



CITY OF MEMPHIS

COUNCIL AGENDA

February 7, 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 (January 17, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION by Sounds Like Memphis.
2. RESOLUTION approving an honorary street name change for Lewis Donelson. (Held from 1/3;1/17)

Conrad

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing Mr. Frank Hester's dedication to the Healthcare Oversight Committee.

Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING (None)

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a special use permit located on the north side of Macon Road; +/-572 feet west of Starboard Drive, containing 39.0 acres in the Conservation Agriculture (CA) District.

Ford

Case No. SUP 11-221

Applicant: Fisher and Arnold, Inc.
Askew Hargraves Harcourt, and Associates – Representatives

Request: To allow sports field lighting on the larger baseball field located in
the center of the property

LUCB and OPD recommendation: APPROVAL

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 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 **T H I R D** and **F I N A L** 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: Take whatever action Council deems advisable

41 NOTICES WERE MAILED ON JANUARY 20, 2012



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

6. **ORDINANCE** to extend the boundaries of the City Limits of the City of Memphis by Virtue of the provisions of Chapter 113 of the Public Acts of the General Assembly of the State of Tennessee for 1995, as amended by annexing Gray's Creek Area, up for F I R S T reading.

Collins

Ordinance No. 5441

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

7. **RESOLUTION** accepting GALLERIA OF MEMPHIS SEWER EXTENSION, and authorizing release of bond.

(Contract No. CR-4503)

Resolution accepts the completion of the improvements and the dedication of public streets and easements as shown on the final plat located within the WN-10 Sewer District. The standard sewer extension contract was approved on November 17, 1999. Resolution also authorizes the release of the letter of credit in the amount of \$231,700.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

8. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 11-320cc – FOREST HILL HEIGHTS PLANNED DEVELOPMENT, 3RD AMEND

Located on the south side of Winchester Road; +/-1,165 feet west of Forest Hill Irene Road, containing 20.0 acres and is currently governed by Forest Hill Heights Planned Development, Amended (P.D. 96-347cc)

Applicants: Red Mountain Development
Perkins Law Firm – Representative

Request: Plan amendment to allow 328 apartment units within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SUP 11-213

Located on the north side of Walnut Grove Road at Redditt Road, containing 4.99 acres in the Conservation Agriculture (CA) District

Applicant: Kathryn Kabel
Askew Hargraves Harcourt, and Associates – Representatives

Request: Dog Daycare

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 21, 2012

GENERAL ITEMS (None)



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MLGW FISCAL CONSENT

9. RESOLUTION approving an extension to Contract No. 11226, Collection Services, with Credit Bureau Collection Services, Inc. (CBCS) for an additional 30 days beyond March 31, 2012, the date previously approved by the City Council on December 20, 2011. The extension will authorize payments through April 30, 2012.
10. RESOLUTION approving an extension to Contract No. 11444, Collection Services, with The Affiliated Group, for an additional 30 days beyond March 31, 2012, the date previously approved by the City Council on December 20, 2011. The extension will authorize payments through April 30, 2012.
11. RESOLUTION awarding Contract No. 11506, Addition of Generator at the MLGW Lamar Community Office, to Shelby Electric Company, Inc., in the funded amount of \$110,035.00.
12. RESOLUTION approving Change No. 6 to Contract No. 11229, Professional Engineering Services, with Allen and Hoshall Engineers, in the funded amount of \$15,000.00, for a new contract value of \$559,200.00. (This change reflects an additional design of the Back Wash Residue Water Flow Measurement and Sampling Stations for the Lichterman (\$9,500.00) and Palmer (\$5,500.00) Pumping Stations).
13. RESOLUTION approving Change No. 2 to Contract No. 11385, Gas Leak Survey, with Surveys & Analysis, Inc., in the funded amount of \$30,000.00, for a new contract value of \$1,286,449.75. (This change adjusts the quantities of the two units listed in the scope of work due to a change in the Department of Transportation's (DOT) regulations. As a result of this change, MLGW is increasing the quantity of Unit #1, which includes atmospheric corrosion inspection each year, from 62,000 to 103,500. This change also decreases the quantity of Unit #2, which covers inspection of above ground residential facilities, to zero and adds \$30,000.00 to the current contract value to fund the amount needed to perform the additional residential gas leak surveys).
14. RESOLUTION approving Change No. 1 to Contract No. 11418, Foundation Installation Structures 3603 and 3604 Replacement, with Chris-Hill Construction Company, LLC, in the funded amount of \$2,195.00, for a new contract value of \$98,770.00. (This change extends the designed drilled piers due to unexpected soil conditions).
15. RESOLUTION awarding contract to Universal Scaffolding and Equipment, LLC, for a single conductor cable in the amount of \$82,662.00.
16. RESOLUTION awarding contract to CG Power Systems USA, Inc. for two three-phase pad-mounted distribution transformers in the amount of \$87,036.00.

17. RESOLUTION approving the selection of Rhumblin Advisers, a Core Bond Pooled Index Fund, to manage \$50,000,000.00 for benefit of the Retirement and Pension Fund, as part of a reallocation.
18. RESOLUTION approving the selection of The Energy & Minerals Group, a natural resources private equity manager, to manage approximately \$5,000,000.00 for benefit of the OPEB Trust Fund, as part of a reallocation.
19. RESOLUTION approving the selection of Pharos Capital Group, a private equity manager, to manage approximately \$5,000,000.00 for benefit of the OPEB Trust Fund, as part of a reallocation.
20. RESOLUTION awarding 12-month blanket contract to Business Line Systems for Novell Software maintenance in the amount of \$319,224.20
21. RESOLUTION awarding Contract No. 11510, Roof Replacement at the MLGW Sheahan Pumping Station, to B Four Plied, Inc. in the funded amount of \$839,730.00.
22. RESOLUTION awarding contract to Wagner Smith Equipment Company for rental of wire pulling equipment for a six-month period in the amount of \$172,668.00.
23. RESOLUTION approving payment of 2012 annual membership dues, plus locate request tickets, to Tennessee One-Call System, Inc. in the amount of \$90,112.04.
24. RESOLUTION approving Change No. 3 to Contract No. 10907, Data Feed Analysis, with CQG, Inc. in the funded amount of \$39,000.00. (This change renews the contract for an additional term, February 22, 2012 through February 21, 2013, in the amount of \$30,120.00, and includes additional fees in the amount of \$8,880.00 based on external factors which includes price changes driven by exchanges, change in functionality driven by the market, and price changes driven by litigation).
25. RESOLUTION awarding 12-month blanket contracts for electric meters to Utilicor in the amount of \$527,460.00 and WESCO Distribution in the amount of \$136,206.44, for a total amount of both awards being approximately \$663,666.44.
26. RESOLUTION awarding contract for three-phase auto transformers to Howard Industries, Inc. in the amount of \$642,735.00.
27. RESOLUTION awarding 12-month contract to StressCrete, Inc. for concrete standards in the amount of \$65,280.00.
28. RESOLUTION awarding Contract No. 11487, MLGW Arlington LNG Plant Decommission Project, to Memphis Wrecking Company, in the funded amount of \$294,000.00.



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REGULAR AGENDA

29.
Collins

APPOINTMENTS

Memphis Area Transit Authority

Appointment

Andre M. Gibson

Memphis and Shelby County Board of Equalization

Reappointments

Edward D. Simmons, Jr.
Lillie M. White

Memphis and Shelby County Land Use Control Board

Appointment

Berlin F. Boyd

Reappointments

Russell E. Linkous
Margaret Pritchard
Mary W. Sharp
James H. Toles

GENERAL ORDINANCES -THIRD AND FINAL READING

30. **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. (Held from 1/3; 1/17)

Boyd

Ordinance No. 5431

ACTION REQUESTED: Take whatever action Council deems advisable

31. **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 T H I R D and F I N A L reading.

Flinn

Ordinance No. 5437

ACTION REQUESTED: Take whatever action Council deems advisable

32. **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 T H I R D and F I N A L reading.

Conrad

Ordinance No. 5439

ACTION REQUESTED: Take whatever action Council deems advisable

33. **ORDINANCE** to consolidate the Divisions of Public Services and Community Enhancement with the Division of Park Services, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5440

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

34. RESOLUTION appropriating \$250,000.00 to the Comprehensive Sickle Cell Center, as part of a matching grant for the Plough Challenge grant.

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

35. RESOLUTION regarding the annual suggested pension contribution. (Held from 11/15; 12/06; 12/20; 1/3; 1/17)

Collins

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION supporting City of Memphis Government's 2012 State Legislative Agenda, which includes joint priorities with the Shelby County Government, and requesting the Shelby County delegation to support, and members of the Tennessee General Assembly to enact Legislation supporting such agenda.

Collins

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

37. 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. **(This item was pulled from the 01/03/12 Minutes on 01/17/12).**

Boyd

ACTION REQUESTED: Adopt the resolution

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-ON

38. RESOLUTION opposing Senate Bill 3702 / House Bill 3473 and Senate Bill 3703 / House Bill 3391.

Collins

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. No vote required. Presentation only.
- 2 and 3 – Approved
4. Approved, as amended
5. Through 7 – Approved
8. Public Hearing set for February 21, 2012
9. Through 29 – Approved
30. Back to Committee on February 21, 2012
31. Held for 120 days
32. Held to May 15, 2012
33. Approved, as amended
34. Approved
35. Dropped
36. Approved
37. Held to February 21, 2012
38. Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 17, 2012

Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 7, 2012 FOR ITEMS #26 AND #28 ONLY:

Approved