



# CITY OF MEMPHIS

## COUNCIL AGENDA

June 7, 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 (May 17, 2011)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

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### **CITY COUNCIL AS A RATE MAKING BOARD**

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1. RESOLUTION approving the Temporary Pilot Time-of-Use Residential Rate for participants in MLGW's Smart Grid Demonstration and requesting the Memphis City Council to convene as a rate making body for the purpose of approving the Temporary Pilot Time-of-Use Residential Rate.

Fullilove

ACTION REQUESTED: Adopt the resolution

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### **MEETING CALLED TO ORDER AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS**

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PUBLIC HEARING Re: Temporary Pilot Time of-Use Residential Rate

Presentation by: Memphis Light Gas & Water

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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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**PRESENTATION AND RECOGNITION OF VISITORS**

- 2. 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.  
Strickland

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT** (None)

**ZONING ORDINANCES – THIRD AND FINAL READING**

- 3. **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)

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: **Hold item until June 21, 2011**

**99 NOTICES MAILED ON APRIL 21, 2011**

- 4. **ORDINANCE** rezoning the east side of Airways Boulevard; +/-250 feet south of Kilarney Avenue, containing 58.74 acres in the Residential Single Family-15 (R-15) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 11-101  
Ordinance No. 5397

Applicant: William H. Thomas, Jr.  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Warehouse & Distribution (WD) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: **Hold item until June 21, 2011**

**44 NOTICES MAILED ON MAY 27, 2011**



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

5. **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 F I R S T reading.

Morrison

Ordinance No. 5404

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

6. **ORDINANCE** to amend Chapter 33, of the Code of Ordinances, so as to decrease the Sewer Fee, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5402

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

7. **ORDINANCE** rezoning the northeast corner of Macon Road and Berryhill Road, containing 1.26 acres in the Conservation Agricultural (CA) District, up for S E C O N D 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: Adopt the ordinance on Second reading

**ENGINEERING** (None)

**NOTATIONS FROM OPD**

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

A. Case No. PD 00-368

Located on the south side of U.S. Highway 64, approximately 660 feet east of Appling Road, containing 6.83 acres in the Planned Development (PD) District

Applicant: First Tennessee Bank  
Frank Bolton & Company – Representative

Request: Requesting a change to the previously recorded P.U.D. to reflect changes to the signs listed on the P.U.D.

LUCB and OPD recommendation: APPROVAL

B. Case No. SUP 11-204cc

Located on the north side of Macon Road opposite of Big Orange Road, containing 15.54 acres in the Conversation Agriculture, FP (Floodplain) District

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: Set a date of public hearing**

**SUGGESTED DATE: June 21, 2011**



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### MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11480, South Service Center HVAC, to CS3, Inc., in the funded amount of \$230,200.00.
10. RESOLUTION approving Change No. 1 to Contract No. 11385, Gas Leak Survey, with Surveys & Analysis, Inc., in the funded amount of \$787,992.00. (This change will add units to the contract which comply with new U.S. Department of Transportation regulations; will renew the contact for the first of four renewal terms for an 18-month period, July 1, 2011 to December 31, 2012, with a 2% increase from the previous year due to an increase in fuel costs; and will extend the fourth and final renewal term for the period July 1, 2015 to December 31, 2015, to align future annual renewals with Code of Federal Regulation reporting requirements. Renewals two through four will cover the period January 1 to December 31 of the respective years).
11. RESOLUTION awarding contract for steel utility bodies, as follows:

Aerial Truck Equipment Company, Inc.....	\$21,036.00
Utility Equipment Service, Inc.....	<u>58,500.00</u>
Total:	<u>\$79,536.00</u>
12. RESOLUTION awarding Contract No. 11473, 30" Main Installation Under Burlington Northern Santa Fe Railroad (BNSF R.R.), to Owens Irrigation, Inc., in an amount not to exceed \$241,250.00.
13. RESOLUTION approving Change No. 5 to Contract No. 11105, Aerator Maintenance, with R. P. Services, in the funded amount of \$40,690.00, for a new contract value of \$1,009,219.15. (This change is to increase the current contract value to complete final renewal and to approve payment in the amount of \$8,137.06 for work performed).
14. RESOLUTION awarding contract for communication cable to Graybar Electric Company in the amount of \$107,100.00.
15. RESOLUTION approving payment of annual subscription services to Energy worldnet, Inc. in the amount of \$29,670.00.

16. RESOLUTION approving Change No. 2 to Contract No. 11248, Property and Boiler Insurance, with FM Global, in the funded amount of \$945,993.00. (This renews the contract for the second of four renewal terms, June 1, 2011 to May 31, 2012, with no increase in rates from the previous year. MLGW received a membership credit in the amount of \$162,134.00).
17. RESOLUTION approving Change No. 6 to Contract No. 9547, IBM Maintenance, with International Business Machines, in the funded amount of \$915,768.80. (This renews annual software, maintenance, and support for IBM products: WebSphere MQ z/OS, Enterprise COBOL z/OS, z/OS Base, z/OS DFSORT and WebSphere MQ processors for HP Server hosted systems for the period January 1, 2011 to July 1, 2014).
18. RESOLUTION approving Change No. 3 to Contract No. 11281, Maintaining MLGW Archival Documents, with Vital Records Control, Inc., in the funded amount of \$28,909.00, for a new contract value of \$113,716.00. (This renews the contract for the third of four terms, July 14, 2011 to July 13, 2012. This also includes costs and services for destruction of non-paper records (microfilm/microfiche/CD/DVD) in the amount of \$640.00, which will result in a 2.26% increase from the previous year).
19. RESOLUTION awarding 60-month contract for computer servers and accessories to Thomas Consultants, Inc., in an amount not to exceed \$2,636,500.00.
20. RESOLUTION awarding Contract No. 11489, Customer Care Center (CCC) Telephone Service, to AT&T, in the funded amount of \$396,000.00, covering a 36-month period.
21. 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.



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## REGULAR AGENDA

### BUDGET ITEMS

22. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu of tax payment to the City of Memphis for Fiscal Year 2012. (GAS)

Flinn

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2012-2016.

Flinn

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION directing the City Treasurer to prepare Tax Bills for the various Utilities and Carriers utilizing the last Certified Assessment as of June 30, 2011.

Flinn

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION approving the FY 2012 Budget for the Center City Commission.

Flinn

ACTION REQUESTED: Adopt the resolution

26. **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.

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

27. **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.

Flinn

Ordinance No. 5400

ACTION REQUESTED: Take whatever action Council deems advisable

**GENERAL ORDINANCES -THIRD AND FINAL READING**

28. **ORDINANCE** to redistrict all Council Districts and to assign newly annexed areas, if any, to Council Districts so that all such districts will remain as equal as practicable and all such districts will comply with the injunction decree issued by United States District Judge Jerome Turner, pertaining to Voting Rights Acts Remedies, up for T H I R D and F I N A L reading. (Held from 4/19; 5/17)

Lowery

Ordinance No. 5395

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to Increase Pension Benefits for existing retirees under Section 25-95 and Section 25-195, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5399

ACTION REQUESTED: Take whatever action Council deems advisable

30. **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.

Strickland

Ordinance No. 5401

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION**

31. **RESOLUTION** approving funding to improve the infrastructure component of rail improvements to be installed on President’s Island in the amount of \$1,000,000.00.

Conrad

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

32. **RESOLUTION** accepting and appropriating FY2010 Neighborhood Stabilization Program 3 funds in the amount of \$5,195,848.00 from the U.S. Department of Housing and Urban Development (HUD) to the FY2011 budget for the Division of Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION to amend the FY12 Operating Budget in the amount of \$250,000.00 for the Action Plan to End Homelessness.

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

34. RESOLUTION requesting City Council approval of the agreement between the City of Memphis, Tennessee through its Division of Park Services and Global Spectrum to manage and operate the Liberty Bowl Memorial Stadium and the fairgrounds property.

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES**

35. RESOLUTION accepting and appropriating grant funds in the amount of Eleven Thousand Dollars (\$11,000.00) from the State of Tennessee, Department of State, Tennessee State Library and Archives to be used for the purchase of computers.

Morrison

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS** (None)

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

36. **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 F I R S T reading.

Consent

Ordinance No. 5405

ACTION REQUESTED: Adopt the ordinance on First reading

37. **ORDINANCE** amending Chapter 39 – Vehicles for Hire, Section 48, Rates – of the Code of Ordinances of Memphis, Tennessee, up for F I R S T reading.

Consent

Ordinance No. 5406

ACTION REQUESTED: Adopt the ordinance on First reading

38. **RESOLUTION** honoring the Memphis Grizzlies.

ACTION REQUESTED: Adopt the resolution

39. **APPOINTMENTS**

Collins

Animal Shelter Advisory Board

Appointments

Jeanne Chancellor  
Dr. Jennie Clay

40. **RESOLUTION** amending the FY2011 Capital Improvement Budget by transferring an allocation of \$9,984,114.80 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Nonconnah Interceptor Relocation at Station 235+09 (REBID), project number SW02089 for construction.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

41. **RESOLUTION** recognizing Keller Williams RED (Renew Energize Donate) Day.

Conrad

ACTION REQUESTED: Adopt the resolution

**ADD-ONS**

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Approved
2. and 3 – Held to June 21, 2011
4. Held to July 5, 2011
5. Through 7 – Approved
  
8. A – Dropped  
B – Public Hearing set for June 21, 2011
9. Through 20 – Approved
21. and 22 - Held to June 21, 2011
23. Held to June 21, 2011
24. and 25 - Approved
26. and 27 – Held to June 21, 2011
28. Held to July 19, 2011
29. Approved, as amended
30. Held to June 21, 2011
31. Through 41 – Approved

**ACTION TAKEN ON THE MINUTES OF MAY 17, 2011**

Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 7, 2011 FOR ITEMS #16, 34, 39 & 40 ONLY:**

Approved. Set up as Special Item #18