



CITY OF MEMPHIS

COUNCIL AGENDA

February 18, 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 (February 4, 2014)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Collage dance Collective for its efforts to provide conservatory ballet training for inner-city youth.

Halbert

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a special use permit located at 3485 Rhodes Avenue (196' +/- east of Minor Street), containing 5.89 acres in the Residential-6 (R-6) District.

Collins

Case No. SUP 13-220

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

ACTION REQUESTED: Take whatever action Council deems advisable

99 NOTICES MAILED ON FEBRUARY 7, 2014

3. RESOLUTION approving a special use permit located at 750 N. Cherry (+/-1,117' west of Perkins Road), Memphis Botanic Garden, containing 80+ acres in the Residential-6(R-6) District.

Collins

Case No. SUP 13-229

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: Take whatever action Council deems advisable

86 NOTICES WERE MAILED ON FEBRUARY 7, 2014

DIVISION OF PLANNING AND DEVELOPMENT

4. RESOLUTION approving a special use permit located on the west side of Tchulahoma Road, +/-158.81 feet north of E. Shelby Drive, containing 3,600 sq. ft., 0.87 acre in the Commercial Mixed Use (CMU-1) District.

Collins

Case No. SUP 13-228

Applicant: BHO Investments, LLC
BHO Investments, LLC – Representative

Request: Special use permit to allow a CMCS tower a maximum of one hundred thirty (130) feet in height to accommodate a maximum of four (4) flush-mount antennae, including one (1) microwave dish antennae six (6) feet in diameter

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 street/alley closure generally located between Germantown Road on the west and Hacks Cross Road on the east; two sections. The east-west section begins some 2,400’ west of Hacks Cross Road and extends westward from that point a distance of 455’. The north-south section is located some 2,949’ east of Germantown Road and extends northward from that point a distance of 700’, containing 1.049 acres in Area G of the Callis Cut-Off P.D. and Area D of the Tournament Center Planned Development.

Collins

Case No. SAC 13-614

Applicant: Fieldstone Apartments III, LLC (Michael Lightman)
Parker, Estes, and Associates - Representative

Request: Close & Vacate Street Right-Of-Way

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

- 6. **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. (Held from 2/4)

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 (None)

GENERAL ORDINANCE - SECOND READING

7. **ORDINANCE** approving installation of individual Water Meters on all new constructed Apartment Complexes, up for S E C O N D reading.

Lowery

Ordinance No. 5545

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

8. **ORDINANCE** to delete a portion of Quince Road Residential Corridor, located on the north side of Quince Road @ Ridgeway Road, containing 3.58 acres in the Commercial Mixed Use (CMU-2) District, up for F I R S T reading.

Collins

Case No. RC 13-402

Ordinance No. 5546

Applicant(s): Balmoral Shopping Center, LLC

Request: Delete a portion of Quince Road Residential Corridor

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

9. **RESOLUTION** approving final plat of NEW BLOSSON APARTMENTS

Case No. SCBID 13-07

Contract No. CR-5208

Resolution approves the final plat located on the west side of South Third Street, 125 feet south of Vance Avenue. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of WOODLAND HILLS II P.D., PH. 8.
Case No. PD 08-324

Resolution approves the final plat located on the east side of Woodland Lake Dr., North of Walnut Grove Rd. Cost of the required improvements to be borne by the Developer.

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)



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MLGW FISCAL CONSENT

11. 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.) (Held from 2/4).
12. RESOLUTION approving Change No. 1 to Contract No. 11512, Automated Fuel Management System, with EJ Ward, Incorporated, in the funded amount of \$131,445.00. (This change is to upgrade from W3 canceivers to W4 canceivers for the Automated Fuel Management System.)
13. RESOLUTION approving Change No. 10 to Contract No. 9955, Partial Funding of Pollution Control, Ground Water Quality Control Program, with Memphis & Shelby County Health Department, in the funded amount of \$139,632.90. (This change is to renew the current contract for 2013 with no increase in cost or meters from the previous year.)
14. RESOLUTION approving the selection of the professionals in connection to the proposed issuance of Series 2014 Electric System Revenue Bonds and the issuance of Series 2014 Water System Revenue Bonds.
15. RESOLUTION awarding Contract No. 11697, Physical Ability Testing to SHL Talent Measurement Solutions, in the funded amount of \$54,000.00.
16. RESOLUTION approving Change No. 15 to Contract No. 10705, Oracle Software License and Service Agreement, with Oracle, in the funded amount of \$1,824,856.23. (This change is to renew annual software maintenance, support services, and license fees for multiple service contracts covering the period of April 29, 2014 to April 28, 2015 which reflects a 3.01% increase from the previous year due to general business operating costs in the funded amount of \$876,599.25. In addition, this change reflects three additional service contracts required for Project Inspire in the funded amount of \$948,256.98. Two of the three contracts are for the period covering April 29, 2014 to April 28, 2015. The third contract is for the period covering May 31, 2014 to April 28, 2015. MLGW is requesting approval of continuous maintenance of the acquired system, which can only per performed by Oracle.)

17. RESOLUTION approving Change No. 1 to Contract No. 11551, Video Production for Memphis Energized, with Media Source, Incorporated, in the funded amount of \$45,000.00. (This change is to renew the current contract for the first of four annual renewal terms covering the period March 1, 2014 to February 28, 2015 with no increase from the previous year.)

18. RESOLUTION approving Change No. 2 to Contract No. 11574, Commercial Auto Insurance for Out-Of-State Travel, with Pete Mitchell and Associates, Incorporated, in the funded amount of \$105,377.00. (This change renews the contract for the first of four renewal terms covering the period March 14, 2014 through March 13, 2015. This change reflects a 2% increase in rates from the previous year due to higher premiums for heavier units being added to coverage.)



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REGULAR AGENDA

19.
Flinn

APPOINTMENTS

CIVIL SERVICE COMMISSION

Appointment

Katherine L. Frazier

MEMPHIS BOARD OF ETHICS

Reappointments

Peter J. Scatamacchia
The Honorable Robert A. Lanier
Robert T. Dawkins

MEMPHIS AND SHELBY COUNTY FILM AND TELEVISION COMMISSION

Reappointment

Herbert S. O'Mell

MEMPHIS AND SHELBY COUNTY NEW ARENA PUBLIC BUILDING AUTHORITY

Appointment

Mark Cantora

GENERAL ORDINANCE – THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

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EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

20. RESOLUTION accepting \$10,000.00 and appropriating \$10,000.00 in federal reimbursement from FEMA, for the alert status of Tennessee Task Force 1, TN-TF1 to Lyons, Colorado flooding.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

21. RESOLUTION approving Disability Pension Eligibility Audits, to determine whether persons receiving Line of Duty and Ordinary Disability Pension Benefits, continue to qualify for such benefits.

Flinn

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

22. RESOLUTION to accept Environmental Literacy & Job Readiness Curriculum from Roots of Success for the Memphis and Shelby County Office of Re-entry.

Boyd

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION accepting and appropriating \$30,000.00 in Local Other CIP funds from the Center City Development Corporation for Highway 61 Blues Trail project – PK07112.

Boyd

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting and appropriating \$2,000.00 in grant funds from the Nutro Company for enhancements to the City of Memphis Dog Park at 2617 Avery Avenue. Resolution also amends FY2014 Operating Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

25. RESOLUTION amending the FY 2014 CIP Budget to allocate and transfer \$300,000.00 to the Division of Public Works for the purchase of up to six (6) community trash compactors pads in various locations in Downtown Memphis. (Held from 11/19; 1/21)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION requesting the approval of the sale of City owned surplus property as shown in the Plat Book 10, Page 40 as Lot #183, and located at 0 Ball Road in Memphis, Shelby County, Tennessee and further described as Parcel 060010 00086.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION amending the FY14 Capital Improvement Budget by transferring an allocation of \$183,000.00 in G.O. Bonds – from Traffic Signals, Project Number EN01004, to Traffic Signal Improvements to the intersection of Union Ave. and Bellevue Blvd., Project Number EN01044, for the purpose of modernizing the traffic signal at this intersection; and appropriating \$183,000.00 funded by G.O. Bond to – Traffic Signal Improvements to the intersection of Pleasant View Rd. and Covington Pike, Project Number EN01042, for a Construction Contract with Shelby Electric.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION requesting the approval of the acquisition of real property jointly owned by the City of Memphis and Shelby County for the necessary expansion of the T E Maxson Sewer Treatment Plant. The subject property is vacant land that is located on Pidgeon Industrial Park; more particularly described as a portion of Parcel# 050101 00065 spanning approximately 65 acres. The Parcel will be purchased for \$215,000.00 and all of the funds will go to EDGE.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

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29. RESOLUTION modifying General Services Division's Capital Improvement Budget that include the Public Works Capital Acquisition, project number GS00214D.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

30. RESOLUTION transferring an allocation of \$322,436.00 from PW01238 FY13 Street Lighting to PW01258 ROW Utility Usage Study to fund a transportation and ROW Usage Study.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION approving the employment and retention of Segal Consulting of Atlanta, Georgia to act as a consulting actuary of the Council, to assist it in formulating its final decision of the liability of the Pension Plan.

Strickland

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving the members of the Memphis Cook Convention Center Study Group.

Strickland

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. and 2 - Approved
- 3 Approved, as amended
- 4. Approved
- 5. Held until March 4, 2014
- 6. Through 24 – Approved
- 25. Held until March 4, 2014
- 26. Through 32 – Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 4, 2014

Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 18, 2014 FOR ITEMS 27, 30 AND 31 ONLY:

Approved