CITY OF MEMPHIS

COUNCIL AGENDA
September 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

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (September 4, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARING

1. RESOLUTION approving a planned development located on the southeast side of South Third Street (U.S. Highway 61) and Lucerne Place, containing 3.32 acres in the Residential Urban (RU-3) and Commercial Mixed Use (CMU-1) Districts.

Ford — Case No. PD 12-311

Applicant: Calvary Rescue Mission
SR Consulting, LLC – Representative

Request: Planned development to allow a philanthropic institution for homeless men, including 108 beds, education and training center, dining hall and supportive services

LUCB and OPD recommendation: APPROVAL; with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

70 NOTICES WERE MAILED ON SEPTEMBER 7, 2012

DIVISION OF PLANNING & DEVELOPMENT

2. RESOLUTION approving a special use permit located on the northwest corner of Whitney Avenue and Range Line Road, containing 4.58 acres in the Residential Single Family (R-10) District. (Held from 9/4)

Ford

Case No. SUP 12-216

Applicant: Telepak, Inc. (d/b/a CSpire)
Faulk and Foster (Belinda Bodie) – Representative

Request: Special use permit to allow a communications tower one-hundred fifty (150) feet in height of concealed canister design with capacity to accommodate a minimum of four (4) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3. RESOLUTION adjusting the fee schedules of the Memphis and Shelby County Land Use Control Board and Memphis and Shelby County Board of Adjustment. This resolution affects all property within the City of Memphis and unincorporated Shelby County.

Ford

Companion Case #1 to ZTA 12-001

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

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

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

4. RESOLUTION adjusting the fee schedules of the Memphis Landmarks Commission. This resolution affects property within the City of Memphis.

Ford

Companion Case #2 to ZTA 12-001

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

Request: Adopt new fee schedules for the Memphis Landmarks Commission

OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES – THIRD AND FINAL READING (None)

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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

5. **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 F I R S T reading.

Conrad — Ordinance No. 5472

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD (None)

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MLGW FISCAL CONSENT

6. RESOLUTION approving Change No. 1 to Contract No. 11510, Roof Replacement at the MLGW Sheahan Pumping Station, with B Four Plied Inc., in the funded amount of $441,335.09. (The change is to reinforce the roof of unidentified deck panel which is needed due to unforeseen damaged deck panels at the MLGW Filter and Pump Buildings. The Filter Building will require a complete replacement of material from concrete deck panels to stainless steel decking to reinforce the roof. The Pump Building replacement deck panels will be increased by a count of 196 from the original 146 proposed by MLGW. The amount of the change is $481,335.09; however, MLGW requested the approval of contingency funds in the amount of $40,000.00 which was approved at the January 16, 2012 Board meeting and will be absorbed in this change order. The current contract term will remain from the Date of Notice to Proceed to December 31, 2012).

7. RESOLUTION awarding Contract No. 11512, Automated Fuel Management System, to E. J. Ward, Inc. in a funded amount not to exceed $800,000.00.

8. RESOLUTION awarding Contract No. 11535, Pest Control, to Nu Era Pest Control, in the funded amount of $66,677.00.

9. RESOLUTION awarding Contract No. 11539, Mobile Document Shredding Services, to Vital Records Control, Inc. in the funded amount of $28,176.00.

10. RESOLUTION awarding 36-month contract to IHS Global, Inc. for annual web-based subscription service in the amount of $101,351.36.

11. RESOLUTION approving Change No. 1 to Contract No. 11507, Online Legal Research, with Lexis Nexis in the funded amount of $205,188.00. (This change is to correct the award amount and term approved by the Board at its meeting September 1, 2011. The resolution incorrectly recommended an award in the amount of $47,616.00. However, the executed contract is for a 60-month term in the amount of $252,804.00. Therefore, the Manager of Procurement and Contracts is requesting approval of this change to increase the award in the amount of $205,188.00 and to extend the end date to September 30, 2016).

12. RESOLUTION approving Change No. 1 to Contract No. 11500, Temporary Service for Clerical Support, with Kelly Services, Inc. in the funded amount of $46,132.80, for a new contract value of $337,338.80. (This change is needed due to an increase in area requests for temporary employees due to unbudgeted emergencies and will ensure that there are funds available to complete the renewal term which ends December 31, 2012).

13. RESOLUTION approving Change No. 2 to Contract No. 11378, Risk Management Broker, with Marsh, in the funded amount of $270,277.00. (This change is to extend the current contract in the amount of $13,244.00 for the period covering September 1, 2012 to September 30, 2012. In addition, this change is to renew the contract for the second of four renewal terms in the amount of $257,033.00 for the period covering October 1, 2012 to September 30, 2013).

14. RESOLUTION awarding Contract No. 11552. Influenza Vaccine, to Wellness First, Inc. in the funded amount of $36,000.00.

15. RESOLUTION approving Change No. 4 to Contract No. 11179, Business Objects Software License and Related Service Agreement, with SAP Public Services, Inc., in the funded amount of $64,220.21. (This change is to renew annual software maintenance and support services and license fees for the following services: 1) Service order number 10893417 ($31,813.21) covering the period November 4, 2012 to November 3, 2013; 2) Service order number 10893464 ($24,026.00) covering the period October 6, 2012 to October 5, 2013; 3) Service order number 10893464 ($7,167.00) covering the period October 6, 2012 to October 5, 2013; and 4) Service order number 10899439 ($1,214.00) covering the period December 22, 2012 to December 21, 2013).

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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

16. **ORDINANCE** to amend Section 2-73 of the City Code of Ordinances to establish the City Attorney's Office as the City's Centralized Revenue Office for the Collection of delinquent city receivables, judgments, and related court costs, fees, fines and authorized civil penalties on behalf of the City of Memphis, up for T H I R D and F I N A L reading. (Held from 9/4)

Strickland — Ordinance No. 5466

ACTION REQUESTED: Take whatever action Council deems advisable

17. **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.

Collins — Ordinance No. 5470

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

18. RESOLUTION authorizing the transfer of remaining FY 2012 CIP Capital Acquisition Funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION supporting New Zion Missionary Baptist Church's opportunity to purchase an approximate 0.13 acre City owned parcel located at 0 Weaver Road on the south side of the intersection of Weaver Road and W. Peebles Drive.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION introducing the proposal of an Inter-Local agreement for Shelby County to provide certain real estate services for the City through its Shelby County Land Bank on a fee basis.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION in support of an exchange of real property between Diane Doheny and the City of Memphis. Both parties agree with the proposed exchange. The City of Memphis will transfer a parcel of land containing .905 acres more or less on Levee Road, being a portion of parcel 040001 00088 and recorded as Instrument #11049786 to Diane Doheny in exchange for 13.968 acres more or less on the adjacent parcel.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

22. RESOLUTION authorizing the Division of Housing and Community Development to award $365,597.00 in funding to designated 501 (c) 3 organizations for the purpose of community development, community initiatives and business/economic development activities.

Brown

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION to amend the FY 2013 Operating Budget by allocating and appropriating the second allocation of the FY 2012 Emergency Shelter Grant (ESG) from the U.S. Department of Housing and Urban Development (HUD) to the FY 2013 Operating Budget for Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

24. RESOLUTION appropriating $19,900.00 in Construction funded by G.O. Bonds General for the construction of the Mallory-Neely House Roof Replacement Project, CIP Project Number PK08027. This is Change Order #1.

Boyd

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION appropriating $48,000.00 in Architect/Engineering and $400,000.00 in Contract Construction funded by G.O. Bonds General for Brooks Museum Major Maintenance, CIP Project Number PK08026.

Boyd

The City of Memphis has entered into an agreement with the Brooks Museum of Art which provides for the use and payment of the current and future Capital Appropriation. Council did include Brooks Museum Major Maintenance, CIP Project Number PK08026 as part of the FY 2013 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION appropriating $129,000.00 in Contract Construction funded by G.O. Bonds General for Overton Park Improvements, CIP Project Number PK07111.

Boyd

The City of Memphis has entered into an agreement with the Overton Park Conservancy which provides for the use and payment of the current and future Capital Appropriation. Council did include Overton Park Improvements, CIP Project Number PK07111 as part of the FY 2013 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating $500,000.00 in Construction funds, funded by G.O. Bonds General for Zoo Major Maintenance, CIP Project Number PK09002.

Boyd

The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation. Council did include Zoo Major Maintenance, CIP Project Number PK09002 as part of the FY 2013 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

28. RESOLUTION accepting donated funds in the amount of $100.00 from Nu Era Enterprises, Inc., d/b/a Nu Era Pest Control for the 2013 G.R.E.A.T Summer Camp Program. Resolution also amends the FY 2013 Operating Budget to establish and appropriate donated funds.

Conrad

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION accepting donated funds in the amount of $100.00 from Wolfchase Honda for the 2013 G.R.E.A.T Summer Camp Program. Resolution also amends the FY 2013 Operating Budget to establish and appropriate donated funds.

Conrad

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting donated funds in the amount of $200.00 from Brinson Tax Service, LLC for the 2013 G.R.E.A.T Summer Camp Program. Resolution also amends the FY 2013 Operating Budget to establish and appropriate donated funds.

Conrad

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION accepting donated funds in the amount of $500.00 from Triumph Bank for the 2013 G.R.E.A.T Summer Camp Program. Resolution also amends the FY 2013 Operating Budget to establish and appropriate donated funds.

Conrad

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting donated funds in the amount of $1,500.00 from Walmart for the 2013 G.R.E.A.T Summer Camp Program. Resolution also amends the FY 2013 Operating Budget to establish and appropriate donated funds.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

33. RESOLUTION accepting and appropriating $52,530.00 from the Foundation for the Memphis and Shelby County Library (Memphis Library Foundation) to fund the LINC/2-1-1 Database Manager with funding provided by the United Way.

Lowery

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting and appropriating grant funding in the amount of $2,500.00 from the National Endowment for the Humanities for America's Music Program at Memphis Public Library.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

35. RESOLUTION appropriating $4,116,659.00 funded by Sewer Fund Cash (Use of Fund Balance) in Sewer Assessment and Rehab, Project Number SW05001 for a construction contract with Insituform Technologies, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

36. RESOLUTION creating the Fee and Revenue Evaluation Committee.

Strickland

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

37. **ORDINANCE** to amend Cable Franchise Ordinance No. 5331 to be consistent with Council's authority and intent, up for FI R S T reading.

Consent Ordinance No. 5473

ACTION REQUESTED: Adopt the ordinance on First reading

38. RESOLUTION adopting policy regarding opening invocations before meetings of the Memphis City Council.

Collins

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION authorizing the Mayor to execute documents necessary to effect the consent, assignment and assumption of all of Hoops LP's rights, obligations and interest under existing agreements with the City to the new entity, JP Group, seeking to acquire the Memphis Grizzlies and use the FedEx Forum arena.

Halbert

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved, as amended
2. Through 16 – Approved
17. Approved, as amended, Held for 30 days
18. Approved
19. Approved, as amended
20. Approved
21. Approved, as amended
22. Through 39 – Approved

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 4, 2012 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEM#39 FROM TONIGHT'S MEETING

Approved