



CITY OF MEMPHIS

COUNCIL AGENDA

July 17, 2012

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

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (July 3, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION thanking Mr. Ashley Mooney, creator of the Memphis Smart Government App, for his service to our City.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a planned development located on the south side of Tournament Drive; +/-1,800 feet west of Hacks Cross Road, containing 22 acres in an area currently governed by the approved conditions for Area B and C (Office Uses) of the Tournament Center Planned Development (P.D. 09-305).

Ford

Case No. PD 12-304

Applicant: Clark et.al (Ben Clark)
ETI Corporation (Ralph Smith) – Representative

Request: Amendment to the planned development for multi-family development on the south side of Tournament Drive in Area B and C

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

44 NOTICES WERE MAILED ON JULY 6, 2012

DIVISION OF PLANNING & DEVELOPMENT

- 3. RESOLUTION authorizes the Mayor of the City of Memphis to sign an Intra-governmental Agreement between the City of Memphis and Memphis Light, Gas and Water (MLGW) for the use of grant funds in the amount of \$2,000,000.00 awarded to the City from the Tennessee Department of Economic and Community Development Fast Track Infrastructure Development Program on behalf of K.T.G. (USA) Inc., for the purchase of electrical equipment for a new sub-station.

Halbert

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION authorizes the Mayor of the City of Memphis to sign the Tennessee Department of Economic and Community Development (ECD) Fast Track Infrastructure Development Program (FIDP) grant contract for purchase of equipment for a new electrical substation for K.T.G. (USA) Inc., and amends the Fiscal Year 2012 Capital Improvement Budget to establish and appropriate grant funds in the amount of \$2,000,000.00.

Halbert

ACTION REQUESTED: Adopt the resolution

- 5. RESOLUTION adjusting the Fee Schedules of the Memphis and Shelby County Land Use Control Board and the Memphis and Shelby County Board of Adjustment. This resolution affects all property within the City of Memphis and unincorporated Shelby County.

Ford

Case No. ZTA 12-001

Applicant: Memphis and Shelby County Office of Planning and Development
Josh Whitehead, Esq., AICP, Planning Director - Representative

Request: Adopt new fee schedules for the Land Use Control Board and the Board of Adjustment

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

- 6. RESOLUTION approving a planned development located on the south side of U.S. Highway 64; +2,292 feet west of Collierville-Arlington Road, containing 2.59 acres in the Agricultural (AG) District currently governed by PD 07-328.

Ford

Case No. PD 12-308

Applicant: Billy May
McCaskill & Associates, Tim McCaskill – Representative

Request: A mixed use planned development consisting of commercial/
office uses

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

7. **ORDINANCE** amending the Memphis and Shelby County Unified Development Code. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for T H I R D and F I N A L reading.

Ford

Case No. ZTA 12-001
Ordinance No. 5458

Applicant: Memphis and Shelby County Office of Planning and Development
Josh Whitehead, Esq., AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified
Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

8. **ORDINANCE** amending the Memphis Code of Ordinances as a companion item to case ZTA 12-001. This amendment affects all property within the City of Memphis and unincorporated Shelby County, up for T H I R D and F I N A L reading.

Ford

Companion Case to ZTA 12-001
Ordinance No. 5459

Applicant: Memphis and Shelby County Office of Planning and Development
Josh Whitehead, Esq., AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis Code of Ordinances

OPD recommendation: APPROVAL

LUCB recommendation: NA

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

9. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, Section 2-277, Subsection C.4, to increase discretionary spending amounts for Divisions from \$2,500 to \$5,000, up for S E C O N D reading.

Strickland

Ordinance No. 5462

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to amend Chapter 2, Section 2-110 of the City of Memphis, Code of Ordinances, to remove Shelby County from participation in the Memphis and Shelby County Convention Center Commission and to change the name and membership of the Commission, up for S E C O N D reading.

Collins

Ordinance No. 5463

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended pursuant to the provisions of Article XI, Section of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 so as to authorize the levy and collection of a One Cent Gasoline Tax and to authorize the use of revenue derived therefrom and for budget expenditures for public transportation 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 6, 2012, up for S E C O N D reading.

Strickland

Ordinance No. 5464

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

- 12. **ORDINANCE** rezoning the west side of Jack Carley at W. Trigg Avenue, containing 20.63 acres in the Conservation Agriculture (CA) Flood Plain [FP] District, up for S E C O N D reading.

Ford

Case No. Z 12-105
Ordinance No. 5465

Applicant: SCF Real Estate, LLC
Josh Lawhead – Representative

Request: Change the zoning to Heavy Industrial (I-H), (FP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATIONS FROM OPD

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

A. Case No. SAC 12-601

Located on the north side of North Parkway, 232 feet east of Thomas Street, containing 4,337 square feet

Applicant: MLB-Uptown, LLC

Request: Close and vacate Peyton Street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 12-602

Located on the east side of Mulberry Street, 150.50 feet north of Pontotoc Avenue, containing 583 square feet

Applicant: Church of God in Christ, Inc.

Request: Close an existing alley 120 feet long by 5 feet wide

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 7, 2012



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MLGW FISCAL CONSENT

14. RESOLUTION awarding contract for three diesel-powered portable air compressors to Williams Equipment and Supply Company, Inc., in the amount of \$59,994.00.
15. RESOLUTION awarding contract for six backhoe loaders and one industrial tractor to Stribling Equipment in the amount of \$454,215.00.
16. RESOLUTION approving Change No. 1 to Contract No. 11460, Aerator Maintenance, with R. P. Services, Inc., in the funded amount of \$216,428.43. (This change renews the contract for the first of four renewal terms, August 1, 2012 to July 31, 2013, and reflects a 2.3% increase from the previous year due to the cost of living (CPI).
17. RESOLUTION awarding 12-month blanket contract for generator repair alliance to R. P. Service in an amount not to exceed \$80,000.00.
18. RESOLUTION awarding 12-month blanket contract for decorative concrete standards and brackets to SALCO, Inc. in the amount of \$54,750.00 and to StressCrete, Inc. in the amount of \$917,300.00, for a total of \$972,050.00.
19. RESOLUTION awarding 12-month blanket contract for southern yellow pine poles to Brown Wood Preserving in the amount of \$1,056,475.00, which includes an additional \$10,000.00 allowance to cover unforeseen or future job projects and emergency situations such as winter or summer storms during the next 12-month period.
20. RESOLUTION approving Change No. 1 to Contract No. 11451, Courier Services, with Express Courier International, Inc., in the funded amount of \$180,165.04. (This change reflects an increase in the number of stops from 208 to 212 in the current term with no increase in rates in the funded amount of \$23,356.91. This change also renews the contract for the first of four annual renewal terms, September 7, 2012 through September 6, 2013, with no increase in rates, in the funded amount of \$156,808.13, which includes contingency funds for possible emergency stops in the amount of \$3,785.34).



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REGULAR AGENDA

21.
Collins

APPOINTMENTS

Memphis Stormwater Board

Appointments (Held from 7/3)

Brett Dunagen

Lori Morris

Emily Wiggins

Memphis Wastewater Hearing Authority

Appointment

Paul Joseph Palazola (Held from 7/3)

GENERAL ORDINANCE – THIRD AND FINAL READING

22.

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 6, 2012, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5460

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

23. RESOLUTION for the Fiscal Year 2013 to approve the City of Memphis Division of Housing and Community Development's leases and/or sub-leases of Memphis city property that may be subject to City of Memphis Ordinance 2-291 relating to Real Property.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

24. RESOLUTION approving the employment of Mr. Roland McElrath as Controller at an annual salary in the amount of \$133,016.00.

Fullilove

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

25. RESOLUTION approving a five year initial contract term between City of Memphis Park Services Division and Memphis City Schools (MCS) for management and operations of Halle Football Stadium. The agreement has two 10 year renewal options for a total of 25 years and requires MCS to cover all operations costs related to the football stadium. MCS has operated the facility since the early 1970's without a formalized written agreement. (Held from 1/3; 1/17)

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

26. RESOLUTION to amend the Fiscal Year 2013 Capital Improvement Budget by transferring an allocation of \$766,587.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to CIPP Cypress Creek 24-30 Rehab, Project Number SW02101 for the installation of CIPP liner in a section of the Cypress Creek sewer outfall. Resolution also appropriates \$766,587.00 funded by Sewer Revenue Bonds for CIPP Cypress Creek 24-30 Rehab, Project Number SW02101 for a construction contract with Reynolds Inliner, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION amending the Fiscal Year 2013 Capital Improvement Budget by transferring an allocation of \$1,000,000.00 funded by G.O. Bonds General from Street Lighting, Project Number PW01093 to Fiscal Year 2013 Street Lighting, Project Number PW01238. Resolution also appropriates \$1,000,000.00 funded by G.O. Bonds General for Fiscal Year 2013 Street Lighting, Project Number PW01238 to cover the cost of the interstate street lighting system located within the City of Memphis.

Hedgepeth

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION amending the Fiscal Year 2013 Capital Improvement Budget by transferring an allocation of \$6,500,000.00 funded by G.O. Bonds General from Asphalt Paving, Project Number PW01040 to Fiscal Year 2013 Asphalt Paving, Project Number PW01239. Resolution also appropriates \$6,500,000.00 funded by G.O. Bonds General for Fiscal Year 2013 Asphalt Paving, Project Number PW01239 to pave City streets using City forces and equipment.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

29. RESOLUTION urging the unified Memphis and Shelby County School Board to signify their commitment to increase the number of students served by high performing schools by entering into a Charter-District Collaboration Compact.

Morrison

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT