF OCTOBER 18, 2016 MEETING

Approved, as amended; Item #19 was amended.

ADD-ONS CONT.

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #31, #32, #34 & #37 FROM TONIGHT'S MEETING

Approved