



CITY OF MEMPHIS

COUNCIL AGENDA

April 2, 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 19, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION declaring April 2, 2013 as Autism Awareness Day and April as Autism Awareness Month.

Strickland,

Fullilove,

Mayor Wharton

& Chairman Ford

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION declaring April as Financial Literacy Month in the City of Memphis.

Ford

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION congratulating Southwind High School Boys' Basketball Team, on an outstanding season and winning the State Championship.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING (None)

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a planned development located at 2250 Central Avenue (northeast corner of Central & New York) containing 0.35 acre in the Commercial Mixed Use (CMU-1) and Residential Urban (RU-3) Districts.

Collins

Case No. PD 13-304
(Casablanca)

Applicant: Aimer Shtaya
Bray-Davis Firm, LLC David Bray) – Representative

Request: Commercial PD for a restaurant

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 planned development located at 1674 Delano Road; northwest corner of N. Watkins Street and Delano Road, containing 0.7840 acre in the Commercial Mixed Use-1 (CMU-1) District.

Collins

Case No. PD 13-308
(Converted from SUP 13-204)

Applicant: Brian Liberto Cook
Royston Construction Codes Consultants – Representative

Request: Request approval for a Vehicle Sales Office with 25 parking spaces for vehicle display

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6. RESOLUTION approving a street/alley closure located on the west side of Tillman – Tillman Cove, containing .680 acre in the Residential Use (RU-3) District.

Collins

Case No. SAC 12-608

Applicants: Thompson II, LLC
Solomito Land Planning (Brenda Solomito) – Representative
Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with eight (8) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. 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. (Held from 3/19)

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

8. RESOLUTION approving a special use permit located on the west side of Thomas Street, near Whitney Road, containing 0.46 acre in the Commercial Mixed Use (CMU-1) District.

Collins

Case No. SUP 13-205

Applicant: TV6-W, LLC DBA Tower Ventures
Lou Katzerman – Representative

Request: Proposal to construct a one hundred seventy five foot (175') CMCS Tower

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 1130 College Street; 215 feet north of McLemore Avenue, containing 0.11 acre in the RU-3 District.

Collins

Case No. SUP 13-207

Applicant: Community Lift
Linx Consulting – Representative

Request: Neighborhood Arts Center

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 (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

10. **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 S E C O N D 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 Second reading

ENGINEERING (None)

NOTATIONS FROM OPD

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

A. Case No. SAC 13-601 (Companion Case PD 13-302)

Located on the northwest corner of Greenlaw Avenue and N. Fifth Street,
containing 0.14 acre in the Moderate Density Residential (MDR) District

Applicant: Memphis College Preparatory Elementary School
SR Consulting LLC (Cindy Reaves) – Representative

Request: Close and vacate Muster Alley and Saffarans Alley rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SUP 13-201

Located on the west side of intersection of Rosewood Avenue and south of Lauderdale Street, containing .28 acre in the C-L District

Applicant: Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred sixty foot (160') CMCS tower

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SUP 13-202

Located at 6415 US Highway 70; Northeast corner of Highway 70 and Elmore Road, containing 1.92 acres in the CMU-3 (Commercial Mixed Use) District

Applicant: Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred eighty foot (180') CMCS tower

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 16, 2013



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MLGW FISCAL CONSENT

12. RESOLUTION awarding Contract No. 11564, Grounds Maintenance to Vanderbilt Landscaping, in the funded amount of \$496,606.50. (Held from 3/19)
13. RESOLUTION awarding contract to Dobbs Ford, Inc. for crew cab and chassis, in the funded amount of \$100,540.00.
14. RESOLUTION awarding contract to Dobbs Ford, Inc. in the amount of \$1,710,973.00, Sam Swope Auto Group, LLC. in the amount of \$196,890.65, and Terex Equipment Service in the amount of \$35,445.00, for light duty vehicles.
15. RESOLUTION awarding Contract No. 11536, Aerial Patrol of Gas Transmission Right of Way to Tennessee Helicopter Services, Incorporated, in the funded amount of \$72,000.00.
16. RESOLUTION amending purchase order number 144306 to Badger Meter, Inc. for water meters, in the amount of \$372,314.29.
17. RESOLUTION awarding a strategic alliance contract for power circuit breakers to Mitsubishi Electric Power Products, Inc. c/o H.V. Sales; ABB, Inc. c/o Yoder Sales, and Siemens c/o Utility Sales Agency, LLC, in an amount not to exceed \$3,420,854.00 for a 60-month period.
18. RESOLUTION awarding contract to Brighter Days and Nites for reclosers, in the funded amount of \$525,572.20.
19. RESOLUTION awarding contract to Itron, Inc. for meter reading handheld devices and docking stations, in the funded amount of \$695,667.72.
20. RESOLUTION approving Change No. 14 to Contract No. 10705, Oracle Software License and Service Agreement, with Oracle, to renew the current contract in the funded amount of \$851,007.10.
21. RESOLUTION approving Change No. 5 to Contract No.11281, Maintaining MLGW Archival Documents, with Vital Records Control, Incorporated, in the funded amount of \$6,685.00. (This change is to extend the contract through October 31, 2013 to allow time to re-bid for a new contract. A single bid was received and exceeded the area's budget.)



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REGULAR AGENDA

22. APPOINTMENT

Flinn

MEMPHIS AND SHELBY COUNTY JOINT BOARD OF APPEALS

Appointment

Yolanda R. Kight

GENERAL ORDINANCES – THIRD AND FINAL READING

23. **ORDINANCE** amending Chapter 48 of the City of Memphis Code of Ordinances, by adding Sections 48-23 thru 48-28 to include “Property Registration Requirements” that will require owners of real properties, including condominiums, to maintain on file with the County Register or other designee of the City, an accurate name and mailing address of one or more of the owners for purposes of notice and service of process and to require registration by a mortgagee or mortgagee’s agent upon notice of default or vacancy by a mortgagor regarding single family residential real property including condominiums located in the municipal boundaries of the City of Memphis, up for T H I R D and F I N A L reading. (Held from 12/4; 1/22; 2/19)

Hedgepeth

Ordinance No. 5477

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend Ordinance No. 5460, to allow the Maximum Local Option Sales Tax be levied in the City of Memphis and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis, at a special election to be held by September 30, 2013, up for T H I R D and F I N A L reading. (Held from 3/5)

Flinn &
Strickland

Ordinance No. 5495

ACTION REQUESTED: Take whatever action Council deems advisable

25. **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.
Halbert Ordinance No. 5503

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

26. RESOLUTION to set the sales tax referendum to allocate money in the amount of \$27,000,000.00 for Pre-Kindergarten Programs and property tax decrease in the amount of \$20,000,000.00. (Held from 2/5; 3/5)

Strickland

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

27. RESOLUTION closing Whitehaven Golf Course for the winter months, increasing golf cart rental fees and establishing a non-Shelby County user fee. (Held from 11/6; 12/4; 12/18; 1/22)

Boyd

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION appropriating \$70,000.00 in Contract Construction and to transfer and appropriate \$25,000.00 from Furniture Fixtures & Equipment to Contract Construction for CIP Project Number PK01024, Rec/Aquatic Facilities Major Maintenance, funded by G.O. Bonds General for repairs and replacements of HVAC units at various community centers made by General Services.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. RESOLUTION appropriating \$750,679.00 for drainage repair at Lick Creek Drainage District.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$2,705,285.00 for Gayoso Sewer Pumping Station Rehabilitation.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

31. RESOLUTION endorsing Bishop Charles E. Blake, Presiding Bishop for the Church of God in Christ, as he makes steps to expand the footprint of the national church in Memphis, Tennessee.

Ford

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Approved, as amended
6. Through 10 – Approved
11. Public Hearing set for April 16, 2013
12. Failed
13. Through 22 – Approved
23. Approved, as amended
24. Held until July 2, 2013
25. Held until July 16, 2013
26. Held until July 2, 2013
27. Dropped
28. Through 31 – Approved

ACTION TAKEN ON THE MINUTES OF MARCH 19, 2013

Approved