



CITY OF MEMPHIS

COUNCIL AGENDA

December 20, 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 (December 6, 2011)

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 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; 11/1; 12/06)

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

2. RESOLUTION approving a street/alley closure located on the northwest corner of Joy Lane & Interstate 240, approximately 0.19 acre.

Ford

Case No. SAC 11-608

Applicant: Tennessee Learning Academy
Sharon Paige – Representative

Request: Close & vacate street/right-of-way to comply with Site Plan Condition #1 of SUP 11-209, approved by City Council on September 6, 2011

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES MAILED ON DECEMBER 9, 2011

3. RESOLUTION approving a street/alley closure located on the north side of Marble Avenue, 968 feet east of North Evergreen Street, containing 2,003 square feet.

Ford

Case No. SAC 11-609

Applicant: Nexair, LLC

Request: Close unimproved public alley

LUCB and OPD recommendation: APPROVAL, with two conditions

ACTION REQUESTED: Take whatever action Council deems advisable

3 NOTICES MAILED ON DECEMBER 9, 2011

4. RESOLUTION approving a special use permit located on the northeast corner of Southern Avenue and Ellsworth Street, containing .5680 acre in the Commercial Mixed Use-1 (CMU-1) District within the University District Overlay.

Ford

Case No. SUP 11-207

Applicant: Khalid Mothanna
Shanhan Hasan – Representative

Request: Convenience Store with Gasoline Sales

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

49 NOTICES MAILED ON DECEMBER 9, 2011

DIVISION OF PLANNING & DEVELOPMENT

5. RESOLUTION approving a planned development located on the northwest corner of Copper Street and Monroe Avenue, extending west to Florence Street and north to Trimble Place, containing 3.36 acres in the Commercial Mixed Use -1 (CMU – 1), Commercial Mixed Use – 3 (CMU-3) and Residential Urban -3 (RU-3) Districts. (Held from 12/06).

Ford

Case No. PD 11-317

Applicant: Loeb Properties, Inc. (Earl Williams Jr.)
Steve Barlow (Barlow and Brewer) – Representative

Request: A Planned Development to include retail commercial and office uses, surface parking and structured parking

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6. RESOLUTION approving a special use permit located on the west side of Warren Street, 173 feet north of Ralston Street, containing 0.15 acre in the Residential Urban -1 (RU-1) District.

Ford

Case No. SUP 11-215

Applicant: Little People Matter Academy
Tim Easter – Representative

Request: Group Day Care

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION requesting an official name change of Linden Street between Front Street and Danny Thomas to Dr. Martin Luther King, Jr. Avenue.

Ford

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

8.
Collins

APPOINTMENTS

EDGE President

Appointment

Reid Dulberger

Health, Educational & Housing Facility Board

Reappointments

Roshun Austin
Clyde Patton III
Daniel Reid

Memphis Board of Ethics

Appointment

Tom Parker

Reappointment

Carol K. George

Memphis and Shelby County Cross Connection Board

Reappointments

Cindy Cook
Odell Johnson, Jr.
Tyler Zerwekh

GENERAL ORDINANCES- FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

9. **ORDINANCE** to amend Chapter 7 – Center City Area, Article IV, Common Mall Area, of the Code of Ordinances, City of Memphis, up for S E C O N D reading.
Hedgepeth Ordinance No. 5432

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to amend Chapter 5 – Animals and Fowl, Article III – Dogs and Cats, of the Code of Ordinances, City of Memphis, up for S E C O N D reading.
Morrison Ordinance No. 5433

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to amend Chapter 5 – Animals and Fowl, Article III, 5, Dangerous/Vicious Animal, of the Code of Ordinances, City of Memphis, up for S E C O N D reading.
Morrison Ordinance No. 5434

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **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 S E C O N D reading. (Held from 12/06).
Boyd Ordinance No. 5431

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

13. **ORDINANCE** amending the west side of Oak Street; +/-389' south of Trigg Avenue, containing .40 acre in the Single Family Residential-6 (R-6) District, up for S E C O N D reading.
Ford Case No. Z 11-109
Ordinance No. 5436

Applicant: Odessa Williamson
Delinor Smith – Representative

Request: Residential Urban-3 (RU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

14. RESOLUTION accepting TOSCANA PLANNED DEVELOPMENT, formerly Audubon Park Place Planned Development and authorizing release of bond.
Case No. PD 04-324
(Contract No. CR-4995)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Park Ave., east of Cherry Rd. The standard improvement contract was approved on January 17, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$47,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

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

A. Case No. SUP 11-219

Located on the west side of Thomas Street; +/-260 feet north of Royal Avenue, containing 68.561 acres in the Heavy Industrial (I-H) District

Applicant: Worley Brothers Scrap Iron and Metals
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Scrap metal and processor and wrecking, junk or salvage yard

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 3, 2012

GENERAL ITEMS

16. RESOLUTION approving an honorary street name change for Mr. & Mrs. Arnold Pearl.
Conrad

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving an honorary street name change for Lewis Donaldson.
Conrad

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

18. RESOLUTION amending the resolution adopted on June 17, 2010 and approved by the City Council on July 20, 2010, related to Contract No. 11226, Collection Services, with Credit Bureau Collection Services, Inc., to correct the award term to reflect a 60-month term (as stated in the contract) rather than a one-year period with an option of four annual renewals. This change also adds additional funding in the amount of \$1,852,662.00 to complete the remaining 48 months of the 60-month term. (Held from 12/06)
19. RESOLUTION amending the resolution adopted on June 17, 2010 and approved by the City Council on July 20, 2010, related to Contract No. 11444, Collection Services, with The Affiliated Group, Inc., to correct the award term to reflect a 60-month term (as stated in the contract) rather than a one-year period with an option of four annual renewals. This change also adds additional funding in the amount of \$1,852,662.00 to complete the remaining 48 months of the 60-month term. (Held from 12/06).
20. RESOLUTION awarding 12-month contract for repairs and fabrications of Substation equipment to Patterson Welding Service, in the amount of \$93,000.00
21. RESOLUTION approving renewal of Cooperative Agreement No. 5447, Investigation of Water Resources, with the United States Geological Survey, United States Department of the Interior, for the period January 1, 2012 to December 31, 2012, in the amount of \$57,000.00. (MLGW to provide \$57,000.00 and the United States Geological Survey, United States Department of the Interior, to provide a like sum).
22. RESOLUTION approving the selection of NCM Capital, a fixed income manager, to manage \$50,000,000.00, for benefit of the Retirement and Pension System, as part of a reallocation.
23. RESOLUTION approving Change No. 4 to Contract No. 10813, Hewlett Packard Combined Support Agreement, with Hewlett Packard, Inc., in the funded amount of \$2,294,380.86. (This change is to renew annual software maintenance, license and support in the estimated negotiated discount amount of \$2,294,380.86. The term of the annual maintenance covers the period December 1, 2011 to November 30, 2016, with an overall estimated increase of 9.88%. This increase is not due to any increases in Hewlett Packard's support rates or other inflationary factors. Approximately 4% of the estimated increase is due to the reduction of the negotiated support discount from 50% to 48%, and the remaining is due to existing MLGW-owned HP equipment inventory coming off pre-paid warranty and will be added to the support agreement in years two through five).
24. RESOLUTION awarding Contract No. 11491, System Furniture, to Staples in the funded amount of \$249,000.00.

25. RESOLUTION approving Change No. 5 to Contract No. 11229, Professional Engineering Services, with Allen and Hoshall Engineers in the funded amount of \$75,600.00. (This change renews the contract for the fourth and final renewal term, January 1, 2012 to December 31, 2012, with no increase in rates).
26. RESOLUTION approving Change No. 5 to Contract No. 11230, Professional Engineering Services, with Thompson Engineers, Inc., in the funded amount of \$40,600.00. (This change renews the contract for the fourth and final renewal term, January 1, 2012 to December 31, 2012, with no increase in rates).
27. RESOLUTION awarding 36-month blanket contract for Construction and Maintenance shirts to Paramount Uniform in the amount of \$458,606.88.
28. RESOLUTION awarding 12-month blanket contract to American Electric Lighting c/o Ruffin and Associates for luminaries in the amount of \$1,816,633.75.
29. RESOLUTION awarding Contract No. 11493, Installation of Overflow Pipe for Nine Elevated Water Storage Tanks, to Utility Service Company, Inc., in the funded amount of \$137,100.00.
30. RESOLUTION approving Change No. 5 to Contract No. 11191, Television Production and Broadcast Services, with Media Source in the funded amount of \$38,685.00. (This change renews the contract for the fourth and final renewal term, January 4, 2012 to January 3, 2013, with no increase in rates, and covers post-production/video-editing services of six bi-monthly episodes of Memphis Energized, video production services, including on-location filming, and in-studio filming at Media Source).
31. RESOLUTION awarding contract to Bell and Howell, LLC for Utility Bill inserting equipment in the amount of \$277,109.56.



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REGULAR AGENDA

GENERAL ORDINANCE-THIRD AND FINAL READING

32. **ORDINANCE** to amend Chapter 15, Article I, Section 15-26.1, City of Memphis Code of Ordinances, to limit the use of Dumpsters in public alleys within the Downtown Solid Waste Collection District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5430

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

33. **RESOLUTION** amending the FY12 Capital Improvement Budget by accepting and appropriating \$46,267.66 in State grant funds awarded by Tennessee Agricultural Enhancement Program through Friends of City Beautiful, Inc. to the Division of Engineering for Plough Boulevard Landscaping Improvements – Project #CD01082.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION

34. **RESOLUTION** amending the Council Rules of Procedure regarding standing committees.

Lowery

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

35. **RESOLUTION** amending the FY 2012 Stormwater Fund CIP budget to allocate and appropriate an amount not to exceed \$5,000,000.00 for the purpose of construction of a detention pond in Overton Square; amending the FY 2012 CIP budget to reallocate and appropriate \$9,000,000.00 of previously allocated funds and allocate and appropriate \$2,000,000.00 from CDBG Disaster Recovery Funds for site acquisition and public improvements in Overton Square.

Flinn&
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

36. RESOLUTION regarding the annual suggested pension contribution. (Held from 11/15; 12/06)

Collins

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION by the Memphis City Council approving designated Reinvestment Area as a State Legislative Agenda Item for the City of Memphis and Members of the Tennessee General Assembly to enact legislation as proposed by the 2012 State Legislative Agenda.

Collins

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION requesting to amend the FY 2012 Operating Budget by transferring an appropriation of \$19,214.00 from Human Resources – Health, Wellness & Benefits Service Center Miscellaneous Professional Service account line and \$194,278.00 from the Life Insurance Fund to the Death Benefit account line to provide Death Benefits for the all active and retired employees of the City of Memphis at a total cost of \$213,492.00 for the remainder of this fiscal year.

Collins

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES

39. RESOLUTION appropriating \$340,000.00 for CIP Project Number IS01070, Website/Intranet Upgrade, which was approved by City Council in the FY2012 Budget. (Held from 11/15; 12/06).

Conrad

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION appropriating \$1,500,000.00 for CIP Project IS01061, Oracle Release 12 Upgrade, which was approved by City Council in the FY2012 CIP Budget. (Held from 12/06).

Conrad

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION appropriating \$2,859,588.00 for CIP Project IS01053, Treasury System Upgrade, which was approved by City Council in the FY2012 CIP Budget. (Held from 12/06).

Conrad

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION

42. RESOLUTION to approve the 2012 Electric, Gas and Water Operations and Capital Budget which includes an increase in water rates of 5.0% to be effective with meters read and Cycle 1 of the January 2012 revenue month on a non-prorated basis and which includes commercial and industrial gas rate schedule changes that produce no additional gas revenue. (Held from 12/06).

Fullilove

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

43. RESOLUTION requesting City Council approval of the agreement between the City of Memphis, Tennessee through its Division of Park Services and Golf Course Management Company to maintain, manage and promote the Links at Davy Crockett, the Links at Pine Hill and the Links at Riverside.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

44. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$15,000.00. Resolution also amends the FY2012 Operating Budget to establish and appropriate \$15,000.00 in grant funds for FY 2012.

Strickland

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$107,024.40 for Comprehensive Alcohol Risk Reduction. Resolution also amends FY 2012 Operating Budget to establish and appropriate \$107,024.40 in grant funds for FY 2012.

Strickland

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$399,934.80 for Alcohol Saturation Patrols. Resolution also amends FY 2012 Operating Budget to establish and appropriate \$399,934.80 in grant funds for FY 2012.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

47. RESOLUTION approving an honorary street name change of Summer for Frank Fortner.

Consent

ACTION REQUESTED: Adopt the resolution

48. PRESENTATION recognizing Rapper and Actor Lil' P-Nut.

Collins

49. RESOLUTION approving a planned development located on the Southeast corner of Riverdale Road and TN-385(Bill Morris Parkway), containing 2.00 acres, formerly a large restaurant building governed by Winchester Center, Amended (P.D. 93-352).

Ford

Case No. PD 11-318

Applicants: Southwind Auto Sales
Solomito Land Planning – Representative

Request: Plan amendment to allow motor vehicle sales only in Phase 5 final plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

50. RESOLUTION approving the sale of surplus flood damaged John Deere 200LDX hydraulic excavator for \$20,250.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION authorizing the Mayor of the City of Memphis to execute any and all documents necessary to make application to the Tennessee Department of Economic and Community Development for \$3,000,000.00 in Fast Track Infrastructure Development Grant Funds in behalf of Cargill Corn Milling Memphis, Tennessee. This application requires an 18% match that is already overmatched by a previously approved commitment of City of Memphis funds in the amount of \$3,000,000.00 for a total of \$6,000,000.00 in City and State Grant Funds. This resolution requests that the \$3,000,000.00 in Local Funds be transferred in the City budget to the Division of Engineering's Project Number EN90029, President's Island Rail Project.

Hedgepeth

ADD-ONS CONT'D

ACTION TAKEN ON THE MINUTES OF DECEMBER 20, 2011 FOR ITEM 35 ONLY:

Approved