



CITY OF MEMPHIS

COUNCIL AGENDA

September 17, 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 (September 3, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing Margaret Grace Haltom for educating the community on steps to improve or sustain the world's environment.

Strickland

ACTION REQUESTED: Adopt the resolution

2. JOINT RESOLUTION declaring September 15-22, 2013, as National Welcoming Week".

Strickland

&

Mayor Wharton

ACTION REQUESTED: Adopt the resolution

3. JOINT RESOLUTION declaring September 15 – October 15, 2013 as National Hispanic Heritage Month.

Ford
&
Mayor Wharton

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

4. RESOLUTION approving a street/alley closure located East of Airways Boulevard near the Memphis Depot, containing 0.19 acre in the Commercial Mixed Use-3 (CMU-3) District.

Collins

Case No. SAC 13-602

Applicant: Castalia Baptist Church
Jerry M. Johnson – Representative

Request: Close and vacate Hunt Avenue right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES WERE MAILED ON SEPTEMBER 6, 2013

DIVISION OF PLANNING AND DEVELOPMENT

5. RESOLUTION approving a special use permit located north of Omar Robinson Road; +/-225 feet north of Holmes Street, containing 23.0 acres in the Conservation Agriculture (CA), Flood Plain (FP) & Floodway (FW) Districts.

Collins

Case No. SUP 13-216

Applicant: Flinn Broadcasting, Inc.
SR Consulting, LLC – Representative

Request: Special Use Permit to allow three (3) radio transmission towers or communications towers, including CMCS (Commercial Mobile Communications Services) towers, a maximum of two-hundred fifty (250) feet in height

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 (none)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

6. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances to increase the monthly Solid Waste Fee for Residential Units, up for S E C O N D reading.

Fullilove

Ordinance No. 5535

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD

7. **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 13-320 – Highland St./Southern Ave. P.D.

Located on the southeast corner of Highland Street and Southern Avenue, containing 1.22 acres in the Commercial Mixed Use (CMU-2) District in the University District Overlay (UDO)

Applicant: McDonald's Corporation (Century Management)
SR Consulting, LLC – Representative

Request: Plan Development to allow a restaurant with drive-thru lane in the University District Overlay (UDO) with a shop front designation

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. S 13-006 – Tate Grove Subdivision

Located on the northeast corner of Mendenhall Road and Minden Road,
containing .77 acre

Appellant: Eugene Amagliani

Request: Overturn the decision of the Land Use Control Board on 8/8/13
which approved a proposed two-lot resubdivision

LUCB and OPD recommendation: APPROVAL of the resubdivison with
conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: October 1, 2013



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MLGW FISCAL CONSENT

8. RESOLUTION giving MLGW the authority to purchase fuel from Petroleum Traders via a combined fuel contract solicited and executed by the City of Memphis on behalf of Memphis Light, Gas and Water Division and the City of Memphis.
9. RESOLUTION approving Change No. 1 to Contract No.11549, 2013 External Corrosion Direct Assessment ("ECDA") Inspection/Survey of Natural Gas Pipeline, to Southern Cross Pipeline Integrity Services, LLC dba JW's Pipeline Integrity Services, in the funded amount of \$28,900.00. (This change is to add three additional Guided Wave Ultra Sonic Tests (GWUT) to comply with DOT regulations. In the event mobilization/demobilization and weather delays are needed, a \$14,500.00 contingency is included. The new contract value is \$207,900.00.)
10. RESOLUTION approving Change No. 2 to Contract No. 11427, Audiolog Recorders Upgrade, with Carolina Recording System, to change the current contract in the funded amount of \$39,485.00. (This change is to upgrade the existing Audiolog Recorder System to Version 5 in the funded amount of \$39,485. This change allows management to have desktop screen recording integration in a virtual PC environment, as well as allow the MLGW Commercial Resource Center and Service Dispatch areas for customer call quality and assessment.)
11. RESOLUTION awarding sixty month blanket contracts for the purchase of single-phase pole type distribution transformers, to Howard Industries, Inc. in the amount of \$5,669,551.96 and ERMCO c/o Utility Sales Agency in the amount of \$2,513,454.60.
12. RESOLUTION awarding contract to Atkinson Industries, Inc. c/o H. V. Sales for the purchase of a prefabricated modular structure, in the amount of \$254,529.00.
13. RESOLUTION awarding a contract to Saft America, Inc. c/o H.V. Sales for a stationary battery, in the amount of \$55,569.00.
14. RESOLUTION awarding Contract No. 11650, Overhead Water Storage Tank Paint Inspector to Tank Industry Consultants, in the funded amount of \$271,975.00.

15. RESOLUTION awarding a thirty-six month blanket contract to Universal Scaffolding and Equipment, LLC, for underground fittings, in the amount of \$1,457,671.00.

16. RESOLUTION approving Change No. 1 to Contract No. 11552 Influenza Vaccine, to Wellness First, Incorporated, in the funded amount of \$36,000.00.
17. RESOLUTION approving Change No. 3 to Contract No. 10927, Perpetual Licensing Agreement, with Pitney Bowes Software, Incorporated to renew software maintenance and support services for the current contract in the funded amount of \$31,067.00. (This change is to renew the current contract for software maintenance and support services for the period covering September 1, 2013 to August 31, 2014 in the funded amount of \$31,067.00, which reflects a 4% increase from the previous year. The new contract value is \$277,695.00.)
18. RESOLUTION awarding a thirty-six month contract to Tension Envelope Corporation for utility bill envelopes, in the amount of \$472,140.52.



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REGULAR AGENDA

19.
Flinn

APPOINTMENTS

ECONOMIC DEVELOPMENT GROWTH ENGINE OF MEMPHIS & SHELBY COUNTY (EDGE)

Appointment

Al Bright, Jr.

Reappointment

Jackson W. Moore

MEMPHIS CITY BEAUTIFUL COMMISSION

Reappointments

John Alexander IV

Lou Henslee

Syd Lerner

Andrew Trippel

MEMPHIS WASTEWATER HEARING AUTHORITY

Reappointment

Brian Waldron

PUBLIC ART OVERSIGHT COMMITTEE

Appointment

Elizabeth I. Edwards

GENERAL ORDINANCES – THIRD AND FINAL READING

- 20. **JOINT ORDINANCE** amending Chapter 34 of the 2012 Joint Building Code for Memphis and Shelby County previously adopted by the Shelby County Board of Commissioners and the Memphis City Council, by modifying applicability requirements for the retrofitting of existing commercial buildings undergoing alterations or changes in occupancy which would mandate compliance with Chapter 34 requirements related to seismic protection and setting a new effective date for all of the structural provision of that code, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5533

ACTION REQUESTED: Take whatever action Council deems advisable

- 21. **JOINT ORDINANCE** amending the 2012 Joint Existing Building Code for Memphis and Shelby County by modifying requirements for retrofitting of certain existing commercial buildings undergoing alterations or changes in occupancy which would mandate compliance with seismic protection requirements and setting a new effective date for all of the structural provision of that code, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5534

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

- 22. RESOLUTION transferring the City of Memphis’ half interest ownership in the jointly owned tax parcels known as 1000 Haynes Road, Parcel ID# 059005 00068, portion of Cawthorn Health Loop Clinic and 1064 Breedlove Street, Parcel ID# 021047 00055, portion of Guthrie Health Loop Clinic, to Shelby County Government. (Held from 5/21; 6/18; 7/16; 8/20)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

23. RESOLUTION approving actuarial funding to the Retirement and Pension System in the amount of \$30,705,469.00 for the 2013 Plan Year.

Fullilove

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES

24. RESOLUTION transferring and appropriating \$60,000.00 in Contract Construction from CIP Project Number PK07092, City Park Rehab and Maintenance to CIP Project Number PK01026, Gaston Community Center Repairs, funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

25. RESOLUTION accepting grant funds in the amount of \$197,000.00 from the Tennessee Office of Criminal Justice Programs.

Conrad

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION accepting grant funds in the amount of \$398,667.00 from Shelby County Government through the U. S. Department of Justice for the FY 2013 Local Edward Byrne Justice Assistance Program.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

27. RESOLUTION amending the FY 2014 CIP Budget by transferring a construction allocation of \$3,000,000.00 funded by G.O. Bonds-General (Storm Water) from Drainage-ST, Project Number ST03006 to Drain Maintenance-Heavy Equipment Facility Expansion, Project Number ST04047, \$300,000.00 to A&E, \$2,500,000.00 to Construction, \$150,000.00 to Furniture, Fixture & Equipment and \$50,000.00 to Information Technology to create additional work/office space as well as adding equipment maintenance space to support the increased staffing levels and operations at Drain Maintenance-Heavy Equipment Facility.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION amending the FY 2014 CIP Budget by increasing Capital Outlay in the amount of \$674,302.00 funded by Solid Waste Management Fund Balance for the purchase of 15,707 96-gallon roll carts.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION amending the FY 2014 CIP Budget by reducing Sewer Revenue Bonds in Rehab Existing Sewers, Project Number SW02001 and establishing an allocation funded by Capital Pay Go-Sewer in W05 120/130 42" CIPP Rehab, Project Number SW02114 in the amount of \$1,758,732.00 for installation of cured in place pipe (CIPP) liner in a section of the Wolf River Interceptor at I-240, north of Walnut Grove.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 6 – Approved
- 7A. Public Hearing Set for October 15, 2013
- 7B. Public Hearing Set for October 1, 2013
8. Through 21 – Approved
22. Held until October 15, 2013
23. Through 29 – Approved

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 3, 2013 MEETING

Approved