



# CITY OF MEMPHIS

## COUNCIL AGENDA

June 5, 2012

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**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (May 15, 2012)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS** (None)

**PUBLIC HEARING** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

1. RESOLUTION modifying the FY2012 Capital Improvement Budget by creating a new project, Aerotropolis Master Plan, project number GA90003 and amending the FY2012 Capital Improvement Budget by transferring a construction allocation and appropriating \$300,000.00 funded by GO Bonds – General from Holmes/Tchulahoma/Getwell, project number PW01123 to Aerotropolis Master Plan, project number GA90003, for master planning which will be used for a local match.

Halbert

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

2. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish a Motor Vehicle Inspection Fee, up for F I R S T reading.

Hedgepeth

Ordinance No. 5454

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** amending Chapter 48, Code of Ordinances, City of Memphis, so as to establish a Rental Property Permit Fee, up for F I R S T reading.

Hedgepeth

Ordinance No. 5455

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish an Environmental Fee, up for F I R S T reading.

Hedgepeth

Ordinance No. 5456

ACTION REQUESTED: Adopt the ordinance on First reading

5. **ORDINANCE** amending Chapter 21, Motor Vehicle and Traffic, Motor Vehicle Inspection Bureau, Section 21, 309, Waiver Provisions, to provide for a Financial Hardship Waiver, up for F I R S T reading.

Hedgepeth

Ordinance No. 5457

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING (None)

### ZONING ORDINANCES - FIRST READING

6. **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.

Ford

Case No. ZTA 12-001

Ordinance No. 5458

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

- 7. **ORDINANCE** amending the Memphis Code of Ordinances as a companion item to case ZTA 12-001. This amendment affects all property within the City of Memphis and unincorporated Shelby County, up for F I R S T reading.

Ford

Companion Case to ZTA 12-001  
Ordinance No. 5459

Applicant: Memphis and Shelby County Office of Planning and Development  
Josh Whitehead, Esq., AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis Code of Ordinances

OPD recommendation: APPROVAL

LUCB recommendation: NA

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCES - SECOND READING**

- 8. **ORDINANCE** rezoning the northwest corner of N. Bellevue and Smith Avenue, containing 0.315 acre in the Commercial Mixed Use (CMU-1) District, up for S E C O N D reading.

Ford

Case No. Z 11-114  
Ordinance No. 5447

Applicant: Christopher B. Walton  
Brittenum-Bruce, LLC – Representative

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

- 9. **ORDINANCE** rezoning the southwest corner of E. Holmes Road and Riverdale Road, containing 1.47 acres in the Conservation Agriculture (CA) District, up for S E C O N D reading.

Ford

Case No. Z 12-102cc  
Ordinance No. 5452

Applicant: Marketplace Development, LLC  
J. Wise Smith-Architect – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

- 10. **ORDINANCE** rezoning the southwest corner of S. Perkins Road and Knight Arnold Road, containing 10.92 acres in the Commercial Mixed Use (CMU-1) District, up for S E C O N D reading.

Ford

Case No. Z 12-101  
Ordinance No. 5453

Applicant: Village Plaza, Inc.  
W. H. Porter Consultants, PLLC – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

- 11. **ORDINANCE** rezoning the south side of I-240; +/-835 feet east of Thousand Oaks Cove, containing 2.25 acres in the Conservation Agricultural Floodplain (CA[FP]) District, up for S E C O N D reading.

Ford

Case No. Z 12-103  
Ordinance No. 5454

Applicant: Stanley Trezevant  
Ronald Harkavy, Attorney – Representative

Request: Commercial Mixed Use-3 Floodplain (CMU-3[FP]) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING** (None)

**NOTATIONS FROM OPD**

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

- A. Case No. PD 12-305 – BERRYHILL PLANNED DEVELOPMENT, AMENDED

Located on the east side of Fletcher Trace Parkway; +/-788.84 feet south of U.S. Highway 64, containing 4,225 sq. ft. of 7.10 acres and is currently governed by Berryhill Planned Development (P.D. 90-335).

Applicants: TV6-W, LLC  
Solomito Land Planning – Representative

Request: Plan amendment to allow a cellular communications tower one-hundred sixty (160) feet in height of concealed canister monopole design with a capacity to accommodate a minimum of four (4) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SUP 12-203 (Companion Case Z 12-101)

Located on the southwest corner of S. Perkins Road and Knight Arnold Road, containing 5,000 sq. ft. tenant space in the Commercial Mixed Use (CMU-1) District

Applicant: Premier Pawn & Jewelry Shop  
W. H. Porter Consultants, PLLC – Representative

Request: Special use permit to allow a pawn shop

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: June 19, 2012**



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### MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11517, Directional Boring, to Memphis Road Boring, Inc., in the funded amount of \$760,400.00.
14. RESOLUTION approving Change No. 4 to Contract No. 11280, Aerial Patrol of Gas Transmission Right-of-Way, to Tennessee Helicopter Services, Inc., in the funded amount of \$31,640.70, for a new contract value of \$143,695.70. (This change renews the contract for the fourth and final renewal term, August 29, 2012 through August 28, 2013, with a 3.2% rate increase to offset the escalation price of aviation fuel).
15. RESOLUTION approving Change No. 2 to Contract No. 11411, Construct Wastewater Recovery Basin, with Argo Construction Company, in the funded amount of \$145,955.00. (This change is due to the City of Memphis' Public Works Department enforcing its Sanitary Sewer Ordinance for MLGW. As a result of the Ordinance, MLGW is required to install a backwash water monitoring station and eliminate the domestic septic tank system at the MLGW Lichterman Water Pumping Station).
16. RESOLUTION awarding contract for polyethylene pipe to Action Chemical, Inc. in the amount of \$51,456.00.
17. RESOLUTION awarding contracts for various wire to Utilicor in the amount of \$49,687.00 and to Stuart C. Irby in the amount of \$88,740.75, for a total amount of \$138,427.75.
18. RESOLUTION awarding 12-month blanket contract for meter pedestals to The Durham Company in the amount of \$211,760.00.
19. RESOLUTION approving the selection of Permal Private Equity Opportunities IV, LP to manage \$25,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
20. RESOLUTION approving the selection of Headlands Capital Secondary Fund, LP to manage \$5,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
21. RESOLUTION approving the employment of the law firm of Fisher & Phillips, LLP on an as-needed basis at the following hourly rates:

Attorney	-	\$210.00
Associate	-	\$195.00
Law Clerk	-	\$100.00

22. RESOLUTION awarding contract for UC4 Applications Manager annual software maintenance renewal to UC4 Software, Inc., in the amount of \$33,373.00.
23. RESOLUTION awarding contract for a one-ton aerial tower to Dobbs Ford in the amount of \$79,700.00.
24. RESOLUTION awarding contract for epoxy-coated pipe to Supply Line of Memphis in the amount of \$120,000.00, which includes additional funds in the amount of \$8,070.00 for possible pipe-length overages for the Watkins and Cypress Creek project.
25. RESOLUTION awarding contract for communications equipment to Railcom in the amount of \$80,323.00.
26. RESOLUTION awarding contract for 92 GMI First Responder gas detectors to Heath Consultants, Inc., in the amount of \$294,400.00.
27. RESOLUTION awarding contract for steel transmission poles to TransAmerican Power Products c/o Utilicor in the amount of \$856,554.00.
28. RESOLUTION amending contract between MLGW and GDS Associates, Inc. for professional consulting services to assist MLGW with preparation for NERC registration, process and procedure implementation, technical studies and evaluations, and readiness assessments. This amendment expands the length of the contract until December 31, 2014, and raises the cap on expenditures by an additional \$193,000.00, for a total not to exceed \$442,000.00.
29. RESOLUTION approving Change No. 1 to Contract No. 11476, Lopez and Associates, with Lopez and Associates, in the funded amount of \$20,000.00, for a new contract value of \$60,000.00. (This change provides additional funding for day-to-day test functions (i.e., approving, reviewing and analyzing tests).
30. RESOLUTION approving reimbursement to the City of Memphis for MLGW's portion of services rendered by Mercer for the administration of the parties' separate healthcare plans in the funded amount of \$55,356.00.
31. RESOLUTION awarding contract for Hewlett Packard Hardware to Logicalis, Inc., in the amount of \$68,694.00.



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## REGULAR AGENDA

32. APPOINTMENTS

Collins

Memphis and Shelby County Community Redevelopment Agency

Appointment

Shawn Thomas

BUDGET ITEMS

33. RESOLUTION approving the FY2013 Budget for the Downtown Memphis Commission.

Strickland

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION directing the City Treasurer to prepare Tax Bills for the various Utilities and Carriers utilizing the Last Certified Assessment available as of June 30, 2012.

Strickland

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION adopting the Memphis City Schools Budget.

Strickland

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2013 – 2017.

Strickland

ACTION REQUESTED: Adopt the resolution

37. **ORDINANCE** establishing the Fiscal Year 2013 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5450

**ORDINANCE** to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2012 through June 30, 2013.

ACTION REQUESTED: Take whatever action Council deems advisable

- 38. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2013, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5451

ACTION REQUESTED: Take whatever action Council deems advisable

**GENERAL ORDINANCES – THIRD AND FINAL READING**

- 39. **ORDINANCE** to amend the City Charter so as to require the Mayor and Council to adopt a Five Year Strategic Business Plan and a Six Year Consolidated Budget that includes both the Operating and Capital Budgets for the City and to submit the proposed Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held November 8, 2012, up for T H I R D and F I N A L reading. (Held from 2/7).

Flinn

Ordinance No. 5437

ACTION REQUESTED: Take whatever action Council deems advisable

- 40. **ORDINANCE** to amend and supplement Section 14-4-36, Closing of Adjacent Streets and Sidewalks, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5448

ACTION REQUESTED: Take whatever action Council deems advisable

- 41. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to Increase Pension Benefits allowable under Section 25-95 and 25-195, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5449

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

- 42. INITIAL RESOLUTION authorizing the issuance of not to exceed One Hundred Fifty Million Dollars (\$150,000,000) General Obligation Bonds, and Bond anticipation notes issued as Commercial Paper, of the City of Memphis, Tennessee, pursuant to the Local Government Public Obligations Act of 1986, being Title 9, Chapter 21, of the Tennessee Code Annotated, for the purpose of Financing the cost of Public Works Projects in the City.

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**

43. RESOLUTION approving the purchase of property located on the west side of Whitten Road, south of the south line of Century Parkway, from Whitten Partnership, LTD, for and in consideration of \$1,600,000.00.

Fullilove

ACTION REQUESTED: Adopt the resolution

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

44. RESOLUTION amending the FY 2012 Capital Improvement Budget by transferring an allocation and appropriating \$2,110,872.00 funded by G.O. Bonds – General (Storm Water) from Curb and Gutter – ST, project number ST04010, to Curb & Gutter 2012, project number ST04046, for the construction of curbs and gutters where either none exist or where there is a need to repair or replace parts of the curb and gutter system and for a construction contract with Precise Concrete.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 5 – Approved
6. and 7 – Approved. Third and Final reading will be July 17, 2012
8. Through 11 – Approved
12. Public Hearing set for June 19, 2012
13. Through 35 – Approved
36. Through 38 – Approved, as amended
39. Held until June 19, 2012
40. Through 44 – Approved

**ACTION TAKEN ON THE MINUTES OF MAY 15, 2012**

Approved

MOTION: Brown - Suspend the Rules for the purpose of adding an item - Resolution to appropriate the Pyramid Bridge Loan #845001 repayment proceeds in the amount of \$11,914,000.

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery, Strickland and Chairman Morrison  
Hedgepeth did not cast a vote

**APPROVED**, set up as Special Item #14

**ACTION TAKEN ON THE MINUTES OF JUNE 5, 2012 FOR SPECIAL ITEM #14 ONLY:**

Approved, set up as Special Item #15

**ACTION TAKEN BY COUNCIL ON THIS DATE**

MOTION: Hedgepeth – Add on Item #32 – Resolution to amend the FY 2012 Capital Improvement Budget by establishing an allocation of \$133,423.00 funded by Local Other Revenue to repair and stabilize the soil bank lateral to John’s Creek and to amend the FY 2012 Capital Improvement Budget by transferring an allocation and appropriating \$133,423.00 funded by G.O. Bonds General (Storm Water) from Drainage-St, Project Number ST03006 to John’s Creek District Lateral AA, Project Number ST03151 for a drainage improvement contract with Civil Concepts

SECOND: Strickland

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland and Chairman Morrison

Harris did not cast a vote

**APPROVED**, Item #32

1. and 2 – Approved
3. Held to July 3, 2012
4. Through 10 – Approved
11. Failed
12. Approved
13. Held to July 3, 2012
14. and 15 – Approved
16. Held for 60 days
17. Through 19 – Approved
20. Approved, as amended
21. Held to July 3, 2012
22. Through 32 – Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 5, 2012**

Approved, as amended. Item #40 – Ordinance No. 5448 – Closing of Adjacent Streets and Sidewalks will be pulled from the Minutes of June 5, 2012 and held until July 3, 2012.

**ACTION TAKEN ON THE MINUTES OF JUNE 19, 2012 FOR ITEMS #24 and #32 ONLY:**

Approved. Set up as Special Item #1

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- MOTION: Hedgepeth – Add on Item #32 – Resolution to amend the FY 2012 Capital Improvement Budget by establishing an allocation of \$133,423.00 funded by Local Other Revenue to repair and stabilize the soil bank lateral to John’s Creek and to amend the FY 2012 Capital Improvement Budget by transferring an allocation and appropriating \$133,423.00 funded by G.O. Bonds General (Storm Water) from Drainage-St, Project Number ST03006 to John’s Creek District Lateral AA, Project Number ST03151 for a drainage improvement contract with Civil Concepts
- SECOND: Strickland
- AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland and Chairman Morrison
- Harris did not cast a vote

**APPROVED**, Item #32

1. and 2 – Approved
3. Held to July 3, 2012
4. Through 10 – Approved
11. Failed
12. Approved
13. Held to July 3, 2012
14. and 15 – Approved
16. Held for 60 days
17. Through 19 – Approved
20. Approved, as amended
21. Held to July 3, 2012
22. Through 32 – Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 5, 2012**

Approved, as amended. Item #40 – Ordinance No. 5448 – Closing of Adjacent Streets and Sidewalks will be pulled from the Minutes of June 5, 2012 and held until July 3, 2012.

**ACTION TAKEN ON THE MINUTES OF JUNE 19, 2012 FOR ITEMS #24 and #32 ONLY:**

Approved. Set up as Special Item #1