



CITY OF MEMPHIS

COUNCIL AGENDA

December 18, 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 (December 4, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION of the 2012 City Council Humanitarian Award, to Lewis R. Donelson, III.

Morrison

2. RESOLUTION approving an honorary street name change for Mr. William Gandy, Sr.

Halbert

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING (None)

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION approving the Rules of Procedures and Regulations adopted by the Memphis Transportation Commission.

Ford

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a planned development located at 426 Union Avenue; northwest corner of Union Avenue and Lauderdale Street, containing .957 acres in Sports and Entertainment District.

Ford

Case No. PD 12-316

Applicant: Enterprise Rent-A-Car
Solomito Land Planning (Brenda Solomito) – Representative

Request: Expand existing Enterprise Rent-A-Car agency by expanding lot Area and constructing a new building

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 special use permit located on the east side of Old Allen Road; +/-754 feet northeast of New Allen Road, containing .49 acre in the Residential Single Family-10 (RS-10) District.

Ford

Case No. SUP 12-221

Applicant: Tower Ventures V, LLC/TV6-W, LLC
Lou Katzerman – Representative

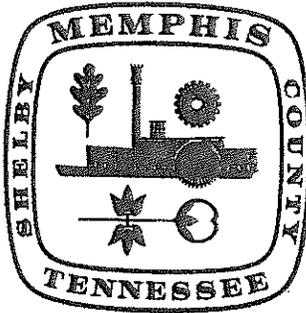
Request: To construct a one hundred seventy foot (170') CMCS tower at 3298 Old Allen Road

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 ORDINANCE - FIRST READING

6. **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 create a Caterer’s Permit, up for F I R S T reading.

Conrad

Ordinance No. 5490

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

7. **ORDINANCE** to amend No. 4934, of the City Code of Ordinances, Chapter 2, Article III, Division 4, Public Art – Public Art Program for the City of Memphis, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5488

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to establish meeting dates for City Council meetings in 2013, up for S E C O N D reading.

Morrison

Ordinance No. 5489

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)



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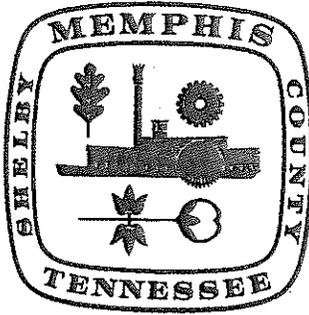
125 North Main Street

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MLGW FISCAL CONSENT

9. RESOLUTION awarding three-month contract to Standard Construction Company for approximately 1,000 tons of winter asphalt mix, in an approximate amount of \$62,000.00.
10. RESOLUTION awarding 24-month blanket contracts for instrument transformers to HD Supply Utilities in the amount of \$3,333.30 and Utilicor in the amount of \$141,261.46, for a total amount of \$144,594.76
11. RESOLUTION awarding 24-month blanket contracts for electric meters to WESCO Distribution in the amount of \$135,870.00, Landis & Gyr, Inc. in the amount of \$21,200.00 and Utilicor in the amount of \$733,200.00 for a total amount \$890,270.00.
12. RESOLUTION approving Change No. 7 to Contract No. 10863, Blue Pumpkin Software License Support Services, with Verint, Inc., in the amount of \$658,863.75. (This change is to upgrade existing workforce management (WFM)/customer feedback (CF) software applications; increase customer feedback (CF) licenses; install Workforce Management and Desktop and Process Analytics (discovery and adherence tools); data migration; to activate multi media forecasting and scheduling features; and training and support.)
13. RESOLUTION approving Change No. 11 to Contract No. 10562, PBX/ACD System, with Black Box Network Services, in the funded amount of \$48,429.10 for a new contract amount of \$2,151,123.96. (This change is to upgrade from the OpenScape Contact Center v7.0 application to the OpenScape Contact Center v8.0. In addition, this change is to modify the CTI applications on new MLGW provided servers which will migrate data from v7.0 database to v8.0 database. This upgrade will allow MLGW to develop and activate the Call Director application in an effort to speak to customers in the estimated wait time along with other pertinent information.)
14. RESOLUTION approving Change No. 10 to Contract No. 10332, ABB Software Maintenance, with ABB Power Training & Development Company, Inc., in the funded amount of \$135,119.00. (This change is to renew software maintenance, licenses, and support renewal fees for the period covering January 1, 2013 to December 31, 2013. In addition, this change includes a 0.42% increase in price from the previous year. The increase is due to ABB's 2013 pricing model. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by ABB Power Training & Development Company, Inc.)
15. RESOLUTION awarding contract to Buckeye Mountain for global positioning system (GPS) handheld devices, in the amount of \$69,810.00.

16. RESOLUTION approving Change No. 3 to Contract No. 11324, In-Service Wood Pole Inspection, with Osmose Utilities Services, Inc., in the funded amount not to exceed \$600,000.00. (This change is to renew the current contract for the third of four renewal terms covering the period January 1, 2012 to December 31, 2012. In addition, this renewal reflects a 0.75% price increase from the previous year.)
17. RESOLUTION awarding Contract No. 11594, PowerPlan Maintenance Agreement to PowerPlan, Inc. in the funded amount of \$851,309.00.
18. RESOLUTION awarding a 12-month blanket contract to Thomas Consultants, Inc. for Novell Software maintenance, in the amount of \$315,916.43.
19. RESOLUTION awarding Contract No. 11595, Telvent Maintenance Agreement, to Telvent, in the funded amount of \$700,000.00.
20. RESOLUTION awarding Contract No. 11593, Oracle Maintenance Agreement, to Rolta International, in the funded amount of \$1,296,654.00.
21. RESOLUTION awarding Contract No. 11551, Video Production for Memphis Energized, to Media Source in the funded amount of \$50,000.00.
22. RESOLUTION awarding a 60-month contract to Pitney Bowes for rental of a shipping and receiving solution, in the amount of \$98,940.00.



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

23. **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 **T H I R D** and **F I N A L** reading. (Held from 11/6)

Hedgepeth

Ordinance No. 5474

ACTION REQUESTED: Take whatever action Council deems advisable

24. **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 **T H I R D** and **F I N A L** reading. (Held from 11/6)

Hedgepeth

Ordinance No. 5475

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend Cable Franchise Ordinance No. 5331 to be consistent with Council's authority and intent, up for **T H I R D** and **F I N A L** reading. (Held from 10/2; 11/6; 12/4)

Fullilove

Ordinance No. 5473

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** amending Title 6, Business Licenses and Regulation, of the Memphis, Tennessee, Code of Ordinances to add Chapter 105, Prohibiting Wage Theft, providing Administrative Procedures for Wage Theft, and allowing Shelby County Government to impose penalties against those employers found guilty of Wage Theft, up for **T H I R D** and **F I N A L** reading.

Collins

Ordinance No. 5478

ACTION REQUESTED: Take whatever action Council deems advisable

27. **JOINT ORDINANCE** updating the Memphis and Shelby County Existing Building Code by adoption of International Code Council 2012 Edition of the International Existing Building Code with local amendments, up for T H I R D and F I N A L reading.
Ford Ordinance No. 5479

ACTION REQUESTED: Take whatever action Council deems advisable

28. **JOINT ORDINANCE** updating the Memphis and Shelby County Residential Code by adoption of the International Code Council 2012 Edition of the International Residential Code with local amendments, up for T H I R D and F I N A L reading.
Ford Ordinance No. 5480

ACTION REQUESTED: Take whatever action Council deems advisable

29. **JOINT ORDINANCE** updating the Memphis and Shelby County Fuel Gas Code by adoption of the 2009 Edition of the International Code Council Fuel Gas Code with local amendments, up for T H I R D and F I N A L reading.
Ford Ordinance No. 5481

ACTION REQUESTED: Take whatever action Council deems advisable

30. **JOINT ORDINANCE** updating the Memphis and Shelby County Plumbing Code by adoption of the 2009 Edition of the International Code Council Plumbing Code with local amendments, up for T H I R D and F I N A L reading.
Ford Ordinance No. 5482

ACTION REQUESTED: Take whatever action Council deems advisable

31. **JOINT ORDINANCE** updating the Memphis and Shelby County Energy Conservation Code by adoption of the International Code Council 2009 Edition of the International Energy Conservation Code with local amendments, up for T H I R D and F I N A L reading.
Ford Ordinance No. 5483

ACTION REQUESTED: Take whatever action Council deems advisable

32. **JOINT ORDINANCE** updating the Memphis and Shelby County Electrical Code by adoption of the 2008 National Electrical Code with local amendments, up for T H I R D and F I N A L reading.
Ford Ordinance No. 5484

ACTION REQUESTED: Take whatever action Council deems advisable

33. **JOINT ORDINANCE** updating the Memphis and Shelby County Mechanical Code by adoption of the 2009 Edition of the International Code Council Mechanical Code with local amendments, up for T H I R D and F I N A L reading.
Ford Ordinance No. 5485

ACTION REQUESTED: Take whatever action Council deems advisable

- 34. **ORDINANCE** adopting the 2009 International Fire Code (published by International Code Council) with local amendments, to replace the currently adopted 2003 International Fire Code, to be the enforced document for fire and life safety within the City of Memphis. See existing Ordinance No. 5225, up for T H I R D and F I N A L reading.
Conrad Ordinance No. 5486

ACTION REQUESTED: Take whatever action Council deems advisable

- 35. **JOINT ORDINANCE** updating the Memphis and Shelby County Building Code by adoption of Chapters 14-25 and Chapter 34 of the 2012 International Code Council 2012 Edition of the International Building Code and Chapters 1-13, 26-33 and Chapter 35 of the 2009 Edition of the International Code Council International Building Code with local amendments, up for T H I R D and F I N A L reading.
Conrad Ordinance No. 5487

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

- 36. **RESOLUTION** seeking approval from the Memphis City Council to enter into an interlocal agreement with the Shelby County Office of Trustee for the collection of current and delinquent Ad Valorem Taxes owed to the City of Memphis.
Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

- 37. **RESOLUTION** adopting the 2013 State Legislative Agenda.
Collins

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

38. RESOLUTION closing Whitehaven Golf Course for the winter months, increasing golf cart rental fees and establishing a non-Shelby County user fee. (Held from 11/6; 12/4)

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

39. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$15,000.00. Resolution also amends the FY 2013 Operating Budget to establish and appropriate \$15,000.00 in grant funds for FY 2013.

Conrad

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$107,029.42 for Comprehensive Alcohol Risk Reduction (C.A.R.D.). Resolution also amends FY 2013 Operating Budget to establish and appropriate \$107,029.42 in grant Funds for FY 2013.

Conrad

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$398,472.98 for Alcohol Saturation Patrols. Resolution also amends FY 2013 Operating Budget to establish and appropriate \$398,472.98 in grant funds for FY 2013.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

42. RESOLUTION appropriating \$70,000.00 in G.O. Bond funds for the purchase of two video edit systems, for the Memphis Public Library and Information Center's Television Station, WYPL TV-18.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

43. RESOLUTION to cease funding for any stand-alone signs for bike lanes. (Held from 12/4)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION to sell city-owned property, located at 4122 Barton, to Alpha Memphis Education Foundation, Inc., for the amount of \$1.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION approving the amendment to agricultural lease agreement with Ensley Bottoms Farm, LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission, on October 17, 2012.

Hedgepeth

Contract No. CR-5194

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT