



CITY OF MEMPHIS

COUNCIL AGENDA

November 4, 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 21, 2014)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. Harris RESOLUTION approving an honorary street name change for Karl Schledwitz.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

2. RESOLUTION approving a special use permit located at 3510 Elvis Presley Blvd., containing 1.90 acres in the CMU-3 District. (Held from 10/21)
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

3. RESOLUTION approving a special use permit located at 3695 Austin Peay Highway, 1,580 feet south of Lakehurst, containing 1.17 acres in the Commercial Mixed Use-1 (CMU-1) District.
Collins Case No. SUP 14-228

Applicant: TV6 Signal Source Towers, LLC/dba Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred eighty foot (180') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4. RESOLUTION approving a planned development located at 2246 N. Germantown Parkway, containing 1.15 acres of vacant land in the Residential Urban (RU-3) District.
Collins Case No. PD 14-314

Applicant: Raj Patel
Prime Development Group, Inc. – Representative

Request: Planned Development to permit Commercial Mixed Use-2 (CMU-2) District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving a hotel/motel waiver for Days Inn and Suites located at 3685 American Way, Memphis, TN 38118.

Collins

Case No. HMW 14-06

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

6. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, to limit participation in the City Pension System 1978 Plan to participants with 10 or more years of service and create a separate account for participants with less than 10 years of service equal to their employee contributions plus the multiple earned as of June 30, 2015, up for F I R S T reading.

Strickland

Ordinance No. 5571

ACTION REQUESTED: Adopt the ordinance on First reading

7. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan, up for F I R S T reading.

Strickland

Ordinance No. 5572

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan, up for F I R S T reading.

Strickland

Ordinance No. 5573

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to require approval for MLG&W contracts with other municipalities, particularly contracts involving collection of various municipal charges, up for F I R S T reading.

Lowery

Ordinance No. 5574

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

10. **ORDINANCE** rezoning the southwest corner of Summer Avenue and Vaughn Road, containing 0.28 acre in the Residential Single Family (R-6) District, up for F I R S T reading.

Collins

Case No. Z 14-104
Ordinance No. 5575
(Companion Case SUP 14-232)

Applicant: Tina and Tammy Nguyen
J. P. Thomas & Associates, Inc. (Keith Chapman) – Representative

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

11. RESOLUTION accepting BARRY/SHADY GROVE S/D and authorizing release of bond.

Case No. S 12-003
(Contract No. CR-5206)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the northeast corner of Barry Road and Shady Grove Road. The standard improvement contract was approved on November 19, 2013. Resolution also authorizes the release of the certificate of deposit in the amount of \$50,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting FOREST HILL HEIGHTS PD, 3RD AMENDMENT, PHASE 2 and authorizing release of bond.

Case No. PD 11-320cc
(Contract No. CR-5191)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Forest Hill and Winchester. The standard improvement contract was approved on August 21, 2012. Resolution also authorizes the release of the letter of credit in the amount of \$619,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)



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FISCAL CONSENT AGENDA

13. RESOLUTION accepting a donation of four (4) black recliners for Fire Station #50 from Ashley Furniture HomeStore. All donations have an estimated value of \$1,710.32.

Conrad

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting grant funds in the amount of \$5,000.00 from the Tennessee Department of Transportation, Governor's Highway Safety Office for Police Services.

Conrad

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting grant funds in the amount of \$15,078.00 for High Intensity Drug Trafficking Program (HIDTA) for Police Services.

Conrad

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

16. RESOLUTION requesting approval of an invoice payment to Service Electric Company for Contract No. 11613, Emergency Storm Restoration Agreement, based on agreed upon rates, in the total funded amount of \$432,664.49.
17. RESOLUTION awarding a twenty-four month contract to Metro Materials, Inc., for the purchase of cement treated base, in the approximate amount of \$360,126.00.
18. RESOLUTION awarding Contract No. 11703, Administration Building UPS Generator Replacement, to Pyramid Electric, Incorporated, in the funded amount of \$1,945,000.00.
19. RESOLUTION approving Change No. 1 to Contract No. 11331, Credit Information Services, with Experian Information Solutions, in the funded amount of \$55,000.00. (The initial term of this contract was for a 60-month period from the date of the Notice to Proceed in the funded amount of \$250,000.00. This change is to increase the current contract value in the funded amount of \$55,000.00 through the current term, which ends June 30, 2015. The change is needed to replenish funds used due to an increase in the volume of credit assessments.)
20. RESOLUTION requesting advanced approval to assist in expediting the material requisition necessary to install light emitting diode (LED) street lighting infrastructure to accommodate the South Cordova annexation and the Elvis Presley Boulevard Beautification project. Resolution also requests approval that MLGW be allowed to purchase any additional ancillary materials necessary to effect the installation of the LED street lighting infrastructure to accommodate the South Cordova annexation and the Elvis Presley Boulevard Beautification project. The total anticipated cost of these items is approximately \$3,500,000.
21. RESOLUTION awarding a contract to TESSCO, Inc., for telecommunication equipment, in the amount of \$178,187.20.
22. RESOLUTION approving the selection of GoldenTree Asset Management, LP, a private debt manager, to manage approximately \$37,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.

23. RESOLUTION approving the selection of WP Global Partners Private Debt Co-Investment Fund III to manage approximately \$5,000,000.00 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
24. RESOLUTION approving the selection of Medley Capital LLC, a private debt manager, to manage approximately \$25,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
25. RESOLUTION approving the selection of GoldenTree Asset Management, LP, a private debt manager, to manage approximately \$13,000,000.00 for benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
26. RESOLUTION approving the selection of Courage Capital Management, LLC, a private debt manager, to manage approximately \$20,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
27. RESOLUTION awarding a sixty month contract to Unisource Worldwide, Inc., for paper products for all MLGW washroom facilities, in the amount of \$426,044.36.
28. RESOLUTION awarding a thirty-six month contract to Brighter Days and Nites, Inc., for underground tap and terminal kits, in the amount of \$593,934.85.
29. RESOLUTION awarding a twelve month contract to Brighter Days and Nites, Inc., for conch XLP wire, in the amount of \$174,607.20.
30. RESOLUTION awarding Contract No. 11671, Workers' Compensation Consulting to Oliver Wyman Actuarial Consulting, in the funded amount of \$81,250.00.
31. RESOLUTION awarding a contract to Presidio Networked Solutions, Inc., for a F5 Load Balancing Solution, in the amount of \$72,933.26.



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REGULAR AGENDA

32.
Flinn

APPOINTMENTS

MEMPHIS CITY BEAUTIFUL COMMISSION

Reappointments

Frederick "Ted" McLaughlin
Bethany Smith

MEMPHIS LANDMARKS COMMISSION

Appointment

Roshun A. Austin

MEMPHIS WASTEWATER HEARING AUTHORITY

Appointments

Erin Campbell
Diane Carol Vesely

Reappointments

Helen Broughton
Stephen P. Harcourt
Shelton McGhee, Jr.
Kenneth J. Roberts
Lawrence (Larry) J. Smith
Brian Waldron
Cletea Scott-Woodfork

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

Appointment

Scott Fleming

Reappointments

Margaret Pritchard
James H. Toles
Mary W. Sharp

GENERAL ORDINANCES – THIRD AND FINAL READING

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

Hedgepeth

Ordinance No. 5569

ACTION REQUESTED: Take whatever action Council deems advisable

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

Hedgepeth

Ordinance No. 5570

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

- 35. **RESOLUTION** authorizing funding not to exceed \$14,501,000.00 to the Memphis Green Communities Program from the City’s allocation of Qualified Energy Conservation Bonds.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES

36. RESOLUTION accepting grant funds in the amount of \$998,618.00 from the U. S. Department of Homeland Security.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

37. RESOLUTION of support for expanded inter-city passenger rail service between Chicago and Memphis.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

38. APPOINTMENT

Flinn

DIRECTOR OF GENERAL SERVICES

Appointment

Antonio Adams

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Failed
3. Through 32 – Approved
33. Held until November 18, 2014
34. Held until December 2, 2014
35. Through 38 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF OCTOBER 21, 2014 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEM#38 FROM TONIGHT'S MEETING

Approved