



CITY OF MEMPHIS

COUNCIL AGENDA

February 4, 2014

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 (January 21, 2014)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change for Mr. David Porter.
Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a special use permit located at 1226 S. Prescott (366' +/-south of Rhodes Avenue), containing 0.99 acre in Residential-6 (R-6) District.
Collins Case No. SUP 13-220

Applicant: Tower Ventures, LLC
Michael Fahy – Representative

Request: Proposal to construct a one hundred fifty foot (150') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

51 NOTICES WERE MAILED ON JANUARY 24, 2013

DIVISION OF PLANNING AND DEVELOPMENT

3. RESOLUTION approving the Anti-Blight Grant Program for “Tax Dead” properties.
Halbert

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING

4. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on August 9, 2010, as amended to revise and enhance the Joint Zoning and Subdivision Regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board, up for T H I R D and F I N A L reading.

Collins

Case No. ZTA 13-004
Ordinance No. 5544

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: Take whatever action Council deems advisable

NOTICES WERE NOT REQUIRED



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CONSENT AGENDA

GENERAL ORDINANCE- FIRST READING

5. **ORDINANCE** approving installation of individual Water Meters on all new constructed Apartment Complexes, up for F I R S T reading.

Lowery

Ordinance No. 5545

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

6. **RESOLUTION** approving final plat of VILLAGE ON THE PIKE C-P, PH. 6
Case No. Z 90-148

Resolution approves the final plat located west of Covington Pike, south of Stage Rd. Cost of the required improvements to be borne by the Developer.

ACTION REQUESTED: Adopt the resolution

7. **RESOLUTION** accepting the standard improvement contract for WINDSOR VIEW SUBDIVISION, and authorizing release of bond.

Case No. S 10-012

Contract No. (CR-5172AM)

Resolution accepts the improvements and the dedication of public streets and easements as shown on the final plat, located on the northside of Windsor St., southside of Holmes Rd., west of Tulane Rd. The standard improvement contract was approved on August 2, 2011. Resolution also authorizes the release of the performance bond (No.013124333) and the letter of credit (No.5000000224-700) totaling \$2,240,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of GUTHRIE AVE. SIXTH ST. MINOR SUBDIVISION.

Case No. S 13-009

Resolution approves the final plat located at the corner of Guthrie Ave. and Sixth St. Cost of the required improvements to be borne by the Developer.

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of TM HENDERSON AVE. SEVENTH ST. MINOR SUBDIVISION.

Case No. S 13-008

Resolution approves the final plat located on the corner of Seventh St. and TM Henderson Ave. Cost of the required improvements to be borne by the Developer.

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting the standard improvement contract for CLEABORN HOPE VI SUBDIVISION, SECTION 2, and authorizing release of bond.

Case No. S 11-005
(Contract No. CR-5188)

Resolution accepts the improvements and the dedication of public streets and easements as shown on the final plat, located on the east side of Lauderdale St., south of Vance Ave. The standard improvement contract was approved on August 21, 2012, CR-5188. Resolution also authorizes the release of the performance bond (No.010644943) in the amount of \$2,724,026.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

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. SUP 13-220

Located at 3485 Rhodes Avenue (196' +/-east of Minor Street), containing 5.89 acres in the Residential-6 (R-6) District

Applicant: Tower Ventures, LLC
Michael J. Fahy – Representative

Request: Proposal to construct a one hundred fifty foot (150') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SUP 13-229

Located at 750 N. Cherry (+/-1,117' west of Perkins Road), Memphis Botanic Garden, containing 80+ acres in the Residential-6(R-6) District

Applicant: TV6 Signal Source Towers, LLC dba Tower Ventures
Michael Fahy – Representative

Request: Proposal to construct a one hundred sixty foot (160') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 18, 2014

GENERAL ITEM

12. RESOLUTION approving an honorary street name change for Mrs. Elizabeth Dowdy Brown.

Brown

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

13. RESOLUTION approving Change No. 1 to Contract No. 11600, Gas Leak Survey, with Heath Consultants, Incorporated, in the funded amount of \$807,570.20. (This change is to renew the current contract for the first of four annual renewal terms covering March 1, 2014 to February 28, 2015 with no increase from the previous year.)
14. RESOLUTION awarding a contract to Nicor, Inc. for #7 composite meter box lids, in the funded amount of \$226,300.00.
15. RESOLUTION approving Change No. 3 to Contract No. 11569, Foundation Installation Kruger Tissue Group (KTG) Transmission Line, with Reliable Constructors, Incorporated, in the funded amount of \$6,050.66. (This change is to ratify a field change order, which was required due to the removal of an unforeseeable subsurface obstacle, a sewer pipe, and MLGW's inability to leave the site unsecured.)
16. RESOLUTION awarding contract to HD Electric c/o Utility Specialists, Inc. for capacitor controls, in the funded amount of \$57,480.00.



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REGULAR AGENDA

17.
Flinn

APPOINTMENTS

MEMPHIS AND SHELBY COUNTY FILM AND TELEVISION COMMISSION

Reappointment

James Tashie

MEMPHIS AND SHELBY COUNTY NEW ARENA PUBLIC BUILDING AUTHORITY

Reappointments

David Levine

Johnnie Turner

GENERAL ORDINANCE – THIRD AND FINAL READING

18. **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; 3/19; 5/7; 7/16; 9/3; 12/3;1/7)

Hedgepeth

Ordinance No. 5456

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 (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

19. RESOLUTION approving an agreement to recoup the cost of providing improvements, facilities and service to GMF-Preservation of Affordability Corp, a Tennessee Nonprofit Corp, for the Madison Apartments, as required by applicable Tax Exemption Statute, Tenn. Code Ann. §67-5-207, ET SEQ., at an amount of Five Dollars (\$5) per unit per month.

Brown

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION approving an agreement to recoup the cost of providing improvements, facilities and service of GMF-Preservation of Affordability Corp, a Tennessee Nonprofit Corp, for the Tulane Apartments (4717 Tulane), as required by applicable Tax Exemption Statute, Tenn. Code Ann. §67-5-207, ET SEQ., at an amount of Five Dollars (\$5) per unit per month.

Brown

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION approving an agreement to recoup the cost of providing improvements, facilities and service of GMF-Preservation of Affordability Corp, a Tennessee Nonprofit Corp. for the Tulane Apartments (4787 Tulane), as required by applicable Tax Exemption Statute, Tenn. Code Ann. §67-5-207, ET SEQ., at an amount of Five Dollars (\$5) per unit per month.

Brown

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION approving an agreement to recoup the cost of providing improvements, facilities and service of GMF-Preservation of Affordability Corp, a Tennessee Nonprofit Corp. for the Warren Apartments, as required by the applicable Tax Exemption Statute, Tenn. Code Ann. §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

23. RESOLUTION setting forth a process for an audit of Ordinary Line of Duty Disability Recipients to ensure those recipients continue to qualify for the approved disability payment.

Flinn

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

24. RESOLUTION waiving the fee for South Cordova residents from the Schedule of Fees for Street Lighting Service for the City of Memphis until such time that street lights have been installed in the area.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

25. RESOLUTION amending the FY 2014 Capital Improvement Budget by transferring an allocation and appropriating \$276,561.00 funded by Capital Pay Go-Sewer in Rehab Existing Sewers, project number SW02001 to Hanna Drive and North Watkins Lift Station Rehab, project number SW02115 for the replacement of (2) sanitary sewer lift stations and other appurtenances located at 5066 North Watkins Street and 4290 Genyth Avenue.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION amending the FY 2014 Capital Improvement Budget by transferring an allocation and appropriating \$275,000.00 funded by Capital Pay Go-Sewer in Rehab Existing Sewers, project number SW02001 to Concrete Replacement 2014, project number SW02123 to repair concrete surfaces after repair of sanitary sewer pipes.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION amending the FY 2014 Capital Improvement Budget by transferring an allocation of \$700,000.00 from Street Lighting, project number PW01093 to Poplar/Sweetbriar, project number PW01181 (\$440,000.00 for construction), Walker Avenue Streetscape, project number PW04094 (\$170,000.00 total-\$25,000 for Architecture and Engineering and \$145,000 Construction) and Medical Center Streetscape, project number EN01026 (\$90,000.00) for Architecture and Engineering commitments made on existing grant agreements.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

28. RESOLUTION supporting Historic Rehabilitation Tax Credit Legislation.
Flinn

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION supporting legislation to require Election Commission to send active voters a notice and a new voter registration card when State House and Senate districts change.
Flinn

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION receiving funds from the Community Redevelopment Agency in the amount of \$1,920,120.00 and from the Center City Revenue Finance Corporation in the amount of \$1,125,336.00, to fund Construction and Architectural & Engineering costs for the Main Street to Main Street Multimodal Connector Project.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION requesting Council approval prior to continuation of project and taking of bids at an estimated construction cost of \$844,000.00 for improvements to Denver Park, CIP Project Number PK07115. This project is part of the FY14 Capital Improvement Budget funded by G.O. Bonds General.
Boyd

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Dropped
3. Approved
4. Held to February 18, 2014
5. Through 10 – Approved
11. Public Hearing set for February 18, 2014
12. Approved
13. Back to Committee on February 18, 2014
14. Through 17 – Approved
18. Held to March 4, 2014
19. Through 22 – Approved
23. Approved, as amended

ADD-ONS

- 24. Held until March 4, 2014
- 25. and 26 – Approved
- 27. Approved, as amended. Item was split into 2 parts
- 28. Through 31 – Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 21, 2014

Approved

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 4, 2014 FOR ITEMS
28, 29, 30 AND 31 ONLY:**

Approved