CITY OF MEMPHIS

COUNCIL AGENDA
March 6, 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 – Boy Scout Troop 33

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (February 21, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating the Christian Brothers High School Wrestling Team on winning the TSSAA State Dual Championships.

Strickland & Hedgepeth

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION congratulating WLOK on its 35th Anniversary.

Strickland

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing Whitehaven Football Team and Band on a successful season.

Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a hotel waiver for French Quarter Suites, located at 2144 Madison Avenue. (Held from 2/21)

Ford Case No. HMW 12-01

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a hotel waiver for Governors Inns and Suites located at 2490 Mt. Moriah Road. **(This item was approved on February 15, 2011 and had to come back before full Council in 1 year).** (Held from 2/21)

Ford Case No. HMW 11-07

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a special use permit located on the south side of Egypt-Central Road; +/-185 feet west of Raleigh-Millington Road, containing 1.11 acres in the Commercial Mixed Use (CMU-1) District.

Ford Case No. SUP 11-223

Applicants: Tower Ventures V & TV6-W, LLC
Tower Ventures V & TV6-W, LLC – Representatives

Request: Special Use Permit to allow a cellular communications tower one-hundred thirty-five (135) feet in height with capacity to accommodate a minimum of three (3) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving a special use permit located on the west side of Boston Street, 175 feet north of Midland Avenue, containing 0.17 acre in the Residential Urban (RU-1) District.

Ford Case No. SUP 11-224

Applicant: Jacob's Ladder, Inc.
Rev. Bill Marler – Representative

Request: Group Day Care and Playground

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 (None)

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

8. **ORDINANCE** to amend Chapter 33, Article III, of the City of Memphis Code of Ordinances, to create the Memphis Wastewater Hearing Authority and to clarify the Administration and Enforcement provisions, up for F I R S T reading.

Hedgepeth — Ordinance No. 5445

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend Chapter 33, Article IV, of the City of Memphis Code of Ordinances, to create the Memphis Stormwater Board and modify provisions related to Civil Penalties, up for F I R S T reading.

Hedgepeth — Ordinance No. 5446

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

10. **ORDINANCE** Fixing Special School Tax Rate and Assessment by the City of Memphis for the benefit of the Board of Education of the Memphis City Schools for its Fiscal Year 2012, up for S E C O N D reading.

Morrison — Ordinance No. 5444

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

11. **ORDINANCE** rezoning the south side of Hwy 64 +/-1,500 feet west of Highway 385, containing 11.05 acres in the Conservation Agricultural (CA) District, up for S E C O N D reading.

Ford — Case No. Z 11-110
Ordinance No. 5443

Applicant: India Cultural Center & Temple, Inc. (Dr. Prasad Duggirala)
John M. Leake, Jr. – Representative

Request: Campus Master Plan – 2 (CMP-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

12. RESOLUTION canceling the standard improvement contract for RIGGINS HILLS P.D., 2ND AMENDMENT, PHASE 3 and authorizing release of bond.

Case No. PD 00-303
(Contract No. CR-5145)

Resolution cancels the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of U.S. Highway 64, 567 feet west of Houston Levee. The standard improvement contract was approved on September 1, 2009. Resolution also authorizes the release of the performance bond (No. 41182275) in the amount of $45,200.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)

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MLGW FISCAL CONSENT

13. RESOLUTION approving Change No. 1 to Contract No. 11443, Tire and Tire Repair Service, with Southern Tire Mart, in the funded amount of $61,889.16. (This change increases the current contract value to process invoices for work performed through the completion of the term which ended December 31, 2011, due to more tires being purchased and services performed than estimated in 2011).

14. RESOLUTION approving Contract No. 11540 between MLGW and Trunkline Gas Company, LLC, in the amount of $1,810,000.00 approximately. The contract term is for five winter seasons, effective November 1, 2012 and ending March 31, 2017.

15. RESOLUTION approving Contract No. 11541 between MLGW and Texas Gas Transmission, LLC, in the amount of $12,500,000.00 approximately. The contract term is for five years, effective April 1, 2012 and ending March 31, 2017.

16. RESOLUTION approving Contract No. 11542 between MLGW and ANR Pipeline in the amount of $5,100,000.00 approximately. The contract term is for three winter seasons, effective November 1, 2012 and ending March 31, 2015.

17. RESOLUTION approving Change No. 6 to Contract No. 10863, Blue Pumpkin Software License Support Services, with Verint, Inc., in the amount of $428,530.46. (This change renews annual software maintenance, license and support. The term of the annual maintenance covers the period August 1, 2012 to July 31, 2017. This change also reflects possible annual increases beginning in 2014 that will be negotiated on an annual basis and such increases will not exceed 5% per year).

18. RESOLUTION awarding contract for stationary battery system to Saft American, Inc., c/o HV Sales Company, Inc. in the amount of $58,241.00.

19. RESOLUTION awarding a strategic alliance contract for power circuit breakers to Mitsubishi Electric Power Products, Inc. in an amount not to exceed $8,000,000.00, for a 60-month period.

20. RESOLUTION approving payment of invoice from the Tennessee Regulatory Authority for the annual pipeline safety inspection fee in the amount of $78,000.00.

21. RESOLUTION awarding 12-month blanket contract to Griffin Pipe Products Company for ductile iron pipe in the amount of $728,676.00.

22. RESOLUTION approving Change No. 2 to Contract No. 11333, Group Term Voluntary Life and Accidental Death and Dismemberment, with Unum Group, in the funded amount of $4,067,844.00. (This change renews the current contract for an additional term, April 1, 2013 to March 31, 2014).

23. RESOLUTION approving Change No. 3 to Contract No. 10070, Remote Printer Control Product, with Macro 4, in the funded amount of $13,946.00, for a new contract value of $255,057.18. (This change renews annual software maintenance, licenses and support fees for the period March 31, 2012 to March 30, 2013, and includes a 5% increase in price from 2011 to 2012).

24. RESOLUTION approving Change No. 13 to Contract No. 10705, Oracle Software License and Service Agreement, with Oracle, in the funded amount of $87,033.19. (This change is for the purchase of 140 additional licenses for Oracle Sourcing and Oracle iSupplier per the licensing agreement as a result of an increase in MLGW's operating revenue. This change is also for a one-year term, May 8, 2012 to May 7, 2013, for support fees of the additional licenses, bringing the license total to 491).

25. RESOLUTION awarding a 60-month blanket contract to Mitchell Technology Group, LLC, for printer maintenance and repairs as needed, not to exceed the amount of $310,000.00.

26. RESOLUTION authorizing exercise of option to extend Purchase Order No. 138754 for the third and final 12-month period with Tech Plus, Inc., for the rental of wide format copier/plotter/scanner devices in the amount of $118,993.00.

27. RESOLUTION approving Change No. 5 to Contract No. 11186, Environmental Abatement Services, with General Construction Services, in the funded amount of $8,630,000.00. (This change is needed to complete approved 2012 projects in compliance with environmental regulations).

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REGULAR AGENDA

28. Collins

APPOINTMENTS

Healthcare Oversight Committee

Appointment

Michael Lee, Sr.

Metro Alarm Review Board

Reappointment

Clyde R. Venson

Memphis and Shelby County Board of Equalization

Appointment

C. Howard Davis

Memphis and Shelby County Community Redevelopment Agency

Reappointment

Deborah L. Daniels

GENERAL ORDINANCE -THIRD AND FINAL READING

29. Boyd

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; 2/7)

Ordinance No. 5431

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

30. RESOLUTION authorizing and providing for the issuance, sale and delivery of not to exceed Seventy-Five Million Four Hundred Thousand Dollars ($75,400,000.00) principal amount of City of Memphis, Tennessee, Bond Anticipation Notes for the purpose of refunding certain outstanding Bond Anticipation Notes of the City.

Strickland

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION of the Council of the City of Memphis, Tennessee, authorizing the issuance, sale and delivery of not to exceed One Hundred Eighty Million Dollars, ($180,000,000.00) principal amount of City of Memphis, Tennessee, General Improvement Bonds for the purpose of refunding certain Outstanding General Improvement Bonds of the City and financing various public works projects of the City.

Strickland

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION to amend the FY 2012 Budget to approve additional funding from reserves as a result of unanticipated circumstances.

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 (None)

INFORMATION SERVICES

33. RESOLUTION appropriating $340,000.00 for CIP Project Number IS01070, Website/ Intranet Upgrade, which was approved by City Council in the FY2012 CIP Budget.

Halbert

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

34. RESOLUTION accepting Federal Grant Funds in the amount of $475,000.00 for the construction of Beale Street Landing, Project Number GA01002. Resolution also amends the Fiscal Year 2012 Capital Improvement Budget by allocating Federal Grant Funds in the amount of $475,000.00 in Contract Construction in Beale Street Landing, Project Number GA01002. Resolution also appropriates $475,000.00 funded by Federal Grant Funds in Contract Construction in Beale Street Landing, Project Number GA01002 for the construction of Beale Street Landing.

Boyd

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION seeks approval of best bid for May Park Ballfield Improvements, CIP Project Number PK05001. Bids were received on December 16, 2011, with the best bid of $845,000.00, plus contingency of $67,600.00 for a total of $912,600.00. Resolution also seeks appropriation of $101,621.00 in Contract Construction in addition to the $810,979.00 already appropriated for a total of $912,600.00 in PK05001.

Boyd

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating $265,000.00 in Construction Funds, funded by G.O. Bonds General. 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 FY2012 Capital Improvement Program.

Boyd

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating $250,000.00 in Construction Funds, funded by G.O. Bonds General. 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 FY2012 Capital Improvement Program.

Boyd

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating $203,565.00 in Construction Funds to execute a contract with sole source vendor for the repair of nine damaged playgrounds with parts from a sole source vendor. Council did include City Park Rehab, CIP Project Number PK07092 as part of the FY2012 Capital Improvement Program.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

39. RESOLUTION approving an option agreement with Illinois Central Railroad Company as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on January 12, 2012.

Halbert Contract No. CR-5178

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

40. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of $2,296,514.00 funded by Sewer Revenue Bonds from Covered Anaerobic Lagoon, Project Number SW02011 to Stiles Plant Modification, Project Number SW04009 to replace belt filter presses at the Stiles Waste Water Treatment Plant. Resolution also appropriates $2,296,514.00 funded by Sewer Revenue Bonds for Stiles Plant Modification, Project Number SW04009 for a construction contract with Chris-Hill Construction Company, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of $191,947.00 funded by G.O. Bonds General (Storm Water) from Drainage-ST, Project Number ST03006 to Sophia Bayou Box Culvert, Project Number ST03145. Resolution also appropriates $191,947.00 funded by G.O. Bonds General (Storm Water) in Sophia Bayou Box Culvert, Project Number ST03145 for a drainage improvement contract with Enscor, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of $34,816.00 funded by G.O. Bonds General (Storm Water) from Drainage-ST, Project Number ST03006 to 4605/4615 Edgemont Avenue, Project Number ST03124. Resolution also appropriates $34,816.00 funded by G.O. Bonds General (Storm Water) in 4605/4615 Edgemont Avenue, Project Number ST03124 for a drainage improvement contract with Enscor, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of $2,115,025.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to CIPP 36-48 Rehab Project, Project Number SW02097 to repair and rehab existing damaged sanitation sewer pipe. Resolution also appropriates $2,115,025.00 funded by Sewer Revenue Bonds for CIPP 36-48 Rehab Project, Project Number SW02097 for a construction contract with SAK Construction, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of $115,560.00 funded by G.O. Bonds General (Storm Water) from Bridge Repair Storm Water, Project Number ST03083 to Poplar Bridge West Pauline, Project Number ST03138. Resolution also appropriates $115,560.00 funded by G.O. Bonds General (Storm Water) in Poplar West Pauline, Project Number ST03138 for a bridge repair contract with Enscor, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION appropriating Federal Grant funds in the amount of $205,875.68 funded by the State of Tennessee Department of Transportation Surface Transportation Program. Resolution also amends the Fiscal Year 2012 Capital Improvement Budget by increasing a construction allocation in the amount of $205,876.00 funded by Federal Grant Funds for Elvis Presley/Shelby /Winchester, Project Number PW01064.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

46. RESOLUTION augmenting covenants in existing general obligation bond resolutions to enhance the marketability of said bonds.

Fullilove

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. Dropped
5. & 6 – Approved
7. Held until March 20, 2012
8. Through 28 – Approved
29. Held until March 20, 2012
30. Approved
31. & 32 – Approved, as amended
33. Held until March 20, 2012
34. Through 38 – Approved
39. Back to Committee
40. Through 46 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF FEBRUARY 21, 2012 MEETING

Approved, as amended (Conrad recused himself on item #7 from the minutes)

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #31 & #46 FROM TONIGHT'S MEETING

Approved