



CITY OF MEMPHIS

COUNCIL AGENDA

August 16, 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 (August 2, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Lanell Williams, City University School Class of 2011 Valedictorian.

Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving an appeal located on the south side of Monroe Avenue, +/- 504 feet east of Lauderdale Street, containing 1.16 acres in the Central Business District (CBD) and Medical Overlay [MO] District.(Held from 7/5)

Ford

Case No. SE 11-001

Applicant: Memphis Housing, LLC – Tony Crosby
SR Consulting, LLC – Cindy Reaves – Representative

Appellant: The Edge Community Association – Mike Todd

Request: Overturn the decision of the LUCB approving a Special Exception to allow an increase in height for a proposed building at 51 feet in height where a maximum of 35 feet of height is permitted

LUCB and OPD recommendation: APPROVAL, with one condition

ACTION REQUESTED: Take whatever action Council deems advisable

65 NOTICES WERE MAILED ON AUGUST 5, 2011

- 3. RESOLUTION approving an appeal located on the northwest corner of Poplar Avenue and Belle Meade Lane, containing .71 acre.

Ford

Case No. S 11-007

Appellant: John R. Wills, Jr.

Request: Overturn the decision of the Land Use Control Board on 06/09/11 which rejected a proposed two-lot resubdivision

LUCB recommendation: Rejection

OPD recommendation: Approval of the resubdivision with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

75 NOTICES WERE MAILED ON AUGUST 5, 2011

- 4. RESOLUTION approving a planned development located on the north side of E. Shelby Drive +/-516.33 feet west of Germantown Road, containing 6.42 acres and is currently governed by Shelby Drive/Germantown Road, 3rd Amendment P.D. 08-312 cc.

Ford

Case No. PD 11-304cc

Applicant: Eulyse M. Smith Estate
ETI Corporation – Representative

Request: Planned development to allow one(1) retail building in Parcel ‘C’ and to change the Concept Plan for remaining Parcels ‘A’, ‘B’ & ‘C’ of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

99 NOTICES WERE MAILED ON AUGUST 5, 2011

DIVISION OF PLANNING & DEVELOPMENT

- 5. RESOLUTION amending the original interlocal agreement for the Joint Economic and Community Development Board, by authorizing the membership of the Suburban Chambers of Commerce and allowing the Suburban Chambers of Commerce to appoint a board member to join the existing board of the Joint Economic and Community Development Board.

Conrad

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING

6. **ORDINANCE** rezoning the northeast corner of Pendleton Street and Brandon Circle, containing 0.64 acre in the Residential Single Family (R-6) District, up for **T H I R D** and **F I N A L** reading.

Ford

Case No. Z 11-104
Ordinance No. 5410

Applicant: Pendlove, Inc., D/B/A 'Pendleton House of Love'

Request: Civic (CIV) District to allow Group Living for an Assisted-Living Facility

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

87 NOTICES MAILED ON AUGUST 5, 2011



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** to amend Chapter 4 – Alcoholic Beverage, Article I, in general, Section 7 – Sale to certain persons prohibited, drinking in or on premises of Retail, Liquor Stores prohibited, penalty – of the Code of Ordinances of Memphis, Tennessee, up for F I R S T reading.

Strickland

Ordinance No. 5413

ACTION REQUESTED: Adopt the ordinance on First reading

8. **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 of Memphis, Tennessee, up for F I R S T reading.

Strickland

Ordinance No. 5414

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend Chapter 39 of the City of Memphis Code of Ordinances so as to establish the Memphis Transportation Commission, up for F I R S T reading.

Strickland

Ordinance No. 5415

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to amend Memphis, Tennessee, Code of Ordinances Title 4 – Pension and Retirement System, so as to modify the Pension Benefits allowable under the Ordinance, up for F I R S T reading.

Collins

Ordinance No. 5416

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE – SECOND READING

11. **ORDINANCE** to amend Chapter 16, Article V, of the City of Memphis, Code of Ordinances, so as to amend the Section pertaining to Pedestrian Vendors, up for S E C O N D reading.

Ford

Ordinance No. 5411

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

- 12. **ORDINANCE** rezoning the south side of Monroe Avenue; +/-146.0 feet east of Florence Street, containing .21 acre in the Residential Urban-3 (RU-3) District, up for S E C O N D reading.

Ford

Case No. Z 11-105
Ordinance No. 5412

Applicant: Caruthers Group, LLC
The Reaves Firm, Kay Reeves – Representative

Request: Rezone property from Residential Urban – 3 (RU-3) to the Commercial Mixed Use (CMU-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

- 13. **RESOLUTION** accepting LAUSANNE COLLEGIATE SCHOOL DRAINAGE IMPROVEMENTS, and authorizing release of bond.

(Contract No. CR-5144)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on West Massey Road at Lendenwood Road. The standard improvement contract was approved on August 4, 2009. Resolution also authorizes the release of the performance bond in the amount of \$42,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)



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MLGW FISCAL CONSENT

14. RESOLUTION approving Change No. 6 to Contract No. 11071, Emergency Storm Restoration, with Davis H. Elliott Company, Inc., in the funded amount of \$566,468.33. (This change covers payment of work performed due to the storm of April 20, 2011).
15. RESOLUTION approving Change No. 5 to Contract No. 11437, Emergency Aid Agreement, with Standard Electric Company, in the funded amount of \$51,749.18. (This change covers payment of work performed due to the storm of April 20, 2011).
16. RESOLUTION approving Change No. 1 to Contract No. 11399, Right-of-Way Mowing, with Rotolo Consultants, Inc., in the funded amount of \$231,152.00. (This renews the contract for the first of four renewal terms, August 9, 2011 through August 8, 2012, which includes a 6.45% increase from the previous year due to an increase in insurance and fuel costs).
17. RESOLUTION approving Change No. 1 to Contract No. 11433, Palmer Pumping Station Concrete Restoration, with Mid-South Specialties, in the funded amount of \$18,225.00, for a new contract value of \$202,500.00. (This change covers the unanticipated cost of replacing the coke tray for the Palmer aerator restoration project).
18. RESOLUTION approving agreement for and payment of MLGW's on-going commitment to the Greater Memphis Chamber in the amount of \$175,000.00, to facilitate economic and community development in Memphis and Shelby County for the period September 1, 2010 through August 31, 2011, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives.
19. RESOLUTION approving Contract No. 4555 between MLGW and TVA, to support industrial recruitment, development and expansion of business and industry in the Memphis/Shelby County area, whereby MLGW will make payment to the Greater Memphis Chamber in the amount of \$80,000.00, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives. TVA will reimburse MLGW in the amount of \$40,000.00.
20. RESOLUTION awarding contract for #57 washed limestone to Martin Marietta Aggregate in the amount of \$101,470.00.
21. RESOLUTION approving Change No. 1 to Contract No. 9716, Sysout Manager Software, with Software Engineering of America, in the funded amount of \$16,125.74, for a new contract value of \$130,212.02. (This renews annual software maintenance and support services and license fees for the period October 1, 2011 to September 30, 2013, with no increase from the previous year).

22. RESOLUTION approving Change No. 1 to Contract No. 10072, Online Summary and Reference Product, with Chicago-Soft, Ltd., in the funded amount of \$14,711.00, for a new contract value of \$98,381.00. (This renews annual software maintenance, license, and support covering the period May 8, 2011 to May 7, 2014. Maintenance costs for May 8, 2011 to May 7, 2012 is \$5,254.00 or a 6% increase over the previous year. The costs for the period May 8, 2012 to May 7, 2014 includes a 10% per-pay discount or \$4,728.50 per year. The net change in annual costs for this renewal is -1.0).
23. RESOLUTION approving Change No. 1 to Contract No. 11393, Network Maintenance, with Venture Technologies, Inc., in the funded amount of \$613,295.32. (This renews the contract for the first of four renewal terms, October 15, 2011 through October 14, 2012, which includes an 8.37% decrease from the previous year).
24. RESOLUTION approving Change No. 10 to Contract No. 10562, PBX/AC System, with Black Box Network Services, in the funded amount of \$123,032.86. (This change is to renew support maintenance services for the period covering January 1, 2013 to December 31, 2017 in the amount of \$306,085.00, which will be absorbed in the current contract value. This change is also to add 115 licenses to two (2) existing features, which include web chat and e-mail on the current OpenScape ACD Management System in the amount of \$111,384.00. In addition, this change is to add hardware and software to the PBX/ACD system to allow for immediate customer feedback following a customer contact (via Common Application Platform (CAP) and Verint's Customer Feedback System) in the amount of \$11,648.86).



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REGULAR AGENDA

BUDGET ITEM

25. 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; 6/21; 7/5; 7/19; 8/2)

Flinn

ACTION REQUESTED: Adopt the resolution

26. APPOINTMENTS (Held from 8/2)

Collins

Memphis and Shelby County Air Pollution Board

Appointments

Roy N. Davis
Dr. Robert D. Kirkpatrick

Reappointment

James G.M. Lenschau

Fire Department Board of Appeals

Appointments

Majid E. Hatamzadeh
Robert C. Jacobson

Re-appointments

Ronald A. Fuller
Howard B. Glatstein
Janet Smith-Haltom

27. APPOINTMENTS

Collins

Public Art Oversight Committee

Appointment

Carl E. Moore

Memphis Light, Gas & Water

Reappointments

Darrell Cobbins

Steven Wishnia

GENERAL ORDINANCE -THIRD AND FINAL READING

28. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to require a Two-Thirds Majority approval of the City Council in order to increase the Ad Valorem Tax Rate if the increase is a higher percentage than the rate of inflation and to submit the proposed Referendum 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 8/2)

Flinn

Ordinance No. 5408

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

29. RESOLUTION accepting additional Federal grant funds in the amount of \$4,775,497.00 from the Tennessee Department of Transportation for the Deploy Traffic Signal System Year 3 project to help relieve traffic congestion and related air pollution on various major roadways in the City of Memphis. Resolution also amends FY2012 Operating Budget by adding these funds to the project (EN90006) and appropriates grant funds. (Held from 8/2)

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the Fiscal Year 2012 Special Revenue Fund Budget by accepting and appropriating \$80,000.00 in grant funds past through Shelby County Government to the Division of Engineering for transportation planning activities.

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

31. RESOLUTION to appropriate the sum of \$1,400,000.00 of the FY 2012 Capital Improvement Budget for the MHA-Legends Park (Dixie Homes) project.

Brown

ACTION REQUESTED: Adopt the resolution

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

32. RESOLUTION amending the FY2012 Capital Improvement Budget by transferring an allocation and appropriating \$10,034.00 funded by G.O. Bonds (Storm Water) from Drainage-ST, project number ST03006, to Fletcher – 8408/8420 Rembrook, project number ST03128, for drainage repair and for a construction contract with Madden Phillips. (Held from 8/2)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION unappropriating \$80,000.00 in construction funded by GO Bonds General in Metal Museum N. Bluff Repair, project number PW 04073 and transferring a construction allocation of \$80,000.00 funded by GO Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 to an architecture and engineering allocation in Traffic Calming Devices, project number EN01007. (Held from 8/2)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION unappropriating \$120,000.00 in construction funded by GO Bonds General in Metal Museum N. Bluff Repair, project number PW04073 and transferring a construction allocation of \$120,000.00 funded by GO Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 to A&E/land acquisition allocations in the amount of \$20,000.00 and a construction allocation in the amount of \$100,000.00 in School Safety Improvements, project number PW04043. (Held from 8/2)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation and appropriating \$700,000.00 funded by G.O. Bonds – General from Street Lighting, project number PW01093 to FY12 Street Lighting, project number PW01236, to reimburse Memphis, Light, Gas and Water for costs incurred in connection with servicing, replacing, and removing expressway street light poles.

Hedgepeth

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

36. RESOLUTION approving final plat of HOLLYWOOD-TREASURY SUBDIVISION, RESUBDIVISION OF LOT 1.

Consent

Case No. S 10-020

Resolution approves final plat located in the west side of Hollywood Street, south of James Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

WIN Fiscal Consent

37. RESOLUTION accepting \$413,914.00 from the State of Tennessee Department of Labor and Workforce Development Division for the WIA Title I Dislocated Worker Grant.

Conrad

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION accepting \$185,573.00 from the State of Tennessee Department of Labor and Workforce Development Division for the WIA Title I Adult Grant.

Conrad

ACTION REQUESTED: Adopt the resolution

Regular Agenda

39. RESOLUTION authorizing a borrowing from Memphis Center City Revenue Finance Corporation to finance Pyramid improvements, Lonestar property acquisition, and cost of acquisition of Shelby County's interest in the Memphis Cook Convention Center and refinance the costs of acquisition of the Pyramid, requesting such corporation to issue bonds for such purposes, authorizing such acquisition, authorizing certain debt service reserve support of such bonds, and authorizing the Mayor to execute the second amendment to the Memphis Arena use and operating agreement between the City of Memphis, Shelby County, The Memphis and Shelby County Sports Authority, and Hoops, LP; and to complete all measures necessary for the financing and development of the Bass Pro/Pyramid Arena redevelopment project, and otherwise providing with respect to the foregoing.

Lowery

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting grant funds to amend the FY2012 Operating Budget to establish and appropriate grant funds in the amount of \$1,307,400.00 from the State of Tennessee for the In-Service Training Program for 2,179 Commissioned Officers.

Strickland

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. & 3 – Failed
4. Through 24 – Approved
25. Held until September 6, 2011
26. & 27 – Approved
28. Held until September 6, 2011
29. Through 38 – Approved
39. Approved, as amended
40. Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 2, 2011 MEETING

Approved, as amended, #2 – UV-10-12, was pulled from these minutes and will be back on the Agenda for September 6, 2011.

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

Approved