



CITY OF MEMPHIS

COUNCIL AGENDA

September 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 (September 6, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION in honor of Whitehaven Businesses.
Collins
2. RESOLUTION in honor of Justice Bolden and his recent National Recreation and Park Association Scholarship.
Conrad

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving an honorary street name change of Dunlap to honor the University of Tennessee Health Science Center upon its 100th year anniversary.
Lowery

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION honoring Joel Cox on his outstanding achievements.
Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

5. 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)

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

6. RESOLUTION approving a street/alley closure located between Third Street and A.W. Willis Avenue, containing 4.38 acres.

Ford

Case No. SAC 10-611

Applicant: St. Jude Children’s Research Hospital

Request: Close and vacate North Parkway through the St. Jude Hospital Campus

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

5 NOTICES MAILED ON SEPTEMBER 9, 2011

DIVISION OF PLANNING & DEVELOPMENT

7. RESOLUTION approving a planned development located on the northeast corner of East Person Avenue and Hernando Road, containing 4.24 acres in the Residential Urban-1 (RU-1) and Commercial Mixed-Use (CMU-3) Districts governed by Temple Israel (SUP 91-231).

Ford

Case No. PD 11-312

Applicant: Temple Israel
Solomito Land Planning – Representative

Request: Planned Development to allow the expansion of burial plots to an existing cemetery, including new fencing, landscaping and site amenities

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 (None)



CITY OF MEMPHIS

COUNCIL AGENDA

September 20, 2011

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

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

8. **ORDINANCE** to amend Chapter 5, Animals and Fowl of the Code of Ordinances, City of Memphis, to Prevent Cruelty to Animals and Cock and Animal Fighting, up for F I R S T reading.

Strickland

Ordinance No. 5417

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend Chapter 21 of the Memphis City Code of Ordinances, governing Motor Vehicles and Traffic, so as to Regulate Valet Parking Services, up for F I R S T reading.

Hedgepeth

Ordinance No. 5418

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES- SECOND READING (None)

ZONING ORDINANCE - FIRST READING

10. **ORDINANCE** rezoning the east side of Getwell Road; +/-510 feet north of Cochese Avenue, containing 0.80 acre in the Commercial Mixed Use-1 (CMU-1) District, up for F I R S T reading.

Ford

Case No. Z 11-107

Ordinance No. 5419

Applicant: LA Coneccion, Inc. – Archie Yousef
The Bray-Davis Firm – Representative

Request: Commercial Mixed Use-3 (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

11. RESOLUTION approving final plat of RALEIGH-RAMILL SUBDIVISION.
Case No. S 11-006

Resolution approves the final plat located on Yale Road between Raleigh Millington and Ramill. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)



CITY OF MEMPHIS

COUNCIL AGENDA

September 20, 2011

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

MLGW FISCAL CONSENT

12. RESOLUTION awarding contract for multi-position watt-hour meter demand test board to Watthour Engineering Company, Inc., in the amount of \$135,375.00.
13. RESOLUTION awarding Contract No. 11474, Generator Preventative Maintenance Agreement, to Cummins Mid-South, LLC, in the funded amount of \$61,569.03.
14. RESOLUTION approving payment to the Tennessee Department of Environment and Conservation for the annual facility maintenance fee for public water systems in the amount of \$125,126.75.
15. RESOLUTION approving Change No. 3 to Contract No. 11075, Community Office Pay Stations, with TIO Networks Corporation, in the funded amount of \$50,004.00. (This change renews maintenance for an additional two-year term, July 1, 2011 to June 30, 2013, in the amount of \$24,960.00, and includes an additional \$25,044.00 for upgrades and any incidentals that may arise regarding the units included in this contract).
16. RESOLUTION approving Change No. 3 to Contract No. 11279, Third Party Administrator for Worker's Compensation, with Brentwood Services Administrators, Inc., in the funded amount of \$70,036.00. (This change is to correct the current contract value by increasing the amount \$70,036.00 due to an error in the calculation of the maximum contract value during the previous (Change No. 2) renewal dated October 21, 2010, which covered the period January 1, 2011 to December 31, 2011).
17. RESOLUTION awarding Contract No. 11472, Healthcare Administration, to CIGNA Corporation, in an estimated funded amount of \$122,100,710.36.
18. RESOLUTION approving Change No. 2 to Contract No. 10346, Database Navigation Editor Software Product, with Allen System Group, Inc. (ASG), in the funded amount of \$9,197.69, for a new contract value of \$180,295.76. (This change renews annual software maintenance, licenses and support. The term of the annual maintenance is for the period covering July 1, 2011 to June 30, 2012, with no increase from the previous year).
19. RESOLUTION approving Change No. 2 to Contract No. 11023, Secure32 Products, with Sungard AvantGard, LLC, in the funded amount of \$28,675.00, for a new contract amount of \$81,541.50. (This change renews annual software maintenance, support services and license fees for a five-year term. The term of annual maintenance is for the period covering April 22, 2011 to April 21, 2016).

20. RESOLUTION awarding contract for Universal Log Collection and Management System to LogRhythm, Inc., in the amount of \$138,900.00.
21. RESOLUTION awarding contract for Corporate Network Upgrade to Venture Technologies in the amount of \$198,225.19.
22. RESOLUTION approving Change No. 10 to Contract No. 10783, Emergency Aid Agreement, with Dillard Smith Construction, in the funded amount of \$263,505.39. (This change covers payment for work performed due to the storm of April 4, 2011).
23. RESOLUTION approving Change No. 7 to Contract No. 11071, Emergency Storm Restoration, with Davis H. Elliot Company, Inc., in the funded amount of \$327,625.72. (This covers payment for work performed due to the storm of April 27, 2011).
24. RESOLUTION approving Change No. 3 to Contract No. 11274, Emergency Aid Agreement, with Henkels and McCoy, Inc., in the funded amount of \$67,027.37. (This covers payment for work performed due to the storm of June 13, 2011).
25. RESOLUTION awarding contracts for forklift trucks to Shaw Materials Handling, Inc., in the amount of \$28,962.40 and RSC Equipment Rental, in the amount of \$150,848.91, for a total of \$179,811.31.
26. RESOLUTION approving Change No. 1 to Contract No. 11427, Audiolog Recorders Upgrade, with Carolina Recording System, Inc., in the funded amount of \$84,008.25. (This change upgrades the existing Audiolog Recorder (CCC1), adds 10 seats to apply to CCC1 and CCC2 and includes the following: (1) one concurrent license for Audiolog interaction Quality (AIQ) software; (2) IRIS 1000 Agent/1 Client Package to apply to CCC2; (3) upgrade CCC1 to Expand Max-Pro Series 3000 with Win 2003 server. All CCC1 existing channel cards and licenses will transfer to new Hard Ware (HW) Chassis; (4) 1st and 2nd Tier Maintenance fee for five (5) years, covering the period October 1, 2010 to September 30, 2015; and (5) professional services to include installation, configuration, testing, and training. This change will allow more MLGW Supervisors to concurrently assess quality of employee's interaction with customers as well as allow synchronized video recording and monitoring with audio. MLGW is requesting this change of the system, which can only be performed by Carolina Recording System, Inc.).
27. RESOLUTION awarding Contract No. 11496, Allen and McCord Water Production Wells, to Layne Christensen Company, in the funded amount of \$2,478,388.00.
28. RESOLUTION awarding 36-month contract to Doble Engineering Company for software agreement and rental equipment renewal, in the amount of \$196,932.00.
29. RESOLUTION approving Change No. 1 to Contract No. 11292, Cashiering System Replacement, with System Innovators, in the funded amount of \$32,742.00, for a new contract value of \$257,742.00. (This renews annual software maintenance and support services for the first of four renewal terms, March 1, 2011 to February 29, 2012).
30. RESOLUTION awarding Contract No. 11508, Utility Payment Centers, to FirsTech, in the funded amount of \$254,058.00.

31. RESOLUTION approving the selection of PreserverPartners (Multi-Asset Fund) to manage approximately \$4,000,000.00 for the benefit of the Retirement and Pension Fund, as part of a reallocation.
32. RESOLUTION awarding Contract No. 11507, Online Legal Research, to Lexis Nexis, in the funded amount of \$47,616.00.
33. RESOLUTION approving Change No. 6 to Contract No. 10985, Master Lease Agreement, with SkillSoft Corporation, in the funded amount of \$783.42, for a new contract value of \$188,288.31. (This covers the purchase of additional courses for the IT course library).
34. RESOLUTION approving Change No. 2 to Contract No. 11050, Tape Reporting Tool, with Estorian, Inc., in the funded amount of \$30,900.00, for a new contract value of \$131,366.78. (Spacefinder, an enterprise server disk management product, was purchased under Contract No. 10276, and Tapefinder, an enterprise server tape management product, was purchased under Contract No. 11050. The vendor, Estorian Inc., informed MLGW the Spacefinder functionality was incorporated into the Tapefinder TSF product. Therefore, the Spacefinder maintenance (Contract No. 10276) will not be renewed in 2011. This will result in a 37% reduction in maintenance costs for MLGW. The vendor has agreed to no maintenance increase in 2011 and a maximum 3% increase for period covering November 1, 2011 to October 31, 2014. The overall net savings for MLGW is 34%. MLGW acquired the tape reporting software tool through the MLGW proposal solicitation process. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Estorian, Inc.).
35. RESOLUTION approving a two-month extension of Purchase Order No. 135003 with R. J. Young Company for the rental of a color printing system in the amount of \$18,826.00, bringing the total award to \$401,614.00.



CITY OF MEMPHIS

COUNCIL AGENDA

September 20, 2011

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

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

REGULAR AGENDA

BUDGET ITEM

36. 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; 8/16; 9/6)

Flinn

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES-THIRD AND FINAL READING

37. **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; 8/16; 9/6)

Flinn

Ordinance No. 5408

ACTION REQUESTED: Take whatever action Council deems advisable

38. **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 T H I R D and F I N A L reading.

Strickland

Ordinance No. 5413

ACTION REQUESTED: Take whatever action Council deems advisable

39. **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 T H I R D and F I N A L reading.

Strickland

Ordinance No. 5414

ACTION REQUESTED: Take whatever action Council deems advisable

40. **ORDINANCE** to amend Chapter 39 of the City of Memphis Code of Ordinances so as to establish the Memphis Transportation Commission, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5415

ACTION REQUESTED: Take whatever action Council deems advisable

41. **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 T H I R D and F I N A L reading.

Collins

Ordinance No. 5416

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

42. RESOLUTION appropriating \$300,000.00 in Other Project Cost funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN01003 chargeable to the FY 2012 Capital Improvement Budget.

Flinn

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

43. RESOLUTION adopting the Governmental Accounting Standards Board Statement No. 54 (GASB 54), Fund Balance Reporting and Governmental Fund Type Definitions.

Flinn

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

44. RESOLUTION appropriating \$1,500,000.00 of the FY 2012 Capital Improvement Budget for the MHA-Triangle Noir (Cleaborn Homes Redevelopment) Project.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION

45. RESOLUTION amending the FY 2012 Operating Budget by transferring a Legal Division Service Center to the Human Resources Division, thus transferring an allocation and appropriation of \$950,281.91 from the Legal Division to the Human Resources Division Operating Budget to cover Personnel and M&S Expenses.

Flinn

ACTION REQUESTED: Adopt the resolution

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES

46. RESOLUTION providing a \$750,000.00 grant to the Family Safety Center to help implement Operation: Safe Community's Strategy 14; to implement a coordinated domestic violence initiative to help combat homicides involving family violence and to stop the cycle of family violence in part by providing a facility to address the needs of domestic violence victims. This project provides funding to construct and furnish a new Family Safety Center pursuant to a previously approved Council resolution.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

47. RESOLUTION accepting and appropriating \$51,876.00 from the State of Tennessee, Department of State, Tennessee State Library and Archives to purchase Library Books and Materials for the Memphis Public Library.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

48. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$381,854.00 funded by G.O. Bonds General (Storm Water) from Bridge Repair Storm Water, Project Number ST03083 to Watkins Storm Water, Project Number ST03084. Resolution also appropriates \$1,381,854.00 funded by G.O. Bonds General (Storm Water) in Watkins Storm Water, Project Number ST03084 for a contract with Chris Hill Construction.

Hedgepeth

Director of Pubic Works recommends approval

ACTION REQUESTED: Adopt the resolution

- 49. RESOLUTION amending the FY 2012 Capital Improvement Budget by transferring an allocation of 1,594,175.00 funded by Sewer Funds from Rehab Existing Sewers, Project Number SW02001 to Sewer Line Replace FY 2012, Project Number SW02092. Resolution also appropriates \$1,594,175.00 funded by Sewer Funds for Sewer Line Replace FY 2012, Project Number SW02092 for a construction contract with Acuff Enterprises.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

- 50. Impasse - Fire Department. (Held from 8/2; 9/6)

Lowery

- 51. RESOLUTION amending the Council Rules of Procedure by adopting a procedure for the acceptance of grants to ensure the efficient and timely acceptance of grants.

Lowery

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

- 52. **ORDINANCE** to amend Chapter 25 – Pension and Retirement System of the City of Memphis, Code of Ordinances, to Protect Pension Benefits from the 4.62% Salary Reduction Policy, up for F I R S T reading.

Collins

Ordinance No. 5420

ACTION REQUESTED: Adopt the ordinance on First reading

- 54. RESOLUTION authorizing the execution, delivery and performance of a schedule to the master lease between Banc of America Public Capital Corp and the City of Memphis, Tennessee, relating to the acquisition of Solid Waste Refuse Trucks and to approve certain other matters relating thereto for the lease.

Flinn

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 4 – Approved
- 5. Held until November 1, 2011
- 6. Through 16 – Approved
- 17. Held until October 4, 2011
- 18. Through 35 – Approved
- 36. Held until October 4, 2011

- 37. Failed
- 38. Approved
- 39. Held until October 18, 2011
- 40. Approved
- 41. Held until October 18, 2011
- 42. Through 49 – Approved
- 50. Dropped
- 51. Failed
- 52. Through 54 - Approved

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 6, 2011 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #16, #30, #46 & #54 FROM TONIGHT'S MEETING

Approved