CITY OF MEMPHIS

COUNCIL AGENDA
August 21, 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 (August 7, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change for Dr. William Byrne.

Harris

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION thanking Dr. Joseph Weinberg for recognizing and revealing election ballot inaccuracies.

Strickland & Flinn

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION honoring Richard Sweebe and Diamond International, Inc. for its 30th anniversary.

Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

4. RESOLUTION approving a planned development located on the northeast corner of South Fourth Street and East McLemore Avenue, containing 0.41 acre (17,860 sq. ft.) in the Residential Single Family(R-6) District.

Ford

Case No. PD 12-307

Applicant: Marwan Aduhnoud
Bray-Davis Firm, LLC – Representative

Request: Planned development for a 4,800 sq. ft. retail building to allow Commercial Mixed Use (CMU-1) District land uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES WERE MAILED ON AUGUST 10, 2012

DIVISION OF PLANNING & DEVELOPMENT

5. RESOLUTION approving the transfer and development of James Lee house in Victorian Village.

Halbert

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a planned development located generally on the southwest corner of Quince Road and Kirby Parkway, extending west to the Howard Creek Outfall Sewer, and south to Nonconnah Parkway, containing 41.55 acres in P.D. 11-316 (Kirby Gate South – 4th Addition).

Ford Case No. PD 12-312

Applicant: KG Land LLC (Walter Wills)
SR Consulting, LLC (Cindy Reaves) – Representative

Request: To allow medical facilities in Parcels I and IV of this development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING (None)

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

7. **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 F I R S T reading.

Hedgepeth — Ordinance No. 5469

ACTION REQUESTED: Adopt the ordinance on First reading

8. **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 F I R S T reading.

Collins — Ordinance No. 5470

ACTION REQUESTED: Adopt the ordinance on First reading

9. **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 F I R S T reading.

Hedgepeth — Ordinance No. 5471

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

10. **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 S E C O N D reading.

Strickland — Ordinance No. 5466

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-28, Section 11-28-3, of the Code of Ordinances (Right-Of-Way in Crosswalks), up for S E C O N D reading.

Conrad — Ordinance No. 5467

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** to amend Chapter 25 of the City of Memphis, Code of Ordinances, to increase the Pension Benefit of Certain Retirees over the age of Sixty-Five, with at least Twenty Five Years of Service, up for S E C O N D reading.

Strickland Ordinance No. 5468

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

13. RESOLUTION approving final plat of CLEABORN HOPE VI SUBDIVISION, SECTION 2.

Case No. S 11-005
Contract No. CR-5188

Resolution approves the final plat located on the east side of Lauderdale Street, south of Vance Avenue. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving final plat of GALLERIA OF MEMPHIS PD, 2ND AMENDMENT, PHASE 16.

Case No. P 08-326
Contract No. CR-5189

Resolution approves the final plat located on the southwest corner of Germantown Parkway and Bellevue Parkway. Cost of the required improvements to be borne 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

15. RESOLUTION approving final plat of TUGGLE PD, PHASE 3 DRAINAGE IMPROVEMENTS.

Case No. PD 96-313
Contract No. CR-5190

Resolution approves the final plat located on the west side of Crumpler Road, north of East Holmes Road. Cost of the required improvements to be borne 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

16. RESOLUTION approving final plat of FOREST HILL HEIGHTS PD, 3RD AMEND., PH. 2.

Case No. PD 11-320cc
Contract No. CR-5191

Resolution approves the final plat located on the southwest corner of Forest Hill and Winchester. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION accepting GALLERIA OF MEMPHIS PD, AMENDED, PHASE 13 (ROAD DEDICATION ONLY), and authorizing release of bond.

Case No. PD 04-312
(Contract No. CR-5181)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located at the terminus of Market Place Drive, west of Germantown Parkway. The standard improvement contract was approved on May 1, 2012. Resolution also authorizes the release of the letter of credit in the amount of $1,200,000.00 of which $180,000.00 is necessary.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

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:

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE:

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MLGW FISCAL CONSENT

18. RESOLUTION approving Change No. 7 to Contract No. 11437, Emergency Aid Agreement, with Standard Electric Company, in the funded amount of $15,615.92, for a new contract value of $399,829.01. (This change is a request for payment for work performed as a result of the storm of June 12, 2012).

19. RESOLUTION awarding contracts for skid steer loaders to Abby Equipment in the amount of $69,704.00 and to Thompson Machinery in the amount of $35,136.64, for a total amount of $104,840.64.

20. RESOLUTION awarding Contract No. 11526, Collection Services Revenue Management, to Experian, in the funded amount of $260,000.00.

21. RESOLUTION awarding contract for a substation capacitor bank to Cooper Power Systems c/o HD Supply Utilities in the amount of $71,400.00.

22. RESOLUTION approving Change No. 2 to Contract No. 11412, Drug and Alcohol Collection Provider, with True Test Collection of Memphis, LLC, in the funded amount of $15,000.00, for a new contract value of $135,000.00. (This change renews the contract for the second of four annual renewal terms for the period September 29, 2012 to September 28, 2013, with no increase from the previous year).

23. RESOLUTION approving Change No. 3 to Contract No. 10546, Lapres Software Maintenance Agreement, with XL Print USA LLC., in the funded amount of $10,710.00, for a total contract value of $120,297.64. (This change renews the annual software maintenance, support services, and license fees covering the period September 1, 2012 to August 31, 2013 in the funded amount of $9,180.00. This change is also a request for payment for services rendered for the period covering July 1, 2012 to August 31, 2012 in the amount of $1,530.00 although the term expired June 30, 2012).

24. RESOLUTION awarding contract for Resume Mirror Annual Software License Renewal to Talent Technology Corporation in the amount of $30,000.00.

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REGULAR AGENDA

APPOINTMENTS

25.
Collins

CIVIL SERVICE COMMISSION

Appointment

Melanie Stovall Murry

MEMPHIS CITY BEAUTIFUL COMMISSION

Appointment

Michelle E. Smith

Reappointments

Virginia Acuff
Drew Daniel
Frederick McLaughlin
Bethany Smith
Daphne Thomas

GENERAL ORDINANCES – THIRD AND FINAL READING (None)

ENGINEERING DIVISION

26. RESOLUTION amending the Capital Improvement Budget by appropriating $340,000.00 in G.O. Bond Funds to Traffic Signals, Project Number EN01004 in Furniture, Fixtures and Equipment for the purchase of equipment used in the installation of traffic signals by City Forces.

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

27. RESOLUTION to amend the FY 2013 Operating Budget to accept Grant funds from Wells Fargo for local priority initiatives.(Held from 8/7)

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

28. RESOLUTION appropriating $111,898.00 in General Obligation Bonds from the FY13 CIP Budget for the Division of Fire Services to purchase Air Mask System Units and Accessories for a total appropriation of $111,898.00.

Conrad

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating $657,700.00 in General Obligation Bonds from the FY13 CIP Budget for the Division of Fire Services to purchase turnouts/Fire Protective Ensemble designated for the annual procurement of protective clothing for a total appropriation of $657,700.00.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

30. RESOLUTION transferring three (3) vehicles to Shelby County Government Office of Preparedness.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION supporting the sale of two parcels totaling 0.15 acres, to ALSAC/St. Jude Children's Research Hospital located at the intersection of Poplar Avenue and Carroll Avenue.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

32. RESOLUTION amending the FY2013 Operating Budget by approving the budget amendment to appropriate the funds for the TDZ Project Cost in the amount of $1,714,011.71 and to allocate said funds to continue the City of Memphis's redevelopment efforts for the Pyramid Redevelopment Project and the Fairgrounds Redevelopment Project.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

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CITY COUNCIL AS A RATE MAKING BOARD

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33. RESOLUTION approving a one year extension of the Temporary Pilot Time-of-Use Residential Rate and requesting the Memphis City Council to convene as a ratemaking body for the purpose of approving the one year extension of the Temporary Pilot Time-of-Use Residential Rate.

Fullilove

ACTION REQUESTED: Adopt the resolution

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COUNCIL RECESSES AS CITY COUNCIL AND CONVENES AS A RATE MAKING BOARD

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MEETING CALLED TO ORDER AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS

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PUBLIC HEARING Re: Temporary Pilot Time-of-Use Residential Rate One Year Extension

Presentation by: Memphis Light Gas & Water

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ADJOURNMENT AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS

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MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL BY THE SERGEANT-AT-ARMS

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MLGW DIVISION

34. RESOLUTION approving transfer of funds from the Common Fund to the OPEB Trust in an estimated amount of $15,461,870.00, with a settlement at year end to equal the 2012 Annual OPEB Cost.

Fullilove

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving actuarial funding to the Retirement and Pension System in the amount of $30,067,184.00 for the 2012 Plan Year.

Fullilove

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

36. RESOLUTION seeking approval of best bid for Gaston Community Center Repairs, CIP Project Number PK01026. Bids were received on March 30, 2012, with the lowest and complying bid from Barnes and Brower, Inc. in the amount of $127,286.00, plus contingency of $31,822.00 for a total of $159,108.00.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

37. RESOLUTION accepting donated funds in the amount of $1,000.00 from Wal-Mart specifically for the building of additional storage for archive files, as well as law enforcement equipment and repairs. Resolution also amends FY 2013 Operating Budget to establish and appropriate funds.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

38. RESOLUTION approving a lease agreement with option to purchase with Nucor Steel Memphis, Inc. as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on February 17, 2012.

Hedgepeth Contract No. CR-5186

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving an option agreement with Tennessee Valley Authority ("TVA") as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on April 13, 2012.

Hedgepeth Contract No. CR-5187

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION appropriating $2,051,500.00 funded by Sewer Revenue Bonds in Covered Anaerobic Lagoon, project number SW02011 for a construction contract with Landmark Construction General Contractors, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION appropriating the sum of $300,000.00 in Other Project Cost funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN01003, chargeable to FY 2013 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION amending the Fiscal Year 2013 Operating Budget, transferring an Environmental Project Manager from Environmental Maintenance, reducing the authorized complement to 57, to Solid Waste Administration, increasing the authorized complement to 40, decreasing Salaries and Benefits in the Sewer Fund by $77,783.00 and increasing Salaries and Benefits by $77,783.00 in the Solid Waste Management Fund.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the FY 2013 Capital Improvement Budget by transferring an allocation and appropriating $93,734.00 funded by G.O. Bonds-General (Storm Water) from Drainage-ST, project number ST03006 to Fairfield Road Drainage Improvement, project number ST03121 and for a drainage improvement contract with Enscor, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

44. RESOLUTION to cease funding of vehicle inspections, effective July 1, 2013 and to allow Shelby County government or the State of Tennessee to assume responsibility for addressing air quality issues and operation of the I&M program. (Held from 8/7)

Strickland & Flinn

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

45. **APPOINTMENT**
Collins

CIVIL SERVICE COMMISSION

Appointment

Tammie Hawkins

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Approved, as amended
6. Through 45 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 7, 2012

Approved, as amended. Councilwoman Fullilove made a motion to remove Item #6, Case No. SUP 12-203