CITY OF MEMPHIS

COUNCIL AGENDA
November 1, 2011
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 (October 18, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITOR

1. RESOLUTION honoring recipients of the Fire Company and Fire Fighter of the Year Awards.

Conrad

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving an appeal located on the south side of Steve Road; +/-182.59 feet west of Ellsworth Street, containing 12.18 acres and is currently governed by Steve Road Planned Development, Amended (P.D.06-332). (Held from 9/6; 9/20)

Ford

Case No. PD 06-332

Appellant: Thomas Investments (William H. Thomas, Jr.)
SR Consulting, LLC – Representative

Request: Appeal to overturn decision of the Land Use Control Board on Thursday, March 10, 2011 denying a request for a five (5) year time extension and to remove phasing restrictions from Outline Plan Conditions

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES MAILED ON AUGUST 19, 2011

3. RESOLUTION approving a special use permit located on the south side of Park Avenue, generally located between Pendleton Street and Haynes, containing .08 acre in the Commercial Mixed Use-2 (CMU-2) District.

Ford Case No. SUP 11-210

Applicant: TV Signal Source Towers, LLC
Solomito Land Planning (Brenda Solomito) – Representative

Request: Cellular Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

147 NOTICES MAILED ON OCTOBER 21, 2011

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a planned development located on the north side corner of Quince Road; +/-980 feet west of Kirby Gate Road, containing 2.11 acres in the Residential Urban-3 (RU-3) District.

Ford Case No. PD 11-316

Applicant: Jack Erb Company
Fisher & Arnold - David Baker - Representative

Request: Retail and office uses

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

5. **ORDINANCE** rezoning the southwest corner of Danny Thomas Boulevard and Linden Avenue, containing 2.67 acres in the Sports & Entertainment (SE) and South Downtown Residential (R-SD) Districts, up for T H I R D and F I N A L reading.

Ford Case No. Z 11-108
Ordinance No. 5422

Applicant: Linden Hotels, LP

Request: Sports & Entertainment (SE) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

77 NOTICES MAILED ON OCTOBER 21, 2011

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

6. **ORDINANCE** to amend Chapter 23 of the City of Memphis Code of Ordinances, to add Section 23-86, which shall require the use of Helmets for personal safety during skating and other activities within the Skate Parks, up for F I R S T reading.

Collins — Ordinance No. 5423

ACTION REQUESTED: Adopt the ordinance on First reading

7. **ORDINANCE** to fix and determine salary and compensation of Mayor, pursuant to Home Rule Amendments, up for F I R S T reading.

Collins — Ordinance No. 5424

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to fix and determine salary and compensation of City Court Judges, pursuant to Home Rule Amendments, up for F I R S T reading.

Collins — Ordinance No. 5425

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to fix and determine salary and compensation of City Court Clerk, pursuant to Home Rule Amendments, up for F I R S T reading.

Collins — Ordinance No. 5426

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

10. RESOLUTION approving final plat of JACKSON FAIROAKS P.D.

Case No. PD 11-315

Resolution approves the final plat located at the intersection of Fairoaks Avenue and Jackson Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of BEARWATER PARK SUBDIVISION, PHASE 1.

Case No. S 10-011
Contract No. CR-5175

Resolution approves the final plat located on Seventh Street, south of Cedar Avenue. Cost of the required improvements to be born by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

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

A. Case No. PD 11-309 – Houston Levee Trails P.D., 1st Addition, 3rd Amendment

Located on the southeast corner of Highway 64 and Houston Levee Road, containing 30.32 acres in an area currently governed by the Houston Levee Trails P.D., 1st Addition, 2nd Amendment (P.D. 00-350cc)

Applicant: First Alliance Bank
SR Consulting, LLC – Cindy Reaves - Representative

Request: 1) Add .59 acre to planned development boundary; 2) Change a portion of Area A to Area C; 3) Permit Commercial Mixed Use-2 (CMU-2) District uses within Area C, including Multi-Family Residential and cellular tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 15, 2011

CITY OF MEMPHIS

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MLGW FISCAL CONSENT

13. RESOLUTION approving Change No. 11 to Contract No. 10783, Emergency Aid Agreement, with Dillard Smith Construction, in the funded amount of $370,687.86. (This change covers payment for work performed due to the storm of April 20, 2011).

14. RESOLUTION approving Change No. 8 to Contract No. 11071, Emergency Storm Restoration, with Davis H. Elliot Company, Inc., in the funded amount of $279,125.34. (This covers payment for work performed due to the storm of June 13, 2011).

15. RESOLUTION approving Change No. 6 to Contract No. 11437, Emergency Aid Agreement, with Standard Electric Company, in the funded amount of $93,672.25. (This covers payment for work performed due to the storm of June 14, 2011).

16. RESOLUTION awarding contract to HDW Electronics, Inc. for seven time-domain reflectometry and arc-reflection method-fault location test sets, in the amount of $87,750.00.

17. RESOLUTION approving the selection of Channing Capital Management, a small cap value investment manager, to manage approximately $20,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.

18. RESOLUTION approving Change No. 4 to Contract No. 11279, Third Party Administrator for Worker's Compensation, with Brentwood Services Administrators, Inc., in the funded amount of $125,000.00. (This change renews the contract for the third of six renewal terms, January 1, 2012 to December 31, 2012, with no increase in rates).

19. RESOLUTION approving the waiver of liability limits for damages or losses to properties under the Tennessee Governmental Tort Liability Act (the "GTLA") up to the full amount of the insurance coverage under policy purchased from Travelers and the payment of deductibles in amounts up to $100,000 under the policy relating to damages or losses to properties covered by the insurance policy.

20. RESOLUTION approving Change No. 2 to Contract No. 10546, Lapres Software Maintenance Agreement, with XL Print USA, LLC, in the funded amount of $9,180.00, for a new contract amount of $109,587.64. (This covers a corporation name change from Out-Put Solutions, Inc. to XL Print USA, LLC, and renews annual software maintenance and support services and license fees for the period July 1, 2011 to June 30, 2012).

21. RESOLUTION approving Change No. 12 to Contract No. 10705, Oracle Software License and Service Agreement, with Oracle, in the funded amount of $1,230,492.96. (This change renews annual software maintenance and support services and license fees for the following services: (1) Service Contract No. 3109761 covering the period November 18, 2011 to November 17, 2012; (2) Service Contract No. 3877168 covering the period November 27, 2011 to November 26, 2012; (3) Service Contract Number 4874182 covering the period December 29, 2011 to December 28, 2012; (4) Service Contract No. 1977545 covering the period February 20, 2012 to February 19, 2013; (5) Service Contract No. 2305258 covering the period May 8, 2012 to May 7, 2013; and (6) Service Contract No. 1477055 covering the period April 29, 2012 to April 28, 2013).

22. RESOLUTION approving Change No. 3 to Contract No. 11185, Environmental Consulting Services, with Center for Toxicology and Environmental Health in the funded amount of $200,000.00. (This change renews the contract for the third of four renewal terms, January 1, 2012 to December 31, 2012, with a 5.5% increase in rates from the previous year).

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REGULAR AGENDA

23. **APPOINTMENTS**
Collins

Memphis and Shelby County Downtown Parking Authority

Reappointment

Odell Horton, Jr.

Memphis and Shelby County Electrical Code Board

Appointments

Anthony Milton
C. Michael Smith

Reappointments

Philip K. Lim
James V. Weatherington

GENERAL ORDINANCES-THIRD AND FINAL READING

24. **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 of Memphis, Tennessee, up for T H I R D and F I N A L reading. (Held from 9/20; 10/18)
Strickland Ordinance No. 5414

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend Memphis, Tennessee, Code of Ordinances Title 4 – Pension and Retirement System, so as to modify the Pension Benefits allowable under the Ordinance, up for T H I R D and F I N A L reading. (Held from 9/20; 10/18)
Collins Ordinance No. 5416

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to amend Chapter 5, Animals and Fowl of the Code of Ordinances, City of Memphis, to Prevent Cruelty to Animals and Cock and Animal Fighting, up for T H I R D and F I N A L reading. (Held from 10/18)

Strickland Ordinance No. 5417

ACTION REQUESTED: Take whatever action Council deems advisable

27. **ORDINANCE** to amend Chapter 21 of the Memphis City Code of Ordinances, governing Motor Vehicles and Traffic, so as to Regulate Valet Parking Services, up for T H I R D and F I N A L reading. (Held from 10/18)

Hedgepeth Ordinance No. 5418

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** to amend Chapter 39, Article II, Section 39-148 of the Code of Ordinances, so as to require Carriage Drivers to immediately clean waste, up for T H I R D and F I N A L reading.

Strickland Ordinance No. 5421

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

29. RESOLUTION amending the FY 2012 Operating Budget by appropriating an additional $215,000.00 in additional Parking Meter Revenue. Additional revenue to be expended as follows: $30,000.00 for addition of one (1) Parking Enforcement Technician (increase of one position to Engineering Division Complement), $170,000.00 for Miscellaneous Professional Services and $15,000.00 for Miscellaneous Set Up costs.

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

30. RESOLUTION to accept earmark funds in the amount of $1,078,578.00 from the U.S. Department of Homeland Security to Tennessee Task Force One. Tennessee Task Force One will provide specialized training to members of the task force to maintain a maximum state of readiness for urban search and rescue in the event of any man-made or natural disasters and day to day operations of the program. Resolution also amends the FY 2012 Operating Budget to establish and appropriate grant funds.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

31. RESOLUTION to launch the $11.5 million Family Rewards Initiative. The City of Memphis Division of Housing and Community Development will exchange $700,000.00 in Community Development Block Grant (CDBG) funds for $700,000.00 in Non-Federal Match City Dollars to match and properly fund this initiative.

Brown

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION authorizing the Mayor to enter into a purchase agreement for the statue of Ramesses the Great, which is currently located in front of the former Pyramid Arena, to the University of Memphis for public display and educational purposes.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

33. **ORDINANCE** to amend Chapter 11, Section 11-24, of the City of Memphis Code of Ordinances, to increase City Court Costs, up for F I R S T reading.
Consent Ordinance No. 5427

ACTION REQUESTED: Adopt the ordinance on First reading

34. **ORDINANCE** to amend Chapter 21, Section 21-159, of the City of Memphis Code of Ordinances, to increase the Booting Fee for Immobilized Vehicles, up for F I R S T reading.
Consent Ordinance No. 5428

ACTION REQUESTED: Adopt the ordinance on First reading

35. **ORDINANCE** to amend Chapter 21, Article II, Section 50, of the City of Memphis Code of Ordinances, to impose a Delinquency Fee for Parking Citations that remain unpaid, up for F I R S T reading.
Consent Ordinance No. 5429

ACTION REQUESTED: Adopt the ordinance on First reading

FISCAL CONSENT AGENDA

36. RESOLUTION accepting grant funds and to amend the FY 2012 Operating Budget and appropriate grant funds in the amount of $386,991.00 from the State of Tennessee Department of Labor and Workforce Development Division for Resource Sharing Agreement Contract with the Employment Security Division.
Conrad

ACTION REQUESTED: Adopt the resolution

REGULAR AGENDA

37. RESOLUTION designating South Third Street from the terminus of the Mississippi Highway 61 Blues Trail to Crump Boulevard through Downtown Memphis and terminating at 1-40 be dedicated the "Tennessee Highway 61 – Blues Trail."
Lowery

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held until December 6, 2011