CITY OF MEMPHIS

COUNCIL AGENDA
November 20, 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

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 6, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCES – THIRD AND FINAL READING (None)

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** amending Title 6, Business Licenses and Regulation, of the Memphis, Tennessee, Code of Ordinances to add Chapter 105, Prohibiting Wage Theft, providing Administrative Procedures for Wage Theft, and allowing Shelby County Government to impose penalties against those employers found guilty of Wage Theft, up for F I R S T reading.

Collins — Ordinance No. 5478

ACTION REQUESTED: Adopt the ordinance on First reading

2. **JOINT ORDINANCE** updating the Memphis and Shelby County Existing Building Code by adoption of International Code Council 2012 Edition of the International Existing Building Code with local amendments, up for F I R S T reading.

Ford — Ordinance No. 5479

ACTION REQUESTED: Adopt the ordinance on First reading

3. **JOINT ORDINANCE** updating the Memphis and Shelby County Residential Code by adoption of the International Code Council 2012 Edition of the International Residential Code with local amendments, up for F I R S T reading.

Ford — Ordinance No. 5480

ACTION REQUESTED: Adopt the ordinance on First reading

4. **JOINT ORDINANCE** updating the Memphis and Shelby County Fuel Gas Code by adoption of the 2009 Edition of the International Code Council Fuel Gas Code with local amendments, up for F I R S T reading.

Ford — Ordinance No. 5481

ACTION REQUESTED: Adopt the ordinance on First reading

5. **JOINT ORDINANCE** updating the Memphis and Shelby County Plumbing Code by adoption of the 2009 Edition of the International Code Council Plumbing Code with local amendments, up for F I R S T reading.

Ford Ordinance No. 5482

ACTION REQUESTED: Adopt the ordinance on First reading

6. **JOINT ORDINANCE** updating the Memphis and Shelby County Energy Conservation Code by adoption of the International Code Council 2009 Edition of the International Energy Conservation Code with local amendments, up for F I R S T reading.

Ford Ordinance No. 5483

ACTION REQUESTED: Adopt the ordinance on First reading

7. **JOINT ORDINANCE** updating the Memphis and Shelby County Electrical Code by adoption of the 2008 National Electrical Code with local amendments, up for F I R S T reading.

Ford Ordinance No. 5484

ACTION REQUESTED: Adopt the ordinance on First reading

8. **JOINT ORDINANCE** updating the Memphis and Shelby County Mechanical Code by adoption of the 2009 Edition of the International Code Council Mechanical Code with local amendments, up for F I R S T reading.

Ford Ordinance No. 5485

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** adopting the 2009 International Fire Code (published by International Code Council) with local amendments, to replace the currently adopted 2003 International Fire Code, to be the enforced document for fire and life safety within the City of Memphis. See existing Ordinance No. 5225, up for F I R S T reading.

Conrad Ordinance No. 5486

ACTION REQUESTED: Adopt the ordinance on First reading

10. **JOINT ORDINANCE** updating the Memphis and Shelby County Building Code by adoption of Chapters 14-25 and Chapter 34 of the 2012 International Code Council 2012 Edition of the International Building Code and Chapters 1-13, 26-33 and Chapter 35 of the 2009 Edition of the International Code Council International Building Code with local amendments, up for F I R S T reading.

Conrad Ordinance No. 5487

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

11. **ORDINANCE** amending Chapter 48 of the City of Memphis Code of Ordinances, by adding Sections 48-23 thru 48-28 to include "Property Registration Requirements" that will require owners of real properties, including condominiums, to maintain on file with the County Register or other designee of the City, an accurate name and mailing address of one or more of the owners for purposes of notice and service of process and to require registration by a mortgagee or mortgagee's agent upon notice of default or vacancy by a mortgagor regarding single family residential real property including condominiums located in the municipal boundaries of the City of Memphis, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5477

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

12. **ORDINANCE** rezoning the northwest corner of New Frayser Boulevard and New Allen Road, containing 37.13 acres in the Commercial Mixed Use (CMU-3) District, up for S E C O N D reading.

Ford

Ordinance No. 5476
Case No. Z 12-106

Applicant: Belz Investco, GP
Burch-Porter-Johnson, PLLC – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

13. RESOLUTION cancelling the contract for CEDAR CREEK P.D. and authorizing release of bond.

Case No. PD 04-363cc
(Contract No. CR-5037)

Resolution cancels the standard improvement contract located on the south side of Latting Road, 2,476 feet east of Pisgah Road. The standard improvement contract was approved on September 19, 2006. Resolution also authorizes the release of the alternative bond in the amount of $129,000.00.

This action is subject to County approval

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

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

A. Case No. PD 12-310cc – Caring Estates P.D.

Located at 4965 Brunswick, on the southwest corner of Baylor Road and Brunswick Road, containing 4.61 acres in the Residential Single Family-10 (R-10) District

Applicant: Ms. Eschonixhunetta Kikina & Mary Louis Knight
Delinor Smith – Representative

Request: Allow a residential home for the elderly, assisted living facility within the R-10 (Residential Single-Family-10) District

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 4, 2012

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MLGW FISCAL CONSENT

15. RESOLUTION approving Change No. 2 to Contract No. 11516, Tire and Tire Repair Service, with Southern Tire Mart, in the funded amount of $774,987.50. (This change is to renew the current contract for the first of four annual renewal terms, January 1, 2013 through December 31, 2013, with a 6.23% increase from the previous year).

16. RESOLUTION approving an agreement between MLGW and the Memphis Chapter of the U.S. Green Building Council (USGBC), to provide $90,000.00 to fund a continuation of a Leadership in Energy and Environmental Design (LEED) grant, to be administered by the Memphis Chapter of the USGBC.

17. RESOLUTION awarding Contract No. 11532, Mobile Data Communication, to CalAmp Wireless Networks Corporation, in the funded amount of $2,284,879.46.

18. RESOLUTION awarding contract to Mueller Company, LLC, for fire hydrants, in the amount of $510,783.51.

19. RESOLUTION approving Change No. 5 to Contract No. 11232, Medical Insurance Plan, with Cigna Insurance Company, in the funded amount of $11,804,688.00. (This change reflects the fourth and final renewal term, January 1, 2013 to December 31, 2013, with a 7.3% premium increase from the previous year due to cost share, annual trend, demographic adjustment, and target loss ratio).

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REGULAR AGENDA

20. **APPOINTMENTS**
Collins

Alcohol Commission

Appointment

Barry Chase

Reappointments

Eugene S. Bryan
Jared T. Johnson

Memphis Convention Center Commission

Appointments

Lee A. Jackson
Wayne Tabor

Memphis Public Library and Information Center

Reappointment

David Williams

Memphis Youth Guidance Commission

Appointments

Adrienne L. Bailey
Ekundayo Bandele
Cheryl J. Beard

Dr. Carolyn D. Bibbs
Kenya Bradshaw
Reverend Althea E. Greene
Rabbi Micah D. Greenstein
Cynthia Ham
Saundra Hannah
Tomeka R. Hart
John D. Lovelace
Wain Rubenstein
Katy Spurlock
Regina D. Walker
Lisa N. Wheeler

GENERAL ORDINANCE – THIRD AND FINAL READING

21. **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 T H I R D and F I N A L reading. (Held from 10/16; 11/6)

Conrad Ordinance No. 5472

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 (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES

22. RESOLUTION appropriating $1,000,000.00 in G.O. Bonds General to replace obsolete software and equipment five years and older, CIP Project Number IS01007.

Halbert

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION appropriating $250,000.00 in G.O. Bonds General to replace narrow band radio equipment, CIP Project Number IS01072.

Halbert

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION appropriating $2,500,000.00 in G.O. Bonds General to create the new 311 Call Center and design and implement ChoiceStat a data warehouse to hold data from several systems.

Halbert

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION

25. RESOLUTION adopting amendments to the Memphis Light, Gas and Water Division Retirement and Pension System, effective with employees hired January 1, 2014 and after.

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

****

26. RESOLUTION requesting City Council to convene as a Rate Making Board and to approve the 2013 Memphis Light, Gas and Water Division Rate Actions.

Fullilove

ACTION REQUESTED: Adopt the resolution

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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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27. RESOLUTION approving the 2013 Memphis Light, Gas and Water Division Budget.
Fullilove

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES

28. RESOLUTION appropriating $6,737,544.00 in G.O. Bonds General for construction of the MPD Traffic Precinct, with the low complying bid from Barnes and Brower, Inc., CIP Project Number PD02003.
Conrad

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION seeking acceptance of donations in the amount of $1,850.00 from miscellaneous donors as awarded to the City of Memphis Police Department to support Police Services operational activities.
Conrad

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION seeking acceptance of a donation in the amount of $1,000.00 from James Alan and Tamra C. Pool as awarded to the City of Memphis Police Department Special Operations Canine Unit to purchase one (1) bullet/stab proof resistant protective vest for one City of Memphis Police Services Canine Unit service dog.
Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

31. RESOLUTION approving the sale of certain property in the Pidgeon Industrial Park to Carolyn E. Hardy, Trustee of the Hardy Investment Trust as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on September 19, 2012.
Hedgepeth

Contract No. CR-5193

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION transferring and appropriating $14,900.00 in G.O. Bonds General for safety improvements at the intersection of South Perkins at Old Lamar, Project Number PW01217.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION transferring and appropriating $10,300.00 for safety improvements at the intersection of Raleigh Millington-New Allen, Project Number PW01222.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION transferring and appropriating $53,000.00 in G.O. Bonds General for safety improvements at the intersection of New Allen and Hawkins Mill, Project Number PW01241.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION transferring and appropriating $27,408,000.00 from Sewer Revenue Bonds to Sewer Funds for projects included in the FY 2013 Sewer Fund Capital Improvement Budget in order to fund them at the most economical cost.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION adopting an approval process for all items related to the Main Street to Main Street Multimodal Connector Project.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

37. Election of the 2013 Council Chairman.

Morrison

38. Election of the 2013 Council Vice Chairman.

Morrison

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

AUDIO TAPE LOG SHEET

COUNCIL MEETING OF Nov. 20, 2012

TAPE COUNT	ITEM #	SPEAKER	COMMENTS
3:31pm		Strickland	Presentation to the Mid-South Food Bank
3:32pm		Lowery	"
3:33pm	(People from the Mid-South Food Bank Spoke from the audience)		
3:34pm		Ford	Invocation Reading
3:38pm		Ford	Chaplain Certificate
3:50pm	17	Strickland	MLGW
3:51pm	17	Jerry Collins	MLGW
3:52pm	17	Conrad	MLGW
4:00pm	21	Harris	
4:01pm	21	Flinn	
4:07pm	25	Lowery	
4:09pm	26	Jerry Collins	
4:14pm	26	Ford	
4:15pm	26	Conrad	
4:16pm	26	Flinn	
4:16pm	26	Harris	

AUDIO TAPE LOG SHEET

COUNCIL MEETING OF Nov. 20, 2012

TAPE COUNT	ITEM #	SPEAKER	COMMENTS
4:22	27	Fullilove	
4:23pm	27	~~to~~ Jerry Collins	
4:24pm	27	Lowery	
4:25pm	27	Conrad	
4:26pm	27	Jerry Collins	
4:28pm	27	Lowery	
4:30pm	27	Morrison	
4:31pm	27	Jerry Collins	
4:32pm	27	Fullilone	
4:33pm	27	Brown	
4:39pm	27	Jerry Collins	
4:41pm	27	Councilman Collins	
4:42pm	27	Lowery	
4:43pm	27	Harris	
4:45pm	27	Bill Hawkins	
4:51pm	28	Harris	

Special Item #1

Page 3

AUDIO TAPE LOG SHEET

COUNCIL MEETING OF Nov. 20, 2012

TAPE COUNT	ITEM #	SPEAKER	COMMENTS
4:59pm	35	Collins	
5:00pm	35	Scott Morgan	
5:07pm		Lowery	
5:08pm		Flinn	

ADD-ON

39. RESOLUTION to award a grant in the amount of $1,000,000.00 to Hattiloo Theater in support of the construction of the new Hattiloo Theater at Overton Square.

Brown

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 13 – Approved
14. Public Hearing Set for December 4, 2012
15. Through 20 – Approved
21. Approved, as amended
22. Through 26 - Approved
27. Approved, as amended
28. Through 39 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 6, 2012 MEETING

Approved

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

Approved