



# CITY OF MEMPHIS

## COUNCIL AGENDA

October 7, 2014

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 (September 16, 2014)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Katie and Cameron Kitchin for their service to the Memphis community.

Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing World Cerebral Palsy Day.

Strickland

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

- 3. RESOLUTION approving a street/alley closure located on Coughlin Drive between Brooks Road and Stonebrook Avenue, containing 2.058 acres in the Employment (EMP) District. (Held from 4/15; 5/20)

Collins

Case No. SAC 13-605  
Companion Case No. SD 13-701

Applicant: City of Memphis Engineering Division  
Bill Wood, Pickering Firm – Representative

Request: Close and vacate a portion of Coughlin Drive Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**27 NOTICES WERE MAILED ON APRIL 3, 2014**

- 4. RESOLUTION approving a street dedication located on Sandbrook and Stonebrook Avenues, containing 0.146 acre in the Employment (EMP) District. (Held from 4/15; 5/20)

Collins

Case No. SD 13-701  
Companion Case No. SAC 13-605

Applicant: City of Memphis Engineering Division  
Bill Wood, Pickering Firm – Representative

Request: Dedicate new street right-of-way in conjunction with the closure of Coughlin Drive

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

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

**DIVISION OF PLANNING AND DEVELOPMENT**

- 5. RESOLUTION approving a special use permit located at 648 Haynes Street, containing 0.76 acre in the Residential Urban-3 (RU-3) District.

Collins

Case No. SUP 14-227

Applicant: Tower Ventures

Request: To establish a 150' CMCS tower in a residential district

LUCB and OPD recommendation: APPROVAL, with (7) 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 2250 Central Avenue(northeast corner of Central and New York), containing 0.5 acre in the Commercial Mixed Use (CMU-1) and Residential Urban (RU-3).

Collins

Case No. PD 14-313

Applicant: Well Child  
The Bray-Davis Firm(David Bray) – Representative

Request: Amendment to a commercial PD to add a parcel with a commercial building

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**

- 7. ORDINANCE rezoning the northwest corner of Macon Road and Dexter Lane, containing 4.21 acres in the Single Family Residential-6 (R-6) District, up for T H I R D and F I N A L reading.

Collins

Case No. Z 14-102  
Ordinance No. 5565

Applicant: Gene Higginbotham  
S R Consulting (Cindy Reaves) – Representative

Request: Residential Work (RW) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**56 NOTICES WERE MAILED ON SEPTEMBER 19, 2014**



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## MLGW FISCAL CONSENT

8. RESOLUTION approving Change No. 2 to Contract No. 11535, Pest Control, with NuEra Pest Control, in the funded amount of \$28,420.00. (This change is to renew the current contract for the second of four annual renewal terms in the funded amount of \$28,420.00 covering the period November 1, 2014 through October 31, 2015, with no increase in rates from the previous year.)
9. RESOLUTION approving payment of an invoice to City Utilities of Springfield, Missouri, for Contract No. 11276, Mutual Aid Agreement, based on agreed to rates, in the funded amount of \$166,676.33.
10. RESOLUTION awarding a contract to Vermeer Midsouth, Inc., for two directional boring systems with trailers, in the amount of \$503,640.00.
11. RESOLUTION awarding a contract to H & E Equipment Services, Inc., for the purchase of a telescopic material handler, in the amount of \$103,122.00.
12. RESOLUTION awarding a contract to H & E Equipment Services Incorporated, for four diesel-powered portable air compressors, in the amount of \$94,676.00.
13. RESOLUTION amending Purchase Order Number 149282 to Atkinson Industries, Inc. c/o H V Sales Co., Inc., for the purchase of a prefabricated modular structure. (This amendment is to increase the contract value in the amount of \$2,804.00 to cover the cost to upgrade the 200 ampere AC panel board in the control house at Substation 89 to a 400 ampere panel board.)
14. RESOLUTION awarding a contract to Heath Consultants Incorporated, for the purchase of twenty GMI First Responder gas detectors, in the amount of \$70,000.00.
15. RESOLUTION approving the selection of Sentinel Real Estate Fund, LP to manage \$40,000,000 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.

16. RESOLUTION approving Change No. 1 to Contract No. 11384, Risk Management/Insurance Consultants, with Marsh USA, Incorporated to increase the current contract value in the funded amount of \$25,000.00. (This change is to increase the current contract value through the current term, which ends February 9, 2015. This change is needed to replenish funds used for the one-time fee for Medicare 111 Services that were not included in the initial award. The upfront Consulting Fees for selection of a qualified Reporting Agency to report Medicare 111 claims to the Federal Government on MLGW's behalf were not accounted for in the award but were included in the scope of the contract.)
17. RESOLUTION approving Change No. 4 to Contract No. 11378, Risk Management Broker, with Marsh, in the funded amount of \$325,370.00. (This change is the fourth and final renewal period for Stop Loss Coverage for Workers' Compensation Insurance. This renewal covers the period October 1, 2014 through October 1, 2015 and reflects a 1.00% increase in rates from the previous year. This increase is due to rising medical costs and the volatility of the excess workers' compensation coverage which also drive rate increases.)
18. RESOLUTION approving Change No. 2 to Contract No. 11552, Influenza Vaccine, with Wellness First, Incorporated, in the funded amount of \$36,000.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period October 22, 2014 through October 23, 2015, with no increase in rates from the previous year.)
19. RESOLUTION awarding a contract to Pinnacle Networx, LLC, for a virtual tape upgrade, in the amount of \$122,100.38.
20. RESOLUTION awarding a contract to Logicalis, Inc., for Hewlett Packard server blades replacement, in the amount of \$294,851.97.
21. RESOLUTION awarding a contract to Ricoh Americas in the amount of \$152,112.24 for a thirty-six month contract for rental of a digital color copier/printer system.



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

22. **ORDINANCE** to amend Chapter 9, Section 68-6 of the Code of Ordinances, so as to prevent Construction, Demolition and other Noisy Operations on holidays in residential areas, up for F I R S T reading. (Held from 9/16)

Collins

Ordinance No. 5566

ACTION REQUESTED: Adopt the ordinance on First reading

23. **ORDINANCE** to set fourth 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 F I R S T reading.

Hedgepeth

Ordinance No. 5569

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

24. **ORDINANCE** to amend Title 10 – Public Peace, Morals and Welfare, of the City of Memphis, Code of Ordinances, to implement a Community Notification System for Sexual Offenders, up for S E C O N D reading.

Conrad

Ordinance No. 5567

ACTION REQUESTED: Adopt the ordinance on Second reading

25. **ORDINANCE** to amend Title 11, Chapter 8 – Vehicles and Traffic, of the City of Memphis, Code of Ordinances, to Incorporate the Issuance of Electronic Traffic Citations, up for S E C O N D reading.

Conrad

Ordinance No. 5568

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING** (None)

**NOTATION FROM OPD** (None)



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## REGULAR AGENDA

26.  
Flinn

### APPOINTMENTS

#### MEMPHIS CONVENTION CENTER COMMISSION

##### Reappointments

Douglas V. Browne

Jason Fair

Lee A. Jackson

Hal J. Lansky

Wayne D. Tabor

Ellen B. Vergos

#### MEMPHIS HOUSING AUTHORITY

##### Appointment

Mickell Lowery

##### Reappointments

Ian L. Randolph

#### MEMPHIS LIGHT, GAS & WATER COMMISSION

##### Reappointment

Derwin Sisnett

#### GENERAL ORDINANCES – THIRD AND FINAL READING

27.

**ORDINANCE** to amend Article 5, Section 4-28-22, Deferred Retirement Option Plan (DROP), up for T H I R D and F I N A L reading. (Held from 6/17)

Flinn

Ordinance No. 5549

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** authorizing the issuance of contractual licenses, permits and/or authorizations for use and occupation of the streets, alleys, thoroughfares and rights-of-way of the City of Memphis for installation and use of facilities for the operation of fiber optic and other communications systems and public utilities and establishing requirements, terms, conditions, limitations and provisions for recovery of the City’s costs incurred for the construction, maintenance, policing, management or repair of the streets, alleys, thoroughfares and rights-of way of the City, up for T H I R D and F I N A L reading. (Held from 6/17; 9/16)

Hedgepeth

Ordinance No. 5551

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to amend Chapter 25, Code of Ordinance, City of Memphis, so as to limit participation in the Pension System to participants with 10 or more years of service and create a separate account (Equal to their Employee Contributions plus the Multiple earned as of June 30, 2015) for participants with less than 10 years of service, up for T H I R D and F I N A L reading. (Held from 7/1)

Harris

Ordinance No. 5552

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase the City contribution allowable under Section 25-71 and Section 25-171, so as to transfer transferred participants in the Pension System to the Defined Contribution Plan, up for T H I R D and F I N A L reading. (Held from 7/1)

Harris

Ordinance No. 5553

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to adopt a Defined Contribution Plan, up for T H I R D and F I N A L reading. (Held from 7/1)

Harris

Ordinance No. 5554

ACTION REQUESTED: Take whatever action Council deems advisable

32. **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; 8/5; 9/2)

Ford

Ordinance No. 5555

ACTION REQUESTED: Take whatever action Council deems advisable

33. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 25, Article III, Section 25-31 (b) regarding Investment of Trust Fund, up for T H I R D and F I N A L reading. (Held from 9/16)

Flinn

Ordinance No. 5563

ACTION REQUESTED: Take whatever action Council deems advisable

34. **ORDINANCE** amending the Building Code to suspend the requirements of the 2012 Edition of the ICC International Residential Code relating to Seismic Design and Construction Elements, while a Study Committee reviews and recommends any changes, up for T H I R D and F I N A L reading. (Held from 9/16)

Collins

Ordinance No. 5564

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** (None)

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

- 35. RESOLUTION accepting and appropriating \$7,200.00 in grant funds from the National Park Service, administered through the Tennessee Department of Environment and Conservation (TDEC) Historical Commission, and to transfer and appropriate \$25,500.00 in general funds for the preparation of a historic structures report for the Mallory Neely House Structure Rpt PK01027.

Boyd

ACTION REQUESTED: Adopt the resolution

- 36. RESOLUTION accepting and appropriating funds from private donors through the Center City Development Corporation in the amount of \$2,447,823.00 and from West Memphis MPO and Tennessee Department of Transportation, all through Tennessee Department of Transportation, in the total amount of \$2,657,000.00, all to project numbers PW04090 and PW01093 and appropriating \$2,000,000.00 in G.O. Bonds-General as budgeted in the FY 2015 CIP Budget to project number PW04090 as necessary to fund Construction and Architectural & Engineering costs for the Main Street to Main Street Multimodal Connector Project.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 37. RESOLUTION requesting the Land Use Control Board review and recommend amending 12.3.1 of the Memphis/Shelby County Unified Development Code in order to limit long-term unregulated “mini-day cares” in residential neighborhoods.

Collins

ACTION REQUESTED: Adopt the resolution

- 38. **JOINT ORDINANCE** of the City Council for the City of Memphis and the Board of Commissioners for Shelby County Tennessee amending the 2012 Memphis and Shelby County Residential Code, as adopted by reference in the 2012 Memphis and Shelby County Building Code and as locally amended, relating to seismic design and construction elements of one and two family dwellings, up for F I R S T reading.

Consent

Ordinance No. 5570

ACTION REQUESTED: Adopt the ordinance on First reading

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. and 2 – Approved
- 3. and 4 – Held until October 21, 2014
- 5. Approved

ADD-ONS

- 6. Withdrawn
- 7. Through 21 – Approved
- 22. Dropped
- 23. Through 26 – Approved
- 27. Through 33 – Held until October 21, 2014
- 34. Approved, as amended
- 35. Through 38 – Approved

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 16, 2014

Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 7, 2014 FOR ITEMS 35, 36 & 37 ONLY:

Approved