



CITY OF MEMPHIS

COUNCIL AGENDA

August 5, 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 (July 15, 2014)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RECOGNITION of the Law Interns and Externs for their service to the City of Memphis.
Lowery

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

2. RESOLUTION approving a street/alley closure located on the southwest corner of Forrest Avenue and Watkins Street, containing 0.134 acre.
Collins Case No. SAC 14-406

Applicant: Crosstown, LLC
SR Consulting (Cindy Reaves) – Representative

Request: Street closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3. RESOLUTION approving a special use permit located at 9 North Second Street, on the northwest corner of North Second Street and Madison Avenue, containing 0.413 acre in the Central Business (CBD) District.

Collins

Case No. SUP 14-221

Applicant: Silk Road Hospitality, LLC-d/b/a ‘The Exchange, LLC’
Solomito Land Planning – Representative

Request: Special Use Permit to allow conversion to a nineteen (19) story full-service hotel building, including associated accessory uses

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

4. RESOLUTION approving a hotel/motel waiver for Residence Inn Memphis East, located at 6141 Old Poplar Pike, Memphis, TN 38119.

Collins

Case No. HMW 14-05

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

5. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 15, to Increase Certain Fees and Modify Certain Sections Relating to the Proper Disposal of Tires and the Registration of Certain Tire Businesses and Tire Haulers within the City of Memphis, up for F I R S T reading.

Hedgepeth

Ordinance No. 5558

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 21-Vehicles and Traffic, to Clarify regulations of Motor Vehicle Window Tint, up for F I R S T reading.

Conrad

Ordinance No. 5559

ACTION REQUESTED: Adopt the ordinance on First reading

7. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Title 11, Chapter 16 – Vehicles and Traffic, to Augment Regulations of Driving Rules in the Presence of Authorized Emergency Vehicles, up for F I R S T reading.

Conrad

Ordinance No. 5560

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

8. **ORDINANCE** to amend Chapter 2, Code of Ordinances of the City of Memphis, so as to establish Community Advisory Councils, up for S E C O N D reading.

Brown

Ordinance No. 5557

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

9. RESOLUTION approving final plat of CROSSTOWN P.D.

Case No. PD 13-324

Contract No. CR-5215

Resolution approves the final plat located on the northwest corner of N. Watkins Street and Autumn 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

NOTATIONS FROM OPD

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

- A. Case No. PD 04-315cc – Oaklawn Estates P.D.

Located on the east side of Roland Road at Bishop Dozier Drive, containing 62.67 acres in the Oaklawn Estates Planned Development (P.D. 04-315cc)

Appellant: Oaklawn Estates Homeowners

Request: Overturn the decision of the Memphis and Shelby County Land Use Control Board approving a modification to reduce minimum lot area of single family residential lots in Area ‘A’ of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with five (5) Site Plan Conditions

- B. Case No. PD 14-310cc – Windyke South P.D.

Beginning at the eastern terminus of Windyke Drive, Clubview Drive and Greenbelt Drive, extending eastward approximately 5,000 feet, containing 111.2 acres in the Residential Single Family (R-10 and R-8 with Floodplain Overlay [FP]); Residential Urban-2 (RU-2 with Floodplain Overlay [FP], and Residential Urban-3 (RU-3 with Floodplain Overlay [FP]) Districts

Applicant: Belz Investco GP (Ron Belz)
Ronald Harkavy – Representative

Request: A residential planned development consisting of lots for detached and attached residential units

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 19, 2014



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FISCAL CONSENT AGENDA

11. RESOLUTION accepting grant funds in the amount of \$4,000.00 from the National Recreation and Park Association (NRPA) that will amend the existing Arthritis Foundation grant.

Boyd

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

12. RESOLUTION approving Change No. 1 to Contract No. 11536, Aerial Patrol of Gas Transmission Right-of-Way, with Tennessee Helicopter Services, Incorporated, in the funded amount of \$50,000.00. (This change is to renew the current contract for the first of four annual renewal terms covering the period August 29, 2014 through August 28, 2015, with no increase in rates from the previous year.)
13. RESOLUTION ratifying the approval, after the fact, of an amendment to Purchase Order Number 149077 to NESCO Sales and Rentals for the rental of an aerial tower for an additional two months, in the amount of \$27,950.00.
14. RESOLUTION awarding a contract to Stribling Equipment Company, LLC in the amount of \$61,755.00 for the purchase of three platform trailers.
15. RESOLUTION awarding a contract to Delta Material Handling for the purchase of five forklifts in the amount of \$199,265.00.
16. RESOLUTION awarding contracts for Electric Meter Socket Replacements to four firms, in the combined funded amount of \$200,000.00. For the purpose of transparency and full disclosure, the Contract Management Department advertised bids in the Memphis Daily News February 27, 2014. The document was advertised using MLGW's On-Line Bid Notification System on February 28, 2014. MLGW qualified and received four bids on March 6, 2014. MLGW is recommending award to the following four contractors: 1) C-Agreement No. 1806 to Ben Dunford Electric Company; 2) C-Agreement No. 1904 to Quantum Electric, LLC; 3) C-Agreement No. 1905 to Chester Electric d/b/a F & F Enterprise; and 4) C-Agreement No. 1906 to Gilles Electric. Individually, the award recommendation for each contract is an amount not-to-exceed \$50,000.00 based on unit pricing.)
17. RESOLUTION awarding Contract No. 11730, Professional Engineering Services, to Tony Huff & Associates Engineering Solutions, PSC, with approved rates, in the funded amount not-to-exceed \$200,000.00.
18. RESOLUTION approving Change No. 2 to Contract No. 11570, MLGW Rental Equipment Insurance Coverage, with Mid-South Insurance Office, Incorporated, in the funded amount of \$49,613.00. (This change is to renew the current contract for an additional one year term for the period covering August 24, 2014 through August 23, 2015 with no increase in coverage from the previous year.)

19. RESOLUTION awarding Contract No. 11735, Onsite Computer and Technical Classes, to Southwest Tennessee Community College, in the funded amount not-to-exceed \$26,000.00.
20. RESOLUTION approving Change No. 1 to Contract No. 11428, Other Post Employment Benefits (OPEB) Trust Audit, with Banks, Finley, White & Co., to extend the current contract in the funded amount of \$15,000.00.
21. RESOLUTION approving Change No. 1 to Contract No. 11429, Retirement and Pension System Audit, with Banks, Finley, White & Co., to extend the current contract in the funded amount of \$22,500.00.
22. RESOLUTION awarding Contract No. 11700, Electric Construction and Maintenance with Davis H. Elliot Construction Company, Incorporated, in the funded amount of \$8,887,424.00.
23. RESOLUTION approving payment of labor, equipment and work performed for emergency restoration to Cleveland Utilities for Contract No. 11708, Mutual Aid Agreement, in the funded amount of \$68,657.35.
24. RESOLUTION approving the ratification of a contract change and the approval of an invoice payment to Davis H. Elliot Company, Incorporated for Contract No. 11576, Emergency Aid Agreement, based on agreed to rates in the funded amount of \$445,580.50.
25. RESOLUTION awarding contract to Vermeer Mid-South Inc., for the purchase of a trenching machine, in the funded amount of \$69,100.00.
26. RESOLUTION awarding Contract No. 11663, Professional Engineering Services to Thompson Engineers, Incorporated, in the funded amount of \$326,500.00.
27. RESOLUTION approving payment of an invoice from the City of Memphis Public Works Department for the annual sewer discharge fee, for the 2013 filter backwash discharge for seven water pumping stations, in the amount of \$470,742.81.
28. RESOLUTION awarding Contract No. 11675, Professional Engineering Services for the Water Department, to SSR, Incorporated, in the funded amount, with approved rates, not-to-exceed \$50,000.00.
29. RESOLUTION requesting advanced approval to assist in expediting the material acquisition in a cost sharing project between MLGW and the Federal Emergency Management Agency (FEMA) to seismically retrofit Memphis' Downtown Electric Network transformers, in the amount not to exceed \$100,000.
30. RESOLUTION awarding contract to Brighter Days and Nites for steel fittings, pipe and flanges, in the funded amount of \$72,757.75.

31. RESOLUTION awarding Contract No. 11681, DOT (Department of Transportation) Drug and Alcohol Testing, to Mid South Drug Testing, Incorporated, in the funded amount of \$100,000.00.
32. RESOLUTION awarding Contract No. 11672, Healthcare Claims Audit to BMI Audit Services, LLC, in the funded amount of \$195,000.00.
33. RESOLUTION awarding contract to Logicalis, Inc. for Citrix Software maintenance, in the funded amount of \$62,550.00.
34. RESOLUTION approving Change No. 2 to Contract No. 11352, External Auditing Services, with Mayer Hoffman McCann P.C., formerly known as Thompson Dunavant, in the funded amount of \$197,000.00. (This change is to extend the current contract for one year covering the period January 1, 2015 to December 31, 2015. This change allows time needed to complete the 2014 audit period which ends December 31, 2014. In addition, this change also allows for the smooth transition and consistency during the current preparations of and pending implementation of Project Inspire.)



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REGULAR AGENDA

35. **APPOINTMENTS**

Flinn

MEMPHIS ANIMAL SHELTER ADVISORY BOARD

Reappointments

Jeanne Fraser Chancellor

Stephen R. Tower

GENERAL ORDINANCES – THIRD AND FINAL READING

36. **ORDINANCE** establishing a Residential Parking Permit Pilot Program near Overton Square for a one year period, up for T H I R D and F I N A L reading. (Held from 7/1; 7/15)

Flinn

Ordinance No. 5550

ACTION REQUESTED: Take whatever action Council deems advisable

37. **ORDINANCE** to amend Chapter 21 – Motor Vehicles and Traffic – Article III Operation of Motor Vehicles Generally, Section 21-123, Procedure upon approach of authorized Emergency Vehicle to mirror the updated Tenn. Code Ann §55-8-132, Operation of Vehicles and Streetcars on approach of authorized Emergency Vehicles to clarify that extra caution around Solid Waste Vehicles is included within the requirements, up for T H I R D and F I N A L reading. (Held from 7/15)

Ford

Ordinance No. 5555

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 (None)

DIVISION OF HUMAN RESOURCES (None)

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

38. RESOLUTION approving the continuation of project and taking of bids at an estimated construction cost of \$2,500,000.00 for the DM-HE Facility Expansion, CIP Project Number ST04047, as part of the FY14 Capital Improvement Budget. (Held from 7/15)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving a Lease Agreement with Miller Transporters, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 18, 2014.

Hedgepeth

Contract No. CR-5214

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION amending the Fiscal Year 2015 Capital Improvement Budget by accepting grant funds in the amount of \$1,000,000.00 from the Tennessee Department of Economic and Community Development and establishing an allocation and appropriation in Macon Road Bridge Replacement, Project Number ST03185 for the replacement of the Macon Road Bridge at Fletcher Creek Lateral 12-A.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

41. RESOLUTION to create a retiree healthcare fund to be funded in an initial amount of \$2,000,000.00 for a period of one year as a “safety net” for certain retirees and the Administration is to present to the Council within sixty days, rules and regulations regarding the eligibility for assistance from this fund for adoption by the Council. (Held from 7/15)

Strickland

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

42. **ORDINANCE** to amend the provisions of the City of Memphis, Code of Ordinances, Title 6 – Business Licenses and Regulations, Chapter 6-44 – Limousine, Shuttle and Other Vehicles for Hire and Article 2 – Certificate of Public Convenience, up for F I R S T reading.

Consent

Ordinance No. 5561

ACTION REQUESTED: Adopt the ordinance on First reading

43. **RESOLUTION** accepting \$50,000.00 for the Network for Overcoming Violence and Abuse Program (NOVA).

Conrad

ACTION REQUESTED: Adopt the resolution

44. **RESOLUTION** accepting grant funds from the State of Tennessee in the amount of 1,338,600.00 specifically for the In-Service Training Program for training of 2,231 commissioned officers.

Conrad

ACTION REQUESTED: Adopt the resolution

45. **RESOLUTION** appropriating funds in Contract Construction for CIP Project Number PK08016 – Pink Palace Planetarium Rehab. Resolution also transfers \$750,000.00 from FF&E in PK08016 to Contract Construction in PK08016, funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

46. **RESOLUTION** appropriating funds in Contract Construction for CIP Project Number PK07115 – Denver Park Improvements. Resolution also transfers \$104,791.00 from Contract Construction in PK07114 – Park Cover Line to Contract Construction in PK07115 – Denver Park Improvements, funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

ADD-ONS

- 47. RESOLUTION authorizing the designation of the Graceland Campus as a “Qualified Use Facility,” application for the creation of the Graceland Tourism Development Zone, authorizing the use of funds generated by the Graceland Tourism Development Zone for payment of project costs, approval of the Graceland Master Development Plan, approval of the Minority Owned Business Participation Plan and otherwise providing with respect to the foregoing.

Halbert

ACTION REQUESTED: Adopt the resolution

- 48. **ORDINANCE** to allow the Maximum Local Option Sales Tax be levied in the City of Memphis and to submit this proposed Referendum Ordinance to the Qualified Voters of the City of Memphis at the first General State Election to be held November 4, 2014, up for F I R S T reading.

Consent

Ordinance No. 5562

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 9 – Approved
- 10. A – Public Hearing set for August 19, 2014
B – Public Hearing set for September 16, 2014
- 11. Through 21 – Approved
- 22. Back to Committee
- 23. Through 35 – Approved
- 36. Approved, as amended
- 37. Held until September 2, 2014
- 38. Through 40 – Approved
- 41. Held until September 2, 2014
- 42. Through 46 – Approved
- 47. Approved, as amended
- 48. Approved

ACTION TAKEN ON THE MINUTES OF JULY 15, 2014

Approved, as amended

ACTION TAKEN ON THE MINUTES OF AUGUST 5, 2014 FOR ITEMS 43, 44, 45 & 46

Approved

