



CITY OF MEMPHIS

COUNCIL AGENDA

May 5, 2015

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 (April 21, 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 Dr. Charles Champion.
B. Boyd

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change for Dr. Charles L. Dinkins.
Ford

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

3. RESOLUTION approving a hotel/motel waiver for Rodeway Inn located at 5119 American Way, Memphis, TN 38115. This resolution is sponsored by the Office of Planning and Development. (Held from 4/21)
Collins Chairman, Planning & Zoning Committee
Case No. HMW 15-06

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a street/alley closure located at the intersection of Cromwell Road and Edison Road to intersection point of contact, containing 2.32 acres in the EMP District. This resolution is sponsored by the Office of Planning and Development.
Collins Chairman, Planning & Zoning Committee
Case No. SAC 15-603

Applicant: JM Smucker, LLC
Brenda Solomito – Representative

Request: Close and vacate public 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 ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

5. **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, 2015 through June 30, 2016, up for F I R S T reading. Ordinance No. 5587 is sponsored by Administration.
- Strickland
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2016, up for F I R S T reading. Ordinance No. 5588 is sponsored by Administration.
- Strickland
Chairman,
Budget Committee

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

7. **JOINT ORDINANCE** to amend the provisions of the 2012 Joint Mechanical Code of Memphis and Shelby County related to the operation and safety monitoring of certain Power Boilers to make these requirements more closely align with State of Tennessee requirements for the operation of such equipment, up for S E C O N D reading. Ordinance No. 5584 is sponsored by the Office of Planning and Development.
- Collins
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to amend Article II, Chapter 4-14, City of Memphis Code of Ordinances, and Article III, Chapter 39 to allow the Consumption of Alcoholic Beverages by an individual(s) who is a passenger in certain non-motorized Vehicles for Hire, up for S E C O N D reading. Ordinance No. 5585 is sponsored by Councilman Reid Hedgepeth.
- Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** to amend Chapter 28, Article VII, City of Memphis Code of Ordinances, establishing the Civilian Law Enforcement Review Board, up for **S E C O N D** reading. Ordinance No. 5586 is sponsored by Councilman Shea Flinn.

Flinn
Chairman,
Joint Personnel/
Public Safety
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

10. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 15-205

Located at 3683 Austin Peay Highway on the west side of Austin Peay Highway; +/-900 feet north of Lakehurst Drive, containing 5.95 acres in the Residential Single Family-10 (R-10) District

Applicant: Raleigh Assembly of God
Don Hardy - Representative

Request: Seminary with dormitories for ministerial students

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 19, 2015

GENERAL ITEM (None)



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MLGW FISCAL CONSENT

11. RESOLUTION approving payment of an invoice to Service Electric Company for Contract No. 11613, Emergency Storm Restoration Agreement, based on agreed upon rates, in the funded amount of \$8,683.48.
12. RESOLUTION awarding a contract to Summit Truck Group, for the purchase of aerial towers and crew cab and chassis, in the amount of \$1,089,452.00.
13. Resolution awarding contracts to Abby Equipment, in the amount of \$264,804.00, H & E Equipment in the amount of \$228,856.00, Thompson Machinery in the amount of \$84,776.98, Vermeer Mid-South, Inc. in the amount of \$508,700.00, and Stribling Equipment, LLC in the amount of \$123,510.00, for the purchase of light duty transportation equipment.
14. RESOLUTION awarding a contract to AutoNation Ford Memphis, for the purchase of full size passenger and cargo vans, in the amount of \$117,451.00.
15. RESOLUTION approving Change No. 1 to Contract No. C1905, Electric Meter Socket Replacement, with F & F Enterprise, in the funded amount of \$50,000.00. (This change is to increase the current contract value. This change is needed to meet the average monthly expenditures for the replacement of customer's faulty electric meter sockets.)
16. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for the purchase of twenty-four inch steel pipe, in the amount of \$372,240.00.
17. RESOLUTION approving Change No. 1 to Contract No. 11729, Professional Engineering Services, with Mid-South Engineering Consultants, LLC, in the funded amount of \$354,460.00. (This change is to add the cost of the design services for the Tennessee Valley Authority Combined Cycle Project under Work Authorization Order GE-2015-1. The cost of this project was not included in the initial contract award.)

18. RESOLUTION approving payment of an invoice from the American Public Power Association, for the 2015 Annual Membership dues, in the amount of \$117,473.60.
19. RESOLUTION requesting approval of the selection of Numeric Investors LLC, a large cap core manager, to manage approximately \$30,000,000 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
20. RESOLUTION requesting approval of selection of Fiera, a large cap core manager, to manage approximately \$30,000,000.00 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
21. RESOLUTION approving Change No. 1 to Contract No. 11669, Property and Boiler Insurance, with Factory Mutual Insurance Company (FM Global), in the funded amount of \$1,057,639.00. (This change is to renew the current contract for the first of four renewal terms covering the period June 1, 2015 through May 31, 2016. This renewal reflects a 2.04% net premium increase from the previous year. MLGW received a 15.63% membership credit resulting from less claim loss experience globally from natural disasters. FM Global is a mutual insurance company, which is owned entirely by its policyholders. Any profits earned by a mutual insurance company are rebated to policyholders in the form of dividend distributions or reduced future premiums or membership credit.)
22. RESOLUTION awarding a contract to Automic Software, Inc., for Automic annual software maintenance renewal, in the amount of \$45,865.00.
23. RESOLUTION approving Change No. 4 to Contract No. 11451, Courier Services, with Express Courier International, Incorporated in the funded amount of \$156,992.94. (This change is to renew the current contract for the fourth and final renewal term covering the period September 7, 2015 through September 6, 2016 in the funded amount of \$156,992.94. This change also reflects an adjustment in the number of stops from 208 to 213 resulting in a 1.67% increase in the fuel surcharge. Pursuant to the terms of the contract, the fuel surcharge is set as 15% of the annual contract value.)



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REGULAR AGENDA

24.

Flinn
Chairman,
Personnel &
Intergovern-
mental
Committee

APPOINTMENTS

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

Appointments

Sandeep Pednekar
Alfredo Pena, III

Reappointments

David L. Acey
Reverend Ralph White

MEMPHIS AREA TRANSIT AUTHORITY

Reappointment

LeaAndre Gibson

GENERAL ORDINANCES – THIRD AND FINAL READING

25.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ORDINANCE to set forth Uniform Requirements for Transportation Network Services; to define Transportation Network Services, Applications, Companies, and Operators and to create Registration Provisions for Operators; and to provide for other related matters, up for T H I R D and F I N A L reading. Ordinance No. 5569 is sponsored by Councilman Kemp Conrad and Co-sponsored by Chairman Myron Lowery. (Held from 11/4; 11/18; 1/6; 1/20; 2/3; 2/17; 3/3; 3/17; 4/21)

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to amend Chapter 2, Code of Ordinances of the City of Memphis, so as to establish Community Advisory Councils, up for T H I R D and F I N A L reading. Ordinance No. 5557 is sponsored by Councilwoman Wanda Halbert. (Held from 8/19; 9/16; 10/21; 11/18; 12/16; 1/20; 2/3; 2/17; 3/17; 4/21).

Brown
Chairman,
Housing &
Community
Development
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

27. **ORDINANCE** amending the Taxi Ordinance, up for T H I R D and F I N A L reading. Ordinance No. 5578 is sponsored by Councilman Kemp Conrad and Chairman Myron Lowery. (Held from 1/6; 1/20; 2/3; 2/17; 3/3; 3/17; 4/21)

Hedgepeth
Chairman,
Public Works,
& Transportation
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** for creation of the Graceland Tourism Development Zone Tourism Surcharge and otherwise providing with respect to the foregoing, up for T H I R D and F I N A L reading. Ordinance No. 5583 is sponsored by the Executive Division.

Halbert
Chairman,
Economic
Development &
Tourism Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

29. RESOLUTION approving a Sidewalk Assistance Program in the amount of \$200,000.00 for concrete sidewalk repair and discontinue sidewalk ordinance enforcement moratorium. This resolution is sponsored by Engineering.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

30. RESOLUTION requesting a minimum of \$13,500,000.00 for paving and \$7,000,000.00 for community projects be included in the FY2016 Capital Improvement Budget. This resolution is sponsored by Councilwoman Halbert. Co-sponsored by Councilman Berlin Boyd, Councilman Bill Morrison and Councilman Edmund Ford, Jr. (Held from 4/21)

Strickland
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION requesting that all adopted and proposed budgets, beginning in Fiscal Year 2016 and all adopted budgets for the past five years for the City of Memphis be displayed for the public consumption on the City's website in a machine readable format. This resolution is sponsored by Councilman Flinn.

Strickland
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

32. RESOLUTION amending the FY 2015 Capital Improvement Budget by appropriating \$1,166,400.00 in G.O. Bonds General from CIP Project Number FS02001 for pavement improvements at various fire stations and Fire Prevention. This resolution is sponsored by Fire Services.
Conrad
Chairman,
Public Safety
Committee

Council did include Fire Station Repair, FY 2015 Pavement Improvements, CIP Project Number FS02001 as part of the Fiscal Year 2015 Capital Improvement Program Budget. Bids were received on March 6, 2015 for pavement improvements with the best complying bid submitted by Ferrell Paving, Inc., in the amount of \$1,080,000.00 plus contingency in the amount of \$86,400.00 for a total of \$1,166,400.00.

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

33. RESOLUTION to approve an increase of the City Attorney's Office Authorized Complement to take effect upon the approval of the minutes. This resolution is sponsored by the Law Division. (Held from 4/7; 4/21)
Flinn
Chairman,
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

34. RESOLUTION transferring and appropriating \$241,571.00 in construction funds to
Hedgepeth construct a detention basin on the athletic field at Catholic High School. Project Number
Chairman, ST03130. This resolution is sponsored by Public Works.
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

35. RESOLUTION approving a hotel/motel waiver for Holiday Inn Memphis located at 2240 Democrat Road, Memphis, TN 38132. This resolution is sponsored by the Office of Planning and Development.

Collins
Chairman,
Planning &
Zoning Committee

Case No. HMW 15-08

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION initiating a proposed amendment to Section 9.7.7H of the Unified Development Code by submitting a proposed amendment to the Memphis and Shelby County Office of Planning and Development for review and recommendation by the Land Use Control Board. This resolution is sponsored by Councilman Reid Hedgpeath and Councilman Berlin Boyd.

Collins
Chairman,
Planning &
Zoning Committee

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY 2015 Operating Budget to provide Power Center CDC with \$494,000.00 in grant funding from Public Works General Fund for the purpose of constructing public infrastructure in the Eden Square Project. This resolution is sponsored by Public Works.

Hedgpeath
Chairman,
Public Works
& Transportation
Committee

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 24 – Approved
- 25. Dropped
- 26. and 27 – Held until June 2, 2015
- 28. Approved, as amended
- 29. Approved
- 30. Held until May 19, 2015
- 31. and 32 – Approved
- 33. and 34 – Held until May 19, 2015
- 35. Through 37 – Approved

ACTION TAKEN ON THE MINUTES OF APRIL 21, 2015

Approved

ACTION TAKEN ON THE MINUTES OF MAY 5, 2015 FOR ITEMS 15, 28 AND 36 ONLY

Approved