CITY OF MEMPHIS

COUNCIL AGENDA
October 16, 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

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 2, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Benjamin Hall, Elijah Jones and Antonio Sloan, who captured the first place win in the Future Business Leaders of America Phi Beta Lambda national competition.

Boyd

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a planned development located at 1325 Lamar Avenue; South side of Lamar Avenue at the intersection of Lamar Avenue and Snowden Circle, containing 7.22 acres in the Residential Urban (RU-4) District.

Ford

Case No. PD 12-314

Applicant: Ken Robison
Solomito Land Planning (Brenda Solomito) – Representative

Request: The ability to hold special events on the grounds and smaller events in the existing home within the Residential Urban (RU-4) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

109 NOTICES WERE MAILED ON OCTOBER 5, 2012

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCES – THIRD AND FINAL READING (None)

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

3. **ORDINANCE** to amend Chapter 9-60 (Litter Control) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for S E C O N D reading.

Hedgepeth — Ordinance No. 5474

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** to amend Chapter 9-58 (Tire Business and Tire Hauler Registration) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for S E C O N D reading.

Hedgepeth — Ordinance No. 5475

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD (None)

NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

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MLGW FISCAL CONSENT

5. RESOLUTION awarding contract to American Airworks for self-contained breathing apparatus equipment in the amount of $66,000.00.

6. RESOLUTION approving Change No. 10 to Contract No. 10765, Private Label Service Agreement, with Aclara Software, in the funded amount of $105,800.00. (This change is to extend the terms of Load Analysis, Rate Comparison Calculator and Carbon Footprint Calculator through December 31, 2014, matching the agreement term of the remaining applications under the contract and also to upgrade to the new operating platforms: Home Energy Analysis, Business Energy Analysis and AMI Data Presentment. This change also includes all fees to host this tool through December 2014. Of the requested amount, $59,800.00 is related to the Smart Grid Demonstration).

7. RESOLUTION amending Purchase Order No. 141051 with Electrical & Mechanical Components Depot, Inc. for the purchase and installation of one vertical turbine pump motor controller in the amount of $5,000.00, for a new contract value of $81,899.00. (This amendment is to increase the value of the purchase order by an additional $5,000.00 and gain approval after the fact to pay the invoice for work previously performed).

8. RESOLUTION authorizing MLGW to spend up to $2,500,000.00 to purchase from one or more vendors equipment, apparatus, material and supplies which are necessary to effect the installation and commissioning of electric distribution and transmission lines to allow for the expansion of the Nike Plant without further approval by the Council of the City of Memphis, subject to compliance with all of MLGW's purchasing policies and procedures including supplier diversity and bid solicitation and advertising requirements.

9. RESOLUTION approving Change No. 2 to Contract No. 11424, Certified Laboratory for Drug Testing, with Advanced Toxicology Network, in the funded amount of $12,000.00, for a new contract value of $60,000.00. (This change renews the contract for the second of four renewal terms, October 28, 2012 to October 27, 2013, with no increase in rates from the previous year).

10. RESOLUTION awarding contract for Virtual Tape Library System Upgrade to Fujitsu America, Inc. in the amount of $380,975.20.

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REGULAR AGENDA

11. Collins

APPOINTMENTS

CITY OF MEMPHIS ALCOHOL COMMISSION

Appointment

Johnsie Helen Wallace

FIRE DEPARTMENT BOARD OF APPEALS

Reappointments

Majid E. Hatamzadeh
Robert C. Jacobson

MEMPHIS CONVENTION CENTER COMMISSION

Appointments

Douglass V. Browne
Jason J. Fair

MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

Appointment

John Jackson

MEMPHIS AND SHELBY COUNTY CENTER CITY REVENUE FINANCE CORPORATION

Appointment

Marija Sokolov

MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY

Reappointments

Michael R. Frick
Deborah R. Massie

PUBLIC ARTS OVERSIGHT COMMITTEE

Reappointments

Carl E. Moore
Peter H. Warren

GENERAL ORDINANCES – THIRD AND FINAL READING

12. **ORDINANCE** to amend Chapter 9 of the City of Memphis Code of Ordinances to include Nondiscrimination Based upon National Origin, Ethnicity, Age, and Disability, up for T H I R D and F I N A L reading. (Held from 9/18)

Collins Ordinance No. 5470

ACTION REQUESTED: Take whatever action Council deems advisable

13. **ORDINANCE** to amend Title 7 – Alcoholic Beverages, Chapter 7-8 – Beer and Light Alcoholic Beverages, Article 2 – License to Store, Sell, Distribute or Manufacture, of the Code of Ordinances, City of Memphis, so as to allow Off-Premise License Holders to conduct beer tastings for sales, promotional and educational purposes, up for T H I R D and F I N A L reading.

Conrad Ordinance No. 5472

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

14. RESOLUTION accepting and appropriating grant funds, in the amount of $1,345,108.00 from FEMA for Tennessee Task Force One, This 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 (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

15. RESOLUTION accepting FEMA/TEMA Hazard Mitigation Grant Program (HMGP) funds from the May 2010 Presidential Declared Disaster for the acquisition and demolition of a severely damaged residence, in the amount of $94,587.50.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION accepting FEMA/TEMA Hazard Mitigation Grant Program (HMGP) funds from the May 2010 Presidential Declared Disaster for the acquisition and demolition of a severely damaged residence, in the amount of $40,862.50.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION funding the A.D.A. Curb Ramp contract for the construction of eight hundred thirty four (834) curb ramps city wide, in the amount of $873,027.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION transferring $30,000.00 from construction ($24,000.00 from Federal Grant CIP and $6,000.00 G.O. Bonds) to Architecture and Engineering in STP Repaving Group 3, project number PW01202.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION supports extending an existing contract with Acuff Enterprises to replace sanitary sewer lines at various locations within the City, in the amount of $1,934,801.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION transferring $170,000.00 from construction to A&E and appropriating $2,750,000.00 FY 2013 CIP funds, to fund major repairs and/or improvements to various City facilities per the FY2013 CIP Project list.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION amending the Fiscal Year 2013 Operating Budget by accepting and appropriating $36,000.00 in grant funds passed through Shelby County Government to the Division of Engineering for transportation planning activities.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION appropriating $3,000,000.00 in Other Cost funded by G.O. Bonds from Project #CE01068 for the Anti Blight Initiative, to fund demolition and cleanup in targeted neighborhoods, for the Division of Public Works.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION appropriating $1,931,285.00 funded by G.O. Bonds-General, in Elvis Presley/Shelby/Winchester street improvements, project number PW01064, chargeable to the Fiscal Year 2013 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

Pope, Trudy

From: Turner, Ann
Sent: Friday, October 12, 2012 9:34 AM
To: Pope, Trudy; Lawson, Terral; Snipes, Valerie
Cc: Morrison, Bill; Ford Jr., Edmund; Geater, Lisa; Keplinger, Juaness; Wordlaw, Sophia; Fullilove, Janis
Subject: Chaplain of the day Oct 16

Oct 16

Pastor James B. Collins
Progressive Missionary Baptist Church
394 Vance Ave.

Invited by Councilwoman Janis Fullilove

Ann Turner
Memphis City Council
125 N. Main, Rm. 514
Memphis, TN 38103
Off. Direct (901)576-6787
Fax (901) 576-6796

ADD-ONS

25. **ORDINANCE** to amend Cable Franchise Ordinance No. 5331 to be consistent with Council's authority and intent, up for S E C O N D reading. (Held from 10/2)

Consent Ordinance No. 5473

ACTION REQUESTED: Adopt the ordinance on Second reading

24. RESOLUTION requesting that the Director of Personnel develop a non-discrimination policy applicable to all employees of but not limited to race, color, religion, sex, national origin, age, disability, genetic information, veteran status, political affiliation, sexual orientation, or gender identity.

Flinn

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION to accept a mobile service vehicle from the Memphis Library Foundation for the provision of Job/Career Services at the Memphis Public Library and Information Center.

Boyd

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Approved, as amended
3. Through 11 – Approved
12. Approved, as amended
13. Held to November 6, 2012
14. Through 26 – Approved

ACTION TAKEN ON MINUTES OF OCTOBER 2, 2012

Approved

ACTION TAKEN ON THE MINTUES OF OCTOBER 16, 2012 FOR ITEMS #8 AND #23 ONLY:

Approved