



CITY OF MEMPHIS

COUNCIL AGENDA

March 19, 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 (March 5, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing Mrs. Quincy Morris on receiving the Governor's Volunteer Stars Award.

Brown

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a street/alley closure located on the east side of Scott Street, approximately 330 feet south of Broad Avenue, containing 1.060 acres in the R-6 (Residential Single-Family) District.

Collins

Case No. SAC 12-605

Applicant: First Baptist Church - Broad

Request: Close and Vacate Alley/Street Right-of-Way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

3 NOTICES WERE MAILED ON MARCH 8, 2013

DIVISION OF PLANNING & DEVELOPMENT

- 3. RESOLUTION approving a hotel/motel waiver for Crown Plaza – Memphis, located at 300 N. Second Street. (Held from 3/5)

Collins

Case No. HMW 13-02

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION approving a planned development located at 4027 Raleigh-Millington Road, containing 1.0450 acres in the CMU-2 District.

Collins

Case No. PD 12-317

Applicant: Donald and Jamie Stafford
Joseph Kyles – Representative

Request: Amend existing Planned Development to include pre-owned automobile sales

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

- 5. RESOLUTION approving a special use permit located on the north side of Poplar Avenue, 676 feet west of Racine Drive, containing 0.567 acre in the CMU-2 District.

Collins

Case No. SUP 13-203

Applicant: Budget Rent-A-Car
Kim Anderson – Representative

Request: Auto leasing lot

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

6. **ORDINANCE** rezoning the west side of Mill Branch Road; +/-356 feet north of E. Shelby Drive, containing 0.10 acre (3,920 sq. ft.) in the Commercial Mixed Use (CMU-1) District, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5501

Case No. Z 13-101

Applicants: Roy and Latasha Spears

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES WERE MAILED ON MARCH 8, 2013



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

7. **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 S E C O N D reading.

Halbert

Ordinance No. 5503

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

8. **ORDINANCE** amending the Memphis and Shelby County Unified Development Code. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for F I R S T reading.

Collins

Case No. ZTA 13-001

Ordinance No. 5504

Applicant: Memphis and Shelby County Office of Planning & 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: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

9. RESOLUTION accepting STONEBRIAR P.D., AREA 10, PHASE 6, STREET IMPROVEMENTS and authorizing release of bond.

Case No. PD 03-335cc
(Contract No. CR-5115)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Stateline Road, east of Riverdale. The standard improvement contract was approved on September 9, 2008. Resolution also authorizes the release of the cashiers' checks in the amount of \$137,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting STONEBRIAR P.D., AREA 10, PHASE 7, STREET IMPROVEMENTS and authorizing release of bond.

Case No. PD 03-335cc
(Contract No. CR-5116)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Stateline Road, east of Riverdale. The standard improvement contract was approved on September 9, 2008. Resolution also authorizes the release of the cashiers' checks in the amount of \$110,000.05.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting TALUSWOOD P.D. and authorizing release of bond.

Case No. PD 04-329cc
(Contract No. CR-4961)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Pisgah Road, 1642.98 feet north of Macon Road. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$77,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting TOURNAMENT CENTER P.D., PHASE 1 (DEDICATION OF TOURNAMENT DRIVE) and authorizing release of bond.

Case No. PD 09-305
(Contract No. CR-5184)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Tournament Drive, west of Hacks Cross. The standard improvement contract was approved on May 15, 2012. Resolution also authorizes the release of the cashiers' check in the amount of \$186,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)

GENERAL ITEM (None)



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MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11564, Grounds Maintenance to Vanderbilt Landscaping, in the funded amount of \$496,606.50.
14. RESOLUTION approving Change No. 7 to Contract 10793, Professional Portfolio Software, with Advent Software, Incorporated, in the funded amount of \$29,286.11. (This change is to renew the contract term covering the period May 11, 2013 through May 10, 2014 for the current software license and maintenance support.)
15. RESOLUTION approving Change No. 2 to Contract No. 11476, Industrial Psychology Services, with Lopez and Associates, in the funded amount of \$60,000.00. (This change is to extend the current contract term for an additional three year term covering the period April 1, 2013 through March 31, 2016 with no increase from the previous term. The new contract value is \$120,000.00.)
16. RESOLUTION approving Change No. 8 to Contract No. 10985, Master Lease Agreement, with Skill Soft Corporation, in the funded amount of \$12,113.20. (This change extends the current contract for an additional one (1) year term covering the period January 31, 2013 through January 30, 2014. The new contract amount will be \$212,290.20.)
17. RESOLUTION approving Change No. 2 to Contract No. 11090, Serena Master License Agreement, with Serena Software, Incorporated, to amend the current contract in the funded amount of \$35,265.00. (This amendment is to purchase ten additional Business Manager Licenses and one year of maintenance support for those licenses. The contract term will remain through July 28, 2014. The new contract amount will be \$334,329.75.)
18. RESOLUTION approving Change No. 4 to Contract No. 10070, Remote Printer Control Product, with Macro 4, in the funded amount of \$15,341.00. (This change is to renew the annual software maintenance and support services for the period covering March 31, 2013 to March 30, 2014. The new contract amount is \$270,398.18.)
19. RESOLUTION approving the selection of Kennedy Capital Management to manage approximately \$8,000,000.00 for the Benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
20. RESOLUTION approving payment of 2013 annual membership dues, to American Gas Association, in the amount of \$57,875.00.



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

21. **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)

Hedgepeth

Ordinance No. 5456

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** to amend Chapter 21, Relative to Parades and Public Assemblies, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5502

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

23. **RESOLUTION** accepting and appropriating \$1,607,178.00 in grant funding from the Inland Rivers Ports and Terminals, LLC.

Conrad

ACTION REQUESTED: Adopt the resolution

24. **RESOLUTION** accepting and appropriating \$980,002.20 in federal reimbursement from FEMA for the deployment of Tennessee Task Force 1, TN-TF1 to Hurricane Sandy.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

25. RESOLUTION appropriating an allocation of \$5,000,000.00 towards the Pyramid Redevelopment Budget to offset and complete the project's contract obligations during the construction period as set forth by the terms and agreements in Contract Number 27043.

Brown

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving an agreement to recoup the cost of providing improvements, facilities and service Frayser Millington North Shelby Mental Health Center, Inc., a Tennessee Nonprofit Corporation, as required by Applicable Tax Exemption Statue, Tennessee Code Annotated §67-5-207, ET SEQ., at an amount of Five Dollars (\$5) per unit per month.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

27. RESOLUTION accepting and appropriating \$265,944.00 in grant funds from the Tennessee Department of Transportation (TDOT) for Highway 61 Blues Trail Project.

Boyd

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION amending the agreement between the City of Memphis through its Division of Parks and Neighborhoods and Memphis Boys Athletic Association for the management and operation of the Halle Park Gagliano and Sowell Baseball Fields.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. RESOLUTION creating a Blight and Rental Property Reporting Hotline. (Held from 12/4; 1/22; 2/19; 3/5)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting \$3,000,000.00 from the Tennessee Department of Environment and Conservation Clean Water State Revolving Loan for the construction of the Mary's Creek interceptor Sewer Phase 2. (Held from 3/5)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION providing funding in the amount of \$1,693,039.00 in State Revolving Loans to Loosahatchie and Mary's Creek, Project Number SW04008 to construct a portion of a new 36 inch diameter interceptor sewer. (Held from 3/5)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

32. RESOLUTION honoring the life of former Councilwoman Minerva Johnican.
Consent

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION authorizing the Division of Engineering to designate the four on-street parking spaces described in the attached document for the exclusive use of car sharing vehicles at no charge during the three-year period of the pilot program.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Held until April 2, 2013
6. Through 12 – Approved
13. Sent Back to Committee for April 2, 2013
14. Through 20 – Approved
21. Held until May 7, 2013
22. Approved, as amended
23. Through 28 – Approved
29. Through 31 – Dropped
32. & 33 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF MARCH 5, 2013 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEM #33 FROM TONIGHT'S MEETING

Approved