CITY OF MEMPHIS

COUNCIL AGENDA
July 3, 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 (June 19, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating the LifeLine to Success team members on winning the 2012 Large Group Volunteer of the Year Award.

Harris

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION congratulating Dr. Mary McDonald, Superintendent of Catholic Schools, on her retirement.

Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

3. RESOLUTION approving a special use permit located on the southwest corner of S. Perkins Road and Knight Arnold Road, containing 5,000 sq. ft. tenant space in the Commercial Mixed Use (CMU-1) District. (Held from 6/19)

Ford

Case No. SUP 12-203
(Companion Case Z 12-101)

Applicant: Premier Pawn & Jewelry Shop
W. H. Porter Consultants, PLLC – Representative

Request: Special use permit to allow a pawn shop

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

120 NOTICES WERE MAILED ON JUNE 8, 2012

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION to form a committee to evaluate whether to include various Tax-Abated and Tax-Exempt Entities within the City of Memphis PILOT Program.

Halbert

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a planned development located on the south side of N. Watkins; +/-1,900 feet west of Millington Road, containing 144 acres in the Manufactured Home Park (R-MP)/Floodway (FW) Districts.

Ford

Case No. PD 12-303cc

Applicant: Kingsway Green of America, Inc. – (Chris Holloway)
Homer Branan – Representative

Request: A Planned Development for a Travel Trailer/RV Park

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 planned development located on the north side of Poplar Avenue; +/-92.18 feet west of Merton Street, containing 1.39 acres in the Commercial Mixed Use-1 (CMU-1) District.

Ford

Case No. PD 12-309

Applicant: Southbay Properties, LLC - (David Andrews)
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Used auto sales

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

7. **ORDINANCE** rezoning the southwest corner of S. Perkins Road and Knight Arnold Road, containing 10.92 acres in the Commercial Mixed Use (CMU-1) District, up for T H I R D and F I N A L reading. (Held from 6/19)

Ford

Case No. Z 12-101
Ordinance No. 5453
(Companion Case No. SUP 12-203)

Applicant: Village Plaza, Inc.
W. H. Porter Consultants, PLLC – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

8. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, Section 2-277, Subsection C.4, to increase discretionary spending amounts for Divisions from $2,500 to $5,000, up for F I R S T reading.

Strickland — Ordinance No. 5462

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend Chapter 2, Section 2-110 of the City of Memphis, Code of Ordinances, to remove Shelby County from participation in the Memphis and Shelby County Convention Center Commission and to change the name and membership of the Commission, up for F I R S T reading.

Collins — Ordinance No. 5463

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended pursuant to the provisions of Article XI, Section of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 so as to authorize the levy and collection of a One Cent Gasoline Tax and to authorize the use of revenue derived therefrom and for budget expenditures for public transportation and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 6, 2012, up for F I R S T reading.

Strickland — Ordinance No. 5464

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

11. **ORDINANCE** to allow the Maximum Local Option Sales Tax be levied in the City of Memphis and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 6, 2012, up for S E C O N D reading.

Flinn — Ordinance No. 5460

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

12. **ORDINANCE** rezoning the west side of Jack Carley at W. Trigg Avenue, containing 20.63 acres in the Conservation Agriculture (CA) Flood Plain [FP] District, up for F I R S T reading.

Ford

Case No. Z 12-105
Ordinance No. 5465

Applicant: SCF Real Estate, LLC
Josh Lawhead – Representative

Request: Change the zoning to Heavy Industrial (I-H), (FP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

13. **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 12-304 – Tournament Center P.D. (4th Amendment)

Located on the south side of Tournament Drive; +/-1,800 feet west of Hacks Cross Road, containing 22 acres in an area currently governed by the approved conditions for Area B and C (Office Uses) of the Tournament Center Planned Development (P.D. 09-305)

Applicant: Clark et.al (Ben Clark)
ETI Corporation (Ralph Smith) – Representative

Request: Amendment to the planned development for multi-family development on the south side of Tournament Drive in Area B and C

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 17, 2012

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MLGW FISCAL CONSENT

14. RESOLUTION awarding Contract No. 11504, Cooling Tower Rebuild Administration Building, to CS3 Inc., in the funded amount of $623,400.00.

15. RESOLUTION awarding Contract No. 11534, Beale Street Landing Garage Variable Air Volume (VAV) Box Replacement & Direct Digital Controls (DDC), to Air Technical Services, in the funded amount of $232,400.00.

16. RESOLUTION approving Change No. 9 to Contract No. 9955, Partial Funding of Pollution Control, Ground Water Quality Control Program, with Memphis & Shelby County Health Department, in the funded amount of $139,632.90. (This change is to renew the current contract for 2012).

17. RESOLUTION approving Change No. 2 to Contract No. 11399, Right of Way Mowing, with Rotolo Consultants, Inc., in the funded amount of $236,256.00. (This change renews the contract for the second of four renewal terms, August 9, 2012 through August 8, 2013, which includes a 2.2% increase due to the governmental estimate of Cost of Living (COL) for 2011).

18. RESOLUTION approving Change No. 2 to Contract No. 11443, Tire and Tire Repair Service, with Southern Tire Mart, in the funded amount of $41,157.00, for a new contract amount of $635,592.56. (This change is to increase the current contract value in the funded amount of $41,157.00 to process invoices for work performed through the completion of the term which ended December 31, 2011. This change is due to non-contracted and 2010 charges that were misapplied to this contract with no recourse to remove the identified charges. Therefore, in order to pay the invoices, the contract value of this contract must be increased by said amount).

19. RESOLUTION awarding 36-month blanket contract for flowable fill to Memphis Ready Mix in amount of $972,000.00.

20. RESOLUTION approving Change No. 5 to Contract No. 11070, Utility Meter Data Application, with Automated Energy, Inc. (AEI), in the funded amount of $83,000.00. (This change is to enroll additional meters in the web-based Meter data analysis product known as "Load Profiler: but marketed by MLGW as "Meter Intelligence." This change is also to extend the current contract term for an additional term for the period covering January 1, 2013 to December 31, 2013. The price per unit will remain $15 per meter per month, until such time MLGW reaches 250 meters, at which point a change order will be requested to accommodate the lower price point. A set-up fee of $50 per meter will be charged for each new meter added to the service).

21. RESOLUTION awarding Contract No. 11501, Geotechnical Investigation, to Professional Service Industries, Inc., in the funded amount of $26,057.50.

22. RESOLUTION awarding Contract No. No. 11527, 10 MBPS Metro Ethernet for LNG-Arlington, to AT&T, Inc., in the funded amount of $32,400.00.

23. RESOLUTION awarding contract for remote terminal units to Telvent USA, LLC, in the amount of $407,700.00.

24. RESOLUTION approving payment of invoice from the American Public Power Association for 2012 annual membership dues in the amount of $103,476.90.

25. RESOLUTION awarding Contract No. 11544, Internal Controls Review and Fraud Risk Assessment, to Dixon Hughes Goodman, LLP, in the funded amount of $67,000.00.

26. RESOLUTION awarding contract for conductor cable to Universal Scaffolding in the amount of $451,042.00 and to The Okonite Company in the amount of $94,523.00, for a total amount of $545,565.00.

27. RESOLUTION awarding contract for smart switches to Stuart C. Irby in the amount of $371,316.00.

28. RESOLUTION approving Change No. 2 to Contract No. 11393, Network Maintenance, to Venture Technologies, Inc., in the funded amount of $638,939.63. (This change renews the contract for the second of four renewal terms, October 15, 2012 through October 14, 2013, with no increase in rates. This change also increases the quantity of professional services support due to MLGW's NERC compliance initiative).

29. RESOLUTION awarding 60-month blanket contract for ruggedized laptop computers and accessories to USAT Corporation, in an amount not to exceed $3,031,218.44.

30. RESOLUTION approving Change No. 4 to Contract No. 11185, Environmental Consulting Services, with Center for Toxicology and Environmental Health, in the funded amount of $500,000.00. (This change is to increase the current contract in the funded amount of $500,000.00 needed to maintain compliance with applicable environmental regulations. The current contract term will remain for the period covering January 1, 2012 to December 31, 2012).

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REGULAR AGENDA

31. **APPOINTMENTS**
Collins

Memphis Stormwater Board

Appointments

David Berretta
Bret Dunagen
Daniel Larson
Lori Morris
Chooch Pickard
Robert J. Simpson
Emily Wiggins

Memphis Wastewater Hearing Authority

Appointments

Helen Broughton
Roy E. Gunn
Stephen Patrick Harcourt
Darren Lippert
Shelton McGhee, Jr.
Paul Joseph Palazolo
Kenneth J. Roberts
Lawrence (Larry) J. Smith
Brian Waldron

GENERAL ORDINANCES – THIRD AND FINAL READING

32. **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. (Held from 2/7; 6/5; 6/19).

Flinn — Ordinance No. 5437

ACTION REQUESTED: Take whatever action Council deems advisable

33. **ORDINANCE** amending Chapter 21, Motor Vehicles and Traffic, Motor Vehicle Inspection Bureau, Section 21, 309, Waiver Provisions, to provide for a Financial Hardship Waiver, up for T H I R D and F I N A L reading.

Hedgepeth Ordinance No. 5457

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

34. RESOLUTION accepting grant funds in the amount of $2,686,989.00 from the State of Tennessee Department of Labor and Workforce Development Division for Youth Programs. Resolution also amends the FY2013 Operating Budget to establish and appropriate grant funds.

Halbert

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

35. RESOLUTION approving and accepting the transfer of the assets and operations of the Shelby County Housing Authority to the Memphis Housing Authority and approving the Merger of the Shelby County Housing Authority with the Memphis Housing Authority.

Brown

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving the acquisition and lease of City owned property located in the Overton Square Redevelopment Area to Overton Square Garage, LLC; and Hattiloo Theatre, Inc; and approving the reinstatement of the Madison Cooper Land Use Agreement, in furtherance of the Overton Square Redevelopment Project.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

37. RESOLUTION approving and ratifying Private Chapter No. 75 of the Tennessee Private Acts of 2012 Entitled, "An Act to amend Chapter 420 of the Private Acts of 1917; as amended by Chapter 493 of the Private Acts of 1929, Chapter 372 of the Private Acts of 1933, Chapter 159 of the Private Acts of 1963, Chapter 385 of the Private Acts of 1974; and any other Acts amendatory thereto, to change the name of the Memphis and Shelby County Convention Center to the Memphis Convention Center and the name of the Memphis and Shelby County Convention Center Commission to the Memphis Convention Center Commission, and to provide for the appointment of the Commissioners solely by the Mayor of the City of Memphis.

Collins

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

38. RESOLUTION approving the completion of plans and specifications and taking of bids for the Holmes and Tchulahoma Park, as Part of the Fiscal Year 2012 Capital Improvement Program, CIP Project Number PK07091 at estimated construction cost of $1,500,000.00 funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

39. RESOLUTION appropriating funding for the Organized Crime Unit Drug Fund for Fiscal Year 2013 in the amount of $4,325,950.00.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

40. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of $959,077.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to Siphon Sewer Cleaning, Project Number SW02100 to inspect and clean siphons which cross under Wolf River and Nonconnah Creek. Resolution also appropriates $959,077.00 funded by Sewer Revenue Bonds for Siphon Sewer Cleaning, Project Number SW02100 for a construction contract with Ace Pipe Cleaning, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT