



CITY OF MEMPHIS

COUNCIL AGENDA

January 3, 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 (December 20, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change for Lewis Donelson.
Conrad

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a special use permit located on the west side of Thomas Street; +/-260 feet north of Royal Avenue, containing 68.561 acres in the Heavy Industrial (I-H) District.

Ford

Case No. SUP 11-219

Applicant: Worley Brothers Scrap Iron and Metals
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Scrap metal and processor and wrecking, junk or salvage yard

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES MAILED ON DECEMBER 22, 2011

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION approving a special use permit located on the west side of North Bellevue Boulevard, 477 feet north of Peach Avenue, containing 0.2 acre in the Residential Single Family-6 (R-6) District.

Ford

Case No. SUP 11-217

Applicant: O' Taste and See (Barbara Jackson)
Mark Yates and Barbara Jackson – Representatives

Request: Catering Service

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

4. ORDINANCE rezoning the west side of Oak Street; +/-389' south of Trigg Avenue, containing .40 acre in the Single Family Residential-6 (R-6) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 11-109
Ordinance No. 5436

Applicant: Odessa Williamson
Delinor Smith – Representative

Request: Residential Urban-3 (RU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

118 NOTICES MAILED ON DECEMBER 22, 2011



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

5. **ORDINANCE** to amend the City Charter so as to require the Mayor and Council to adopt a Five Year Strategic Business Plan and a Six Year Consolidated Budget that includes both the Operating and Capital Budgets for the City and to submit the proposed Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held November 8, 2012, up for F I R S T reading.

Flinn

Ordinance No. 5437

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** to amend Article VI, Chapter 36 of the City of Memphis, Code of Ordinances, to increase the existing Hotel/Motel Occupancy Tax to 2.7%, up for F I R S T reading.

Conrad

Ordinance No. 5439

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

7. **ORDINANCE** rezoning the South side of Raines Road, 295 feet east of Marlin Road, containing 0.34 acre in the Residential Single Family-10 (R-10) District, up for F I R S T reading.

Ford

Case No. Z 11-111

Ordinance No. 5438

Applicant: Anthony Carr
James Kincaide – Representative

Request: Rezone to General Office (O-G) District

LUCB recommendation: APPROVE request for General Office (O-G)
District

OPD recommendation: REJECT request for Commercial Mixed Use-1
APPROVE request for General Office (O-G)
District

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD (None)

GENERAL ITEMS (None)



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11502, Grounds Maintenance Well Lots, to Bean and Prince Contractors, Inc. in the funded amount of \$67,599.14.
9. RESOLUTION approving Change No. 1 to Contract No. 11486, Grounds Maintenance and Landscaping Services, with The Roberts Company, Ltd. of Tennessee d/b/a Environmental Landscape Services, in the funded amount of \$67,566.50. (This change renews the contract for the first of four renewal terms, May 4, 2012 to May 3, 2013, with no increase in rates from the previous year).
10. RESOLUTION awarding contract for fuse equipment to HD Supply Utilities in the amount of \$1,311,213.20.
11. RESOLUTION awarding 36-month blanket contracts for water meters to Badger Meter, Inc. in an amount not to exceed \$1,110,525.92 and Elster AMCO Water, Inc., in an amount not to exceed \$390,321.48; the total of both awards is approximately \$1,500,847.40.
12. RESOLUTION awarding Contract No. 11521, Mitsubishi Electric Transmission Line Foundation, to Reliable Constructors, Inc., in the funded amount of \$273,800.00.
13. RESOLUTION approving Change No. 9 to Contract No. 10332, ABB Software Maintenance, with ABB Power Training & Development Company, Inc., in the funded amount of \$134,552.00. (This change renews software maintenance, licenses and support renewal fees covering the period January 1, 2012 to December 31, 2012, which includes a 5% increase in price from the previous year due to ABB's 2012 pricing model. This also includes continuous maintenance of the acquired system which can only be performed by ABB Power Training & Development Company, Inc.).
14. RESOLUTION approving Change No. 7 to Contract No. 10580, Service Agreement, with Motorola, Inc., in the funded amount of \$47,759.16, for a new contract value of \$576,266.31. (This change renews the contract for an additional one-year term, March 1, 2012 to February 28, 2013, with no increase in rates from the previous year. This change also includes continuous maintenance of the acquired system which can only be performed by Motorola, Inc.).
15. RESOLUTION approving Change No. 2 to Contract No. 11235, Long Distance Telephone Service, with AT&T, Inc. in a funded amount not to exceed \$15,000.00, for a new contract value of \$60,000.00. (This change renews the contract for the second and final renewal term, April 1, 2012 to March 31, 2013, with no increase in rates from the previous year).

16. RESOLUTION approving Change No. 4 to Contract No. 11320, Local Dial Tone Services, with Paetec, in the funded amount of \$132,600.00. (This change renews the contract for the second of three renewal terms, April 1, 2012 to March 31, 2013, with no increase in rates from the previous year).
17. RESOLUTION approving Change No. 2 to Contract No. 11324, In-Service Wood Pole Inspection, with Osmose Utilities Services, Inc., in an amount not to exceed \$600,000.00, with unit rate adjustments. (This change renews the contract for the second of four renewal terms, January 1, 2012 to December 31, 2012, and includes an overall unit rate adjustment of 0.75%).
18. RESOLUTION awarding Contract No. 11514, Consultant Risk Management Audit, to Marsh, in the funded amount of \$320,000.00.
19. RESOLUTION approving Change No. 7 to Contract No. 10985, Master Lease Agreement, with SkillSoft Corporation, in the funded amount of \$13,456.20, for a new contract value of \$200,177.67. (This change renews the current contract for an additional term covering the period January 31, 2012 to January 30, 2013 and adds Information Technology courses to the contract. This also deducts the amount of \$783.42 from Change No. 6 which was not executed nor was the work performed).
20. RESOLUTION approving Change No. 7 to Contract No. 11121, Customer Satisfaction Survey, with Renee Enterprises in the funded amount of \$8,368.50, for a new contract value of \$183,783.00. (This change extends the current contract for a 90-day period, January 1, 2012 to March 31, 2012, with no increase in rates, to allow the development of a new contract as a result of the bid rejection of the previous RFP).



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REGULAR AGENDA

GENERAL ORDINANCES -THIRD AND FINAL READING

21. **ORDINANCE** to amend Title 6-Business Licenses and Regulations-Chapter 6-88-Wreckers and Towing Operators, Section 6-88-15-Private Property Tow authorization formerly Chapter 41-Wreckers or Towing Operator, of the Code of Ordinances, up for T H I R D and F I N A L reading.

Boyd

Ordinance No. 5431

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** to amend Chapter 7 – Center City Area, Article IV, Common Mall Area, of the Code of Ordinances, City of Memphis, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5432

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to amend Chapter 5 – Animals and Fowl, Article III – Dogs and Cats, of the Code of Ordinances, City of Memphis, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5433

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend Chapter 5 – Animals and Fowl, Article III, 5, Dangerous/Vicious Animal, of the Code of Ordinances, City of Memphis, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5434

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

- 25. RESOLUTION amending the FY 2012 Operating Budget by accepting grant funds in the amount of \$10,000.00 from the Target Corporation for the Office of Youth Services Violent Prevention Program.

Morrison

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 26. RESOLUTION accepting and appropriating Mayor’s Institute on City Design funds in the amount of \$225,000.00 from the National Endowment for the Arts to the FY 2012 budget for the Division of Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

- 27. RESOLUTION regarding the annual suggested pension contribution. (Held from 11/15; 12/06; 12/20)

Collins

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

- 28. 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.

Boyd

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION requesting City Council approval for the City of Memphis to enter into a contract with Tri-State Youth Baseball Academy, Inc., (TSYBA) to manage and operate Jesse Turner/Bellevue Baseball Park. The Agreement calls for a five (5) year initial term and three (3) five (5) year renewal terms for a total of 20 years.

Boyd

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$201,225.00 in Contract Construction for CIP Project Number GA01008, Mud Island Major Maintenance to address repairs on Mud Island due to flood damage.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

31. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$249,545.00 funded by G.O. Bonds from ADA Curb Ramp, Project Number PW04007 to Curb Ramp Program Group 45, Project Number PW04091 to install handicap ramps at various locations. Resolution also appropriates \$249,545.00 funded by G.O. Bonds for Curb Ramp Program Group 45, Project Number PW04091 for a construction contract with Precise Concrete.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

32. **ORDINANCE** to consolidate the Divisions of Public Services and Community Enhancement with the Division of Park Services, up for F I R S T reading.

Consent

Ordinance No. 5440

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 - Held until January 17, 2012
3. Through 20 – Approved
21. Held until January 17, 2012
22. Through 26 – Approved
27. & 28 – Held until January 17, 2012
29. Through 32 – Approved

ACTION TAKEN ON THE MINUTES OF DECEMBER 20, 2011 MEETING

Approved