



CITY OF MEMPHIS

COUNCIL AGENDA

July 7, 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 (June 2, 2015 & June 16, 2015)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Les Smith for his outstanding career and service to Strickland Memphis.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a street/alley closure located south of Broad Avenue between Collins Street and Maria Street and Autumn Avenue between Maria and Collins Street, containing .55 acre in the CMU-1 and R-6 District. This resolution is sponsored by the Office of Planning and Development. (Held from 6/23)

Collins
Chairman,
Planning &
Zoning Committee

Case No. SAC 15-601 &

Case No. SAC 15-602

Applicant: Greg and Carla Touliatos
SR Consulting, LLC – Cindy Reaves – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

42 NOTICES WERE MAILED ON MAY 5, 2015

DIVISION OF PLANNING AND DEVELOPMENT

3. RESOLUTION approving a hotel/motel waiver for Quality Inn and Suites located at
Collins at 1335 McRee Street, Memphis, TN 38134. This resolution is sponsored by the
Chairman, Office of Planning and Development.
Planning & Zoning Committee Case No. HMW 15-09

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a hotel/motel waiver for Courtyard Memphis East Lenox
Collins Hotel located at 3076 Kirby Parkway, Memphis, TN 38115. This resolution is sponsored
Chairman, by the Office of Planning and Development.
Planning & Zoning Committee Case No. HMW 15-10

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a planned development located at 3210 Players Club Parkway,
Collins containing 2.5 acres in an area currently governed by vacant land in Parcel 6 of the
Chairman Southwind P.D. that allows office uses. This resolution is sponsored by the Office of
Planning & Zoning Committee Planning and Development. Case No. PD 15-304

Applicant: MSA 100 Development, LLC
Gandee Heydinger Group, Chris Winkle – Representative

Request: To permit one indoor recreational use in Parcel 6 of the
Southwind P.D.

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6. RESOLUTION approving a planned development located at 912 Jackson Avenue, containing 0.94 acre in the CMU-3/MU/RU Districts. This resolution is sponsored by the Office of Planning and Development. Case No. PD 15-305
Collins
Chairman,
Planning &
Zoning Committee

Applicant: Market Place Development, LLC
Mike Dedman – Representative

Request: Allow a Planned Development for a Family Dollar retail store within the MU/RU Zoning District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving a planned development located on the southeast corner of Jackson Avenue and North Main Street, containing 1.04 acres in the MU, Mixed Use District. This resolution is sponsored by the Office of Planning and Development. Case No. PD 15-306
Collins
Chairman,
Planning &
Zoning Committee

Applicant: Pinch Partners, LLC
Brenda Solomito Basar – Representative

Request: Permit a Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

8. RESOLUTION approving a special use permit located at 5050 Summer Avenue, containing .977 acre in the Commercial Mixed Use (CMU-3) District. This resolution is sponsored by the Office of Planning and Development. Case No. SUP 15-208
Collins
Chairman,
Planning &
Zoning Committee

Applicant: Bruno and James Jaromirski
Delinor Smith, Smith Bldg. Design & Assoc., Inc. – Representative

Request: Allow a used auto sales establishment

LUCB and OPD recommendation: APPROVAL

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 ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

9.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning the intersection of Summer Avenue and Graham Street; extending east along Summer Avenue +/-292.07 feet and north along Graham Street +/-271.93 feet and applying to the east side of Graham Street only, containing 0.484 acre in the Residential Urban-3 (RU-3), General Office (O-G) and Residential Single Family-6 (R-6) Districts, up for S E C O N D reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. RC 15-401

Ordinance No. 5590

Applicant: H/Residential LLC and H/Summerview LLC
Solomito Land Planning-Brenda Solomito Basar – Representative

Request: Delete a portion of the Graham Street Residential Corridor

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATIONS FROM OPD

10. **NOTATIONS** from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 15-307 – Grahamwood Crossing P.D.

Located on the northeast corner of Summer Avenue and Graham Street, containing 1.29 acres in the Residential Urban-3 (RU-3), General Office (O-G) and Residential Single Family-6 (R-6) Districts

Applicant: H/Residential LLC and H/Summerview LLC (Harry Skefos)
Brenda Solomito Basar – Representative

Request: Planned Development to allow a Commercial Shopping Center

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 15-309 – Storage Towne P.D.

Located at 900 Reddoch Street, containing 2.66 acres in the Multi-family apartments in a Residential (RU-3) Zoning District

Applicant: Gill Properties, Inc.
Ronald Harkavy – Representative

Request: Permit an indoor storage and office facility in an RU-3 District

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

C. Case No. PD 15-310 – Misty Meadows P.D.

Located south of the intersection of Misty Meadows Lane and Hacks Cross Road, containing 17.62 acres in an area currently governed by P.D. 03-363cc

Applicant: Keras Children’s FLP
Brenda Solomito Basar – Representative

Request: Allow a Planned Development for a Subaru Auto Dealership and retail uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 21, 2015

GENERAL ITEM (None)



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FISCAL CONSENT AGENDA

11. RESOLUTION accepting funds in the amount of \$200.00 from Ms. Willie B. Ellington for the purpose of street pothole repair. This resolution is sponsored by the Public Works Division.
- Hedgepeth
Chairman,
Public Works &
Transportation
Committee
- ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

12. RESOLUTION approving payment of an invoice from Platts, for annual subscription services, funded in the amount of \$34,240.02.
13. RESOLUTION awarding a thirty-six month contract to Key Chemical Inc., for fluorosilicic acid, in the amount of \$1,044,171.00.
14. RESOLUTION awarding a contract to MidSouth CNGV, Inc., for a compressed natural gas (CNG) compressor, in the amount of \$468,875.00.
15. RESOLUTION approving Change No. 1 to Contract No. 11702, Professional Engineering Services for Transmission Engineering, with MESA Associates, Incorporated, in the funded amount of \$250,000.00. (This change is to renew the current contract for the first of four annual renewal terms for the period covering August 18, 2015 through August 17, 2016, with no increase in rates from the previous year.)
16. RESOLUTION awarding a contract to CGS, Inc., for gas service risers, in the amount of \$96,640.00.
17. RESOLUTION awarding a contract to Access Control Integration, Inc., for security video equipment, in the amount of \$76,470.00.
18. RESOLUTION approving the Assignment and Assumption Agreement between Southern Cross Pipeline Integrity Services, LLC and JW's Pipeline Integrity Services, LLC, for Contract No. 11727, External Corrosion Direct Assessment Inspection/Survey of Natural Gas Pipeline and the award of Contract 11727 to JW's Pipeline Integrity Services, LLC.
19. RESOLUTION requesting authority to pay a settlement claim in the amount of \$105,000.00.



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REGULAR AGENDA

20. APPOINTMENTS

Crone

Chairman,
Personnel &
Intergovern-
mental
Committee

MEMPHIS LANDMARKS COMMISSION

Reappointment

Robert B. Norcross

MUNICIPAL SOLID WASTE REGION PLANNING BOARD

Reappointment

Philip J. Davis

GENERAL ORDINANCES – THIRD AND FINAL READING

21. **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; 5/5; 6/2)

Hedgepeth
Chairman,
Public Works,
& Transportation
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

22. **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 **T H I R D** and **F I N A L** reading. Ordinance No. 5584 is sponsored by the Office of Planning and Development. (Held from 5/19; 6/2)

Collins
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to amend Chapter 28, Article VII, City of Memphis Code of Ordinances, establishing the Civilian Law Enforcement Review Board, up for T H I R D and F I N A L reading. Ordinance No. 5586 is sponsored by Councilwoman Halbert. (Held from 5/19; 6/2)

Strickland
Vice-Chairman,
Personnel
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

24. **RESOLUTION** amending the FY15 Operating Budget by accepting and appropriating \$606,891.26 in additional (CMAQ) grant funding for the CMAQ Traffic Signal Equipment Replacement Project, Project Number EN90005. This resolution is sponsored by the Engineering Division.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

25. **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; 5/5; 5/19; 6/2)

Strickland
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the resolution

26. **RESOLUTION** authorizing extension of and amendments to Commercial Liquidity Agreements. This resolution is sponsored by the Finance Division.

Strickland
Chairman,
Budget Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

27. **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; 5/5; 5/19)

Strickland
Vice-Chairman,
Personnel &
Intergovernmental
Committee

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

28. RESOLUTION transferring and appropriating \$155,000.00 in Furniture, Fixtures and Equipment and \$831,067.00 in Contract Construction from PK70114, Parks Cover Line to Contract Construction in PK07092, City Park Rehab and Maintenance, for a total appropriation of \$986,067.00 funded by G.O. Bonds General for repairs to various City parks. This resolution is sponsored by Parks and Neighborhoods.
W. Boyd
Chairman,
Parks &
Neighborhoods
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. RESOLUTION approving an amendment to the Exclusive Archery Rights Memorandum Agreement with TWRA dated April 23, 2001, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on October 15, 2014. This resolution is sponsored by the Port Commission. (Held from 3/17; 5/19; 6/2)
Hedgepeth
Chairman,
Public Works
& Transporta-
tion Committee

Contract No. CR-5228

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$584,320.00 funded by Capital Pay Go-Sewer chargeable to the Fiscal Year 2015 Capital Improvement Budget for the replacement of the fine bar screen conveyor system at the MC Stiles Wastewater Treatment Facility. This resolution is sponsored by the Public Works Division.
Hedgepeth
Chairman,
Public Works
& Transportation
Committee

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION approving a Lease Agreement and Temporary Easement Agreement with Barnhart Crane and Rigging Company, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on April 15, 2015. The resolution is sponsored by the Port Commission.
Hedgepeth
Chairman,
Public Works
& Transportation
Committee

Contract No. CR-5231

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION awarding a grant of \$50,000.00 to Clean Memphis, a 501 (c)(3) organization, from the FY2015 Storm water Program Operating Budget share of the cost to implement clean water initiatives in various City of Memphis drainage basins by removing waste and debris that would otherwise enter the storm water system, thus negatively impacting a valuable natural resource. Funding also is used to educate students in public schools in the City of Memphis limits of the impacts of litter and pollutants to our natural resources.

Hedgepeth
Chairman,
Public Works
& Transporta-
tion Committee

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

33. RESOLUTION imposing a 120 day Moratorium on the issuance of Building Permits for properties located in and surrounding the Pinch District. This resolution is sponsored by Councilman Berlin Boyd.

B. Boyd

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

34. RESOLUTION urging reconsideration of Insure Tennessee due to recent ruling of
Ford United States Supreme Court.
Chairman,
Audit Committee ACTION REQUESTED: Adopt the resolution

35. **ORDINANCE** to redistrict all Council Districts and to assign newly annexed areas, if
Consent any, to Council Districts so that all such districts will remain as equal as practicable
and all such districts will comply with the injunction decree issued by United States
District Judge Jerome Turner pertaining to Voting Rights Act remedies, up for FIRST
reading. Ordinance No. 5591 is sponsored by Councilman William Boyd.
ACTION REQUESTED: Adopt the ordinance on First reading

36. RESOLUTION authorizing the removal and reinterment of remains of all
Lowery deceased persons buried in the burial ground at Health Sciences Park.
Chairman,
Executive Session ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 5 – Approved
- 6. Held until July 21, 2015
- 7. Approved
- 8. Approved, as amended
- 9. Approved
- 10. Public Hearing set for July 21, 2015
- 11. Through 20 – Approved
- 21. Held for 3 months
- 22. Held for 60 days
- 23. Held until July 21, 2015
- 24. Approved
- 25. Held until July 21, 2015
- 26. Approved
- 27. Held for 60 days
- 28. Approved
- 29. Held until August 4, 2015
- 30. Through 36 – Approved

ACTION TAKEN ON THE MINUTES OF JUNE 2, 2015 AND JUNE 16, 2015

Approved, as amended

ADD-ONS

ACTION TAKEN ON THE MINUTES OF JULY 7, 2015 FOR ITEMS 18, 19,
33 AND 36 ONLY

Approved