CITY OF MEMPHIS

COUNCIL AGENDA
June 21, 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 (June 7, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Third Street between A.W. Willis Avenue and Saffarans Street, in honor of Stefan and Hesia Diament.(Held from 6/7)

Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change of Alabama Avenue between Danny Thomas Boulevard and Poplar Avenue in honor of the late John "Bad Dog" McCormack.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a special use permit located on the north side of Macon Road opposite of Big Orange Road, containing 15.54 acres in the Conversation Agriculture, FP (Floodplain) District.

Ford

Case No. SUP 11-204cc

Applicants: Marcia Vaccarcio, Louise V. Wright, Tina V. Gregory
Carlson Consulting Engineers – Henry Minor – Representative

Request: Outdoor recreation (Golf Driving Range)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES WERE MAILED ON 6/10/2011

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a Hotel Waiver for Union Express, located at 42 S. Camilla Street.

Ford Case No. HMW 11-11

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a planned development located on the northwest corner of Clifton Avenue and Overton Crossing, containing .80 acre in the Commercial Mixed Use-1 (CMU) District.

Ford Case No. PD 11-306

Applicant: Rickie Mason

Request: A planned development to permit motor vehicle sales, service and repair, including auto body repair uses

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 north side of Stage Road; +/-346 feet west of Tena Drive, containing 1.78 acres in the Residential Work (RW) District.

Ford Case No. SUP 11-205

Applicant: Sabrina Herndon and Briddie Taylor
The Bray-Davis Firm, LLC – Representative

Request: Child Care Center (13 or more Children)

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 north side of Summer Avenue; +/-123 feet east of Waring Road, containing 1.78 acres in the Commercial Mixed-Use(CMU-3) District.

Ford Case No. SUP 11-203

Applicant: Mom Hourn

McCaskill & Associates, Inc. – Representative

Request: Special use permit to allow a pawn shop, including a jewelry store

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

8. **ORDINANCE** rezoning the west side of Hollywood Street; +/-176.52 feet north of Chelsea Avenue, containing 0.21 acre in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading. (Held from 5/3; 5/17;6/7)

Ford

Case No. Z 10-117
Ordinance No. 5396

Applicant: Market Place Development, LLC

Request: Change the zoning from Duplex Residential (R-D) to Commercial Mixed Use (CMU-3)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

99 NOTICES WERE MAILED ON APRIL 21, 2011

9. **ORDINANCE** rezoning the northeast corner of Macon Road and Berryhill Road, containing 1.26 acres in the Conservation Agricultural (CA) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-116cc
Ordinance No. 5403

Applicant: James A. Baker
Farris-Bobango-Branan, PLC – Representative

Request: Planned Commercial (C-P) District

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

146 NOTICES WERE MAILED ON JUNE 10, 2011

CITY OF MEMPHIS

COUNCIL AGENDA
June 21, 2011
Public Session, Tuesday, 3:30p.m.
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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

10. **ORDINANCE** to amend Title 2, Administration of the Code of Ordinances of Memphis, Tennessee by establishing the Memphis Advisory Council for Citizens with Disabilities, up for F I R S T reading.

Collins — Ordinance No. 5407

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

11. **ORDINANCE** to amend Chapter 48, Article 1, of the City of Memphis, Code of Ordinances, so as to provide for Reserve Housing and Code Enforcement Officers, up for S E C O N D reading.

Morrison — Ordinance No. 5404

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** amending Title 11 – Vehicles and Traffic, Chapter 11-32 Vehicle Equipment Section 18 – Windshields and Windows – of the Code of Ordinances for Memphis, Tennessee, up for S E C O N D reading.

Strickland — Ordinance No. 5405

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **ORDINANCE** amending Chapter 39 – Vehicles for Hire, Section 48, Rates – of the Code of Ordinances of Memphis, Tennessee, up for S E C O N D reading.

Collins — Ordinance No. 5406

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

14. RESOLUTION accepting PLAYHOUSE ON THE SQUARE (BOA 07-016), and authorizing release of bond.

(Contract No. CR-5124)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Union Ave. and Cooper St. The standard improvement contract was approved on November 18, 2008. Resolution also authorizes the release of the performance bond in the amount of $39,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

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

A. Case No. UV 10-12

Located on the north side corner of Tant Road and Interstate 240, containing 3.2 acres in the Single Family Residential (R-S6) District

Applicant: Brianne K. Mawry

Request: Contractor Storage and Recycling

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

B. Case No. SAC 10-606

Located on the east side of North Third Street, 181 feet north of A.W. Willis Avenue, containing 4,529 square feet

Applicant: Tony Fox

Request: Close and vacate alley rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 11-604

Located on the east side of Getwell Road, 1,388 feet south of Holmes Road, containing 3.14 acres

Applicant: Auto Dealers Exchange of Memphis, Incorporated

Request: Close and vacate Chad Lane to comply with Outline Plan Condition III.H of the Wiese Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 11-607 (PROMENADE AVENUE STREET CLOSING)

Beginning at A.W. Willis Avenue to a point 1,100 feet south, containing 1.01 acres

Applicant: City of Memphis (John Cameron, City Engineer)

Request: Close unimproved public street right-of-way

LUCB and OPD recommendation: APPROVAL, with one condition

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 5, 2011

CITY OF MEMPHIS

COUNCIL AGENDA
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Public Session Tuesday, 3:30 p.m.
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MLGW FISCAL CONSENT

16. RESOLUTION giving MLGW's General Counsel contract authority in the amount of $70,000.00 as full and final settlement in the case of Billy Wilson vs. MLGW, Circuit Court Docket No. CT-000657-09.(Held from 6/7).

17. RESOLUTION approving the purchase of unleaded and diesel fuel from the City of Memphis in an amount not to exceed $2,000,000.00, from July 6, 2011 to September 30, 2011, until a new combined fuel supplier contract for MLGW and the City of Memphis is executed.

18. RESOLUTION awarding Contract No. 11460, Aerator Maintenance, to R. P. Services, Inc., in the funded amount of $211,562.50.

19. RESOLUTION authorizing MLGW to expend up to $3,700,000.00 for the purchase of communication cable, network protector relays, Ethernet routers, and housings/power supplies for Ethernet routers, pursuant to the Smart Grid Investment Grant Assistance Agreement between MLGW and the United States Department of Energy (DOE) for implementation of a communications and control system for MLGW's network electric distribution system.

20. RESOLUTION approving the conversion of the Special Value Continuation Fund, LLC, from a closed-end private equity fund to a publicly traded business development for benefit of the Retirement and Pension Fund.

21. RESOLUTION approving the selection of Aureus Global Core Real Estate Fund and Mesirow Financial Global II Real Estate Fund to manage approximately $5,000,000.00 each for benefit of the OPEB Trust Fund, as part of a reallocation.

22. RESOLUTION approving Change No. 3 to Contract No. 9820, Cobol Debugger Software Package, with Allen Systems Group, Inc., in the funded amount of $11,785.90, for a new contract value of $286,427.47. (This renews annual software maintenance, license and support services for the period June 1, 2011 to May 31, 2012).

23. RESOLUTION approving Change No. 4 to Contract No. 10478, Electronic Meter Reading System, with Itron, Inc., in the funded amount of $658,898.48. (This renews annual software and hardware maintenance support services. The term of the annual maintenance covers the period January 1, 2011 to December 31, 2016).

24. RESOLUTION approving Change No. 1 to Contract No. 11090, Serena Master License Agreement, with Serena Software, Inc., in the funded amount of $103,606.05. (This renews annual software, maintenance, and support services. The term of the annual maintenance covers the period July 29, 2011 to July 28, 2014).

25. RESOLUTION awarding Contract No. 11455, Comprehensive Disparity Study and Policy Formulation, to MGT of America, Inc., in the funded amount of $288,210.00.

26. RESOLUTION awarding Contract No. 11482, Ventilation System of Mallory Pumping Station, to CS3, Inc., in the funded amount of $220,000.00.

27. RESOLUTION approving Change No. 3 to Contract No. 11280, Aerial Patrol of Gas Transmission Right-of-Way, to Tennessee Helicopter Services, Inc., in the funded amount of $30,660.00, for a new contract value of $112,055.00. (This change renews the contract for the third of four renewal terms, August 29, 2011 through August 28, 2012, with no increase in rates from the previous year).

28. RESOLUTION awarding contract for four Nissan Leafs to Jim Keras Nissan in the amount of $135,024.00.

29. RESOLUTION approving Change No.14 to Contract No. 10569, Interactive Voice Response System (IVR), with Avaya, Inc., in the funded amount of $140,089.74. (This change renews annual maintenance of the IVR hardware/software for an additional three-year term, July 17, 2011 to July 16, 2014, with a 14.67% decrease from the previous year).

30. RESOLUTION awarding contract for remote terminal units to Telvent USA Corporation in the amount of $177,250.00.

31. RESOLUTION approving payment of 2011 annual membership dues to American Public Power Association in the amount of $102,071.73.

32. RESOLUTION approving Change No. 6 to Contract No. 11217, Temporary Services, with Manpower, Inc., in the funded amount of $28,843.84, for a new contract value of $621,210.24. (This change allows existing temporary personnel to work the remaining 616 hours (out of the 1040 hours allowed) in the Contract Management Department due to a permanent employee being on leave covered by the Family Medical Leave Act since June 2010; allows the Contract Management Department to obtain an additional temporary as a result of another permanent employee being on leave indefinitely; and allows the Payroll Department to utilize their existing temporary personnel to work the remaining 279 hours (out of the 1040 hours allowed) to finalize W-2C filing for tax years 2004-2009 with the Social Security Administration, in conjunction with the Medicare Buyback referendum project).

33. RESOLUTION approving Change No. 2 to Contract No. 9791, File Utility Software Package, with Compuware Corporation, in the funded amount of $77,848.00. (This change renews annual software maintenance, license and support. The term of the annual maintenance covers the period February 1, 2011 to January 31, 2015, with a 5% increase from the previous year; however, this change reflects no increase through the aforementioned renewal term).

34. RESOLUTION approving Change No. 2 to Contract No. 9882, Dump Formatter and Analyzer Software Package, with Compuware Corporation, in the funded amount of $82,652.00. (This change renews annual software maintenance, license and support. The term of the annual maintenance covers the period February 1, 2011 to January 31, 2015, with a 5% increase from the previous year; however, this change reflects no increase through the aforementioned renewal term).

35. RESOLUTION approving Change No. 5 to Contract No. 10741, Laser Disk Document Storage, with Goldleaf Financial Solutions, Inc., in the funded amount of $68,250.00. (This change reflects a corporation name change from Goldleaf Financial Solutions, Inc. to Jack Henry & Associates, Inc.; includes the purchase of the test software and maintenance of Spoolview and Spoolweb in the amount of $4,800.00; and renews license and maintenance services in an estimated amount of $63,450.00. The term of the annual maintenance covers the period January 1, 2011 to December 31, 2015, with no increase from the previous year; however, this change reflects an estimated annual 3.78% increase over the requested renewal terms).

36. RESOLUTION approving Change No. 3 to Contract No. 10908, Mobile Data, with Venytx, Inc., in the funded amount of $595,158.79. (This change renews annual software maintenance, license and support. The term of the annual maintenance covers the period January 1, 2011 to December 31, 2013, with a 0.51% increase from the previous year; however, this change reflects an estimated annual 10% increase through the aforementioned renewal term).

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Public Session, Tuesday, 3:30 p.m.
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REGULAR AGENDA

BUDGET ITEMS

37. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu of tax payment to the City of Memphis for Fiscal Year 2012. (GAS & ELECTRIC) (Held from 6/7)

Flinn

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2012-2016.(Held from 6/7)

Flinn

ACTION REQUESTED: Adopt the resolution

39. **ORDINANCE** establishing the Fiscal Year 2012 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.(Held from 6/7)

Flinn Ordinance No. 5398

ORDINANCE to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2011 through June 30, 2012.

ACTION REQUESTED: Take whatever action Council deems advisable

40. **ORDINANCE** to fix the Tax Rate for the City of Memphis for Fiscal Year 2012, up for T H I R D and F I N A L reading. (Held from 6/7)

Flinn Ordinance No. 5400

ACTION REQUESTED: Take whatever action Council deems advisable

GENERAL ORDINANCES -THIRD AND FINAL READING

41. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-28 – Pedestrians, of the Code of Ordinances of Memphis, Tennessee, up for T H I R D and F I N A L reading. (Held from 6/7)

Strickland Ordinance No. 5401

ACTION REQUESTED: Take whatever action Council deems advisable

42. **ORDINANCE** to amend Chapter 33, of the Code of Ordinances, so as to decrease the Sewer Fee, up for T H I R D and F I N A L reading.

Hedgepeth Ordinance No. 5402

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

43. RESOLUTION amending the FY2011 Budget to approve additional funding from reserves, as a result of unanticipated circumstances in the amount of $551,452.14.

Morrison

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 (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

44. RESOLUTION authorizing the Mayor of the City of Memphis to execute any and all documents necessary to approve a contract with the Tennessee Department of Economic and Community Development for $11,000,000.00 in fast track infrastructure development program grant funds in behalf of Mitsubishi Electric Power Products, Inc. This resolution accepts and allocates the $11,000,000.0 for construction. This grant contract requires no additional City of Memphis matching funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION amending the Capital Improvement Budget by appropriating $440,000.00 in G.O. General Bond Funds to Traffic Signals, Project Number EN01004 in Furniture, Fixtures and Equipment for the purchase of equipment used in the installation of traffic signals by City Forces.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION amending the FY11 – Capital Improvement Budget by transferring an allocation and appropriating $386,488.00 in G.O. Bonds – General in Traffic Calming Devices, Project Number EN01007, to Speed Humps Installation – Group 7, Project Number EN01034, for the purpose of installing speed humps in various locations in the city and for a construction contract with Cantrell Construction.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION amending the FY2011 Capital Improvement Budget by transferring an allocation of $9,500.00 for A/E and appropriating $172,801.00 for construction funded by G O Bonds – General from Asphalt Paving, project number PW01040 to Beale Street Repaving number PW01232 and for a construction contract with Standard Construction.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION approving the appropriation of $1,424,000.00 funded in Fiscal Year 2011 in Contract Construction for Greenway Improvements, CIP Project Number PK07012, funded by G.O. Bonds General, for the construction of the Wolf River Greenway – Phase 3.

Boyd

ACTION REQUESTED: Adopt the resolution

ADD-ONS

49. RESOLUTION accepting and appropriating $52,530.00 in grant funds from United Way LINC 2-1-1 Service through The Foundation of the Library to fund a Database Manager Position.

Morrison

ACTION REQUESTED: Adopt the resolution

50. Consideration of the Fire Impasse Committee Recommendation.

Lowery

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Held to July 5, 2011
2. and 3 – Approved
4. Held to July 5, 2011
5. and 6 – Approved
7. Failed
8. Approved
9. Approved, as amended
10. Through 14 – Approved
15. Public Hearing set for July 5, 2011
16. Through 24 – Approved
25. Dropped
26. Through 36 – Approved
37. Held to July 5, 2011
38. Through 40 – Approved, as amended
41. Held to July 5, 2011
42. Tabled
43. Through 45 – Approved
46. Approved, as amended
47. Through 49 – Approved
50. Held to July 5, 2011

ACTION TAKEN ON THE MINUTES OF JUNE 7, 2011

Approved

ACTION TAKEN ON THE MINUTES OF JUNE 21, 2011 FOR ITEMS 16, 38, 39, 40, 44, 45, 47, 48, 49 AND SPECIAL ITEM #7 ONLY:

Approved