



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 7, 2015

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

*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 17, 2015)

### 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 Pastor George W. Ford Matthews.

ACTION REQUESTED: Adopt the resolution

#### PUBLIC HEARINGS

2. RESOLUTION approving a planned development located at 4069 and 4070 Lamar Avenue, containing 6.13 acres in the CMU-3 District. This resolution is sponsored by the Office of Planning and Development. (Held from 3/17)

Collins  
Chairman,  
Planning & Zoning  
Committee

Case No. PD 15-301

Applicant: Speedway, LLC  
Jonathan Woche, AICP – Representative

Request: Allow a convenience store with automobiles and tractor fueling sales within the CMU-3 Zoning District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**29 NOTICES WERE MAILED ON MARCH 6, 2015**

**DIVISION OF PLANNING AND DEVELOPMENT**

3. RESOLUTION enacting ordinance for creation of the Graceland Tourism Development Zone Tourism Surcharge and otherwise providing with respect to the foregoing. This resolution is sponsored by the Executive Division.  
Halbert  
Chairman,  
Economic  
Development &  
Tourism Committee      ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a hotel/motel waiver for Crown Plaza located at 2625 Thousand Oaks Boulevard, Memphis, TN 38118. This resolution is sponsored by the Office of Planning and Development.  
Collins  
Chairman,  
Planning &  
Zoning Committee      Case No. HMW 15-04

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a hotel/motel waiver for Sleep Inn located at 2855 Old Austin Peay Highway, Memphis, TN 38128. This resolution is sponsored by the Office of Planning and Development.  
Collins  
Chairman,  
Planning & Zoning  
Committee      Case No. HMW 15-05

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a special use permit located at 179 Madison Avenue, on the Southeast corner of Madison Avenue and Third Street, containing 2.1 acres in the SE (Sports and Entertainment) District. This resolution is sponsored by the Office of Planning and Development.  
Collins  
Chairman,  
Planning &  
Zoning Committee      Case No. SUP 15-203

Applicant: Suna Winchester, LLC  
SR Consulting, LLC – Cindy Reaves – Representative

Request: Hotel (ASPR)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

7. RESOLUTION approving a special use permit located at 382 Klinke Avenue, +/-2,300 feet west of Mario Road, containing 23.5 acres in the Heavy Industrial (I-H) District. This resolution is sponsored by the Office of Planning and Development.  
Collins Chairman, Planning & Zoning Committee Case No. SUP 15-204

Applicant: Fullen Dock & Warehouse, Inc. – Marvin Frick  
Homer Branan – Representative

Request: Recycling Facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

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



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING (None)

### GENERAL ORDINANCES - SECOND READING

8. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapters 9-12-35 and 9-12-36(A)(1), requesting approval to increase the Air Pollution Emission Fee from \$43.00 to \$48.00 per ton of annual emissions and to increase the annual permit fee from \$1000.00 to \$2000.00 for Title V Sources, up for S E C O N D reading. Ordinance No. 5581 is sponsored by Public Works.
- Hedgepeth  
Chairman,  
Public Works &  
Transportation  
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Title 9, Chapter 9-12, Article 1, Section 9-12-4, Titled "Open Burning" to meet the requirement recently adopted by the Tennessee Air Pollution Control Board and placed in the Certificate of Exemption (COE) issued to Shelby County and all of its municipalities on May 14, 2014, under the provisions of the Tennessee Air Quality Act, T.C.A. § 68-201-115 (e) ET SEQ., to authorize an expedited process to grant waivers from Open Burning Regulations, up for S E C O N D reading. Ordinance No. 5582 is sponsored by Public Works.
- Hedgepeth  
Chairman,  
Public Works &  
Transportation  
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

### ENGINEERING

10. **RESOLUTION** accepting BRUNSWICK 64 COMMERCIAL SUBDIVISION SEWER IMPROVEMENT and authorizing release of bond.  
(Contract No. CR-5212)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of U.S. Highway 64, east of Brunswick Road. The standard improvement contract was approved on May 20, 2014. Resolution also authorizes the release of the cash bond in the amount of \$29,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD** (None)

**GENERAL ITEM**

11. RESOLUTION approving an honorary street name change for Barbara Doush.  
Strickland

ACTION REQUESTED: Adopt the resolution



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## MLGW FISCAL CONSENT

12. RESOLUTION awarding a contract to H & E Equipment Services, Inc., in the amount of \$49,500.00 and Vermeer Midsouth, Inc., in the amount of \$48,800.00, for the purchase of sequential traffic signals and mini-skid steer.
13. RESOLUTION awarding a contract to AutoNation Ford Memphis, for the purchase of sedans and light duty vehicles, in the amount of \$1,241,479.00.
14. RESOLUTION requesting approval of Change No. 11 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 approve joint funding provided by MLGW and the incorporated towns of Arlington, Bartlett, Collierville, Germantown and Millington. The annual fee assessed is based on an adjusted number of meter connections and the current per meter charge. The term of the request covered the MLGW fiscal year, January 1, 2014 to December 31, 2014.)
15. RESOLUTION awarding a contract to Wagner-Smith Equipment Company, for the purchase of a diesel powered wire puller tensioner, in the amount of \$228,500.00.
16. RESOLUTION approving the purchase of a Mobile Energy Efficiency Educational Unit (Vehicle), for a fee not to exceed \$250,000. (The vehicle will educate MLGW customers on how to use energy more wisely to reduce their energy consumption and thus lower their utility bill. This objective will be accomplished through the use of hands-on, interactive displays that promote existing and future Customer Care programs through the use of Education, Technology, and Customer Engagement. The vehicle will also serve as both a mobile educational classroom to demonstrate energy conservation strategies, and also serve as a mobile Community Office, allowing customers to pay their utility bills, request payment arrangements or request/terminate services.)
17. RESOLUTION approving payment of an invoice from Shelby County Government for MLGW's contribution, to the Pictometry renewal contract, for the Shelby County photography project, in the amount of \$29,327.77. This amount is the first of two annual payments to be made for a total of \$58,655.54.

18. RESOLUTION approving Change No. 9 to Contract No. 10793, Professional Portfolio Software, with Advent Software, Incorporated, in the funded amount of \$31,045.28. (This change is to renew the current contract for an additional term covering the period May 11, 2015 through May 10, 2016. This renewal reflects a 2.96% increase from the previous year due to the increased cost for support, research, and development as well as receiving a new version of AXYS. MLGW is requesting approval of continuous maintenance support of the acquired system, which can only be performed by Advent Software, Incorporated.)
  
19. RESOLUTION awarding a contract to Universal Scaffold and Equipment, LLC, for dead end arm assemblies, in the amount of \$54,950.00.
  
20. RESOLUTION requesting approval of Change No. 16 to Contract No. 10705, Oracle Software License and Service, with Oracle America Corporation, in the funded amount of \$1,938,895.77. (This change is to renew annual software maintenance, support services and licenses for the following Service Contract Numbers: 1477055, 1977545, 2305258, 3109761, 3877168, 4874182, 5420732, 5779919 and 5929560 covering the period April 29, 2015 through April 28, 2016. In addition, the change reflects alignment of the current term for Service Contract Numbers 5420732, 5779919 and 5929560 from an 11 month term to a 12 month term with the other Service Contract Numbers. This renewal reflects a 3% increase in the monthly rate from the previous year due to Inflation Adjustment Rates for these services. MLGW is requesting approval of continuous maintenance of the acquired system, which can only be performed by Oracle America Corporation.)



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## REGULAR AGENDA

21.

Flinn

Chairman,  
Personnel,

Intergovern-  
Annexation  
Committee

### APPOINTMENTS

#### MEMPHIS AND SHELBY COUNTY AIRPORT AUTHORITY

##### Appointment

Keri Wright

#### MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY

##### Appointment

Forrest B. Artz

#### GENERAL ORDINANCES – THIRD AND FINAL READING

(None)

#### ENGINEERING DIVISION

(None)

#### EXECUTIVE DIVISION

(None)

#### FINANCE & ADMINISTRATION

(None)

#### DIVISION OF FIRE SERVICES

(None)

#### DIVISION OF GENERAL SERVICES

22.

Hedgepeth  
Chairman,

Public Works &  
Transportation  
Committee

RESOLUTION requesting the approval of the lease of City controlled property acquired by dedication as a public boat landing in the original plan of the City of Memphis. The property is located north of A.W. Willis Street in the County of Shelby, further described as a portion of Parcel Number 001004 00006. The lease is between the City of Memphis and the United States Coast Guard (“Coast Guard”).

The Coast Guard is desirous of leasing the property for 1.00 annually. The property shall be operated and maintained by the Coast Guard Sector Lower Mississippi River for the benefit and use of the general public. The Agreement shall remain in effect through September 20, 2033.

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES**

23. RESOLUTION to approve an increase of the City Attorney’s Office Authorized  
Flinn Complement to take effect upon the approval of the minutes. This resolution is  
Chairman, sponsored by the Law Division.  
Personnel &  
Intergovernmental  
Committee

ACTION REQUESTED: Adopt the resolution

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

24. RESOLUTION transferring an allocation of \$82,965.00 from Contract Construction  
Hedgepeth funds to Architecture and Engineering in Walker Avenue Streetscape, Project  
Chairman, Number PW04094. This resolution is sponsored by Public Works.  
Public Works &  
Transportation Committee

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION transferring and appropriating construction funds in the amount of  
Hedgepeth \$5,330,270.00 to repair and rehab existing damaged sanitary sewer pipe at various  
Chairman, locations. This resolution is sponsored by Public Works.  
Public Works &  
Transportation Committee

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION amending the existing contract to appropriate contingency in the amount of \$178,000.00 for construction project to widen Poplar Avenue Bridge and add an on ramp lane to Poplar at the Poplar/Sweetbriar Interchange. This resolution is sponsored by Public Works.

Hedgepeth  
Chairman,  
Public Works &  
Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**