



CITY OF MEMPHIS

COUNCIL AGENDA

October 21, 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 (October 7, 2014)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing MLGW Hero Patrick Jones.
Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. 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; 10/7)

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

DIVISION OF PLANNING AND DEVELOPMENT

- 3. 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; 10/7)

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

- 4. RESOLUTION approving a special use permit located at 3510 Elvis Presley Blvd., containing 1.90 acres in the CMU-3 District.

Collins

Case No. SUP 14-231

Applicant: Babak Makki
David Bray – Representative

Request: To allow a used auto sales within a CMU-3 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

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

5. **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 S E C O N D reading.

Hedgepeth

Ordinance No. 5569

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **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 S E C O N D reading.

Hedgepeth

Ordinance No. 5570

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

7. RESOLUTION accepting STONEBRIAR PD, PH. 8, and authorizing release of bond.
Case No. PD 03-355cc
(Contract No. CR-5120)

Resolution accepts completion of the improvements and dedication of public streets and easements as shown on the final plat located on the north side of Stateline Rd., east of Riverdale Rd. The standard improvement contract was approved on October 21, 2008. Resolution also authorizes the release of the

letter of credit in the amount of \$34,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of PLANTERS ROW II SUBDIVISION SEWER IMPROVEMENTS.

Contract No. CR-5218

Resolution approves the final plat located on the south side of Jefferson Street, west of Hamlin Court. Cost 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

NOTATION FROM OPD (None)



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FISCAL CONSENT AGENDA

9. RESOLUTION accepting grant funds in the amount of \$15,000.00 from the State of Tennessee Department of Transportation for the Division of Police Services.

Conrad

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting a donation in the amount of \$2,000.00 from Exxon Mobil Corporation awarded to the City of Memphis Police Department for operational expenses.

Conrad

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

11. RESOLUTION awarding a contract to Martin Marietta, for the purchase of # 57 and CR-610 crushed limestone, in the amount of \$74,000.00.
12. RESOLUTION approving Contract No. 11753, Infrastructure Coordination Project, to Accela, Incorporated, in the funded amount of \$39,750.00.
13. RESOLUTION awarding Contract No. 11712, ADA Upgrades at MLGW University, to Barnes and Brower, Incorporated in the funded amount of \$238,719.00.
14. RESOLUTION awarding Contract No. 11706, Re-Roof Electric Substation 2 and 32, to B-Four Plied, Incorporated, in the funded amount of \$116,373.00.
15. RESOLUTION approving Change No. 2 to Contract No. 11576, Emergency Storm Restoration Agreement, with Davis H. Elliot Construction Company, Incorporated for invoice payments, based on agreed upon rates, in the combined funded amount of \$426,994.95. (This payment request is for work performed on MLGW's electric system as a result of the June 5, 2014 storm in the amount of \$232,572.64, Invoice No. 227780 in the amount of \$232,232.49 and Invoice No. 232163 in the amount of \$340.15. This payment request is also for work performed as a result of the July 14, 2014 storm for Invoice No. 232164 in the amount of \$194,422.31.)
16. RESOLUTION approving Change No. 1 to Contract No. 11641, Variable Frequency Drive Replacement, with Shelby Electric Company, in the funded amount of \$58,181.59. (This increase is due to additional field service engineers needed to minimize the down time associated with the Startup of the Variable Frequency Drive Unit at 5101 East Holmes Road, Capleville LNG Facility, from fifteen days to four days.)
17. RESOLUTION awarding Contract No. 11715, In-Service Wood Pole Truss Restoration System, to Osmose Utilities Services, Incorporated, based on agreed to rates, in the funded amount of \$1,200,000.00.
18. RESOLUTION approving Change No. 3 to Contract No. 11508, Utility Payment Centers, with FirsTech, in the funded amount of \$218,000.00. (This change is to renew the current contract for the third of four renewal terms covering the period November 15, 2014 through November 14, 2015, with no increase in rates from the previous year.)
19. RESOLUTION approving Change No. 1 to Contract No. 11314, Armed Car Services, with Loomis Armored US, Incorporated, in the funded amount of \$60,000.00. (This change is to increase the current contract in the funded amount of \$60,000.00 through the contract end date, which is February 28, 2015. This increase is needed due to an increase in the volume of pickups and deposits.)

20. RESOLUTION awarding Contract No. 11661, Medicare 111 Reporting, to Gould & Lamb, LLC, in the funded amount of \$45,000.00.
21. RESOLUTION awarding a contract to Industrial Sales Company, for supersqueezes, in the amount of \$93,954.00.
22. RESOLUTION approving Change No. 2 to Contract No. 9943, Graphics Reporting Software Package, with Allen Systems Group, Incorporated (ASG), in the funded amount of \$36,790.89. (This change is to renew annual software maintenance, license and support services for one year covering the period October 31, 2014 through October 30, 2015, with no increase in rates from the previous year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by ASG, Incorporated.)
23. RESOLUTION awarding a sixty month contract to Ricoh USA, Inc., for the purchase of maintenance and support for Application Xtender software, in the amount of \$189,780.90.



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REGULAR AGENDA

24.
Flinn

APPOINTMENTS

MEMPHIS CITY BEAUTIFUL COMMISSION

Appointments

Rebecca Jane Edwards
Dolores Flagg
Courtney Murrah

Reappointments

Ginger Acuff
Jake E. Allen, Jr.
Drew Daniel
Daphne Thomas
Michelle E. Smith

MEMPHIS YOUTH GUIDANCE COMMISSION

Appointment

Ryan Carson

GENERAL ORDINANCES – THIRD AND FINAL READING

25. **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. (Held from 8/19; 9/16)

Brown

Ordinance No. 5557

ACTION REQUESTED: Take whatever action Council deems advisable

26. **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; 10/7)
Flinn Ordinance No. 5549

ACTION REQUESTED: Take whatever action Council deems advisable

27. **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; 10/7)
Hedgepeth Ordinance No. 5551

ACTION REQUESTED: Take whatever action Council deems advisable

28. **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; 10/7)
Harris Ordinance No. 5552

ACTION REQUESTED: Take whatever action Council deems advisable

29. **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; 10/7)
Harris Ordinance No. 5553

ACTION REQUESTED: Take whatever action Council deems advisable

30. **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; 10/7)
Harris Ordinance No. 5554

ACTION REQUESTED: Take whatever action Council deems advisable

31. **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; 10/7)

Ford

Ordinance No. 5555

ACTION REQUESTED: Take whatever action Council deems advisable

32. **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; 10/7)

Flinn

Ordinance No. 5563

ACTION REQUESTED: Take whatever action Council deems advisable

33. **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 T H I R D and F I N A L reading.

Conrad

Ordinance No. 5567

ACTION REQUESTED: Take whatever action Council deems advisable

34. **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 T H I R D and F I N A L reading.

Conrad

Ordinance No. 5568

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

35. **RESOLUTION** accepting and appropriating grant funds in the amount of \$1,195,131.00 from FEMA for Tennessee Task Force One. The grant is for the development and maintenance of National Urban Search and Rescue Response System resources to be prepared for mission response and to provide qualified personnel in support of Emergency Support Function-9 activities, under National Incident Management System and National Response Plan.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

36. RESOLUTION approving the City of Memphis Division of Housing and Community Development's leases and/or subleases of Memphis City property that may be subject to City of Memphis Ordinance 2-291 relating to Real Property, for the fiscal year of 2015.

Brown

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION allocating and appropriating \$150,000.00 in grant funds from the National Endowment for the Arts.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

38. RESOLUTION formally accepting a gift from the estate of Matthew Robert Moister. The gift is (4) early Memphis oil paintings by Knox Everson.

Flinn

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION increasing the authorized complement of the Executive Division by adding two full-time 311 Call Agent Positions.

Flinn

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

40. RESOLUTION approving CIP Project Number PK09002, as part of the FY 2015 Capital Improvement Program and appropriating funds funded by G.O. Bonds General, in the amount of \$250,000.00, for improvements and to address major maintenance issues at the Memphis Zoo.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

41. RESOLUTION accepting an award from the U.S. Department of Justice, Office of Violence Against Women Programs on behalf of the Division of Police Services in the amount of \$900,000.00 for the purpose of implementing the FY 2014 Encourage Arrest Policies and Enforcement of Protection Orders Program.

Conrad

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION accepting an award from the U.S. Department of Justice/Office of Justice Programs on behalf of the Division of Police Services in the amount of \$148,885.00 for the purpose of implementing the FY 2014 Project Safe Neighborhoods' Gun Crime Reduction Program.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

43. RESOLUTION approving issuance of an Airport Revenue Note not to exceed \$7,000,000.00 by the Memphis-Shelby County Airport Authority relative to financing improvements to the fuel hydrant system located at the Memphis International Airport.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION approving a Purchase and Sale Agreement with Illinois Central Railroad Company, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 18, 2014.

Hedgepeth

Contract No. CR-5217

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION approving the sale of City owned surplus plus property as described in and acquired by warranty deed JY2030 on December 8, 1999, located in the Shelby County Register of Deeds Office. The parcel is located at 1279 Raymond St. in Memphis, Shelby County, Tennessee also known as Parcel #061007 00006. The proposed Purchaser is the adjoining property owner.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION approving a construction project for drainage improvements in the Sophia Bayou Drainage Basin to provide additional inlet capacity to alleviate flooding near the planned UT Bioworks development, in the amount of \$376,119.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION approving a construction project for the construction of (340) curb ramps City wide, in the amount of \$764,463.00

Hedgepeth

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION approving a construction project for drainage improvements in Gayoso Bayou Drainage Basin as an element of the overall drainage basin improvement to help alleviate flooding and improve the physical condition of the system, in the amount of \$316,945.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

49. RESOLUTION accepting grant funds in the amount of \$823,430.00 from Tennessee Department of Transportation Governor’s Highway Safety Office.

Conrad

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION accepting grant funds in the amount of \$222,200.00 from the United States Department of Justice/Office of Juvenile Justice and Delinquency Prevention.

Conrad

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION accepting grant funds in the amount of \$107,990.00 from the Tennessee Department of Transportation, Governor’s Highway Safety Office.

Conrad

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION accepting and appropriating local other funding in the amount of \$718,163.00 in Contract Construction in PK08016 – Pink Palace Planetarium Rehab.

Boyd

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Approved
- 2. and 3 – Held until November 18, 2014
- 4. Held until November 4, 2014
- 5. Through 24 – Approved
- 25. Held until November 18, 2014
- 26. Held until December 2, 2014
- 27. Held until November 18, 2014
- 28. Through 31 – Dropped
- 32. Through 49 – Approved
- 50. Approved, as amended
- 51. and 52 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 7, 2014

Approved

ADD-ONS

ACTION TAKEN ON THE MINUTES OF OCTOBER 21, 2014 FOR ITEMS
16, 49, 50, 51 & 52 ONLY

Approved