



CITY OF MEMPHIS

COUNCIL AGENDA

October 4, 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 20, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Alice Avenue, to honor Mr. Elmore Nickleberry, on his outstanding achievements.

Brown

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

2. RESOLUTION approving a hotel waiver for Sun Inn Hotel, located at 1543 Elvis Presley Boulevard. **(This case was approved on 10/12/2010 and had to come back before full Council in 1 year).**

Ford

Case No. HMW 10-01

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

3. **ORDINANCE** to amend Chapter 39, Article II, Section 39-148 of the Code of Ordinances, so as to require Carriage Drivers to immediately clean waste, up for F I R S T reading.
Strickland Ordinance No. 5421

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

4. **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 S E C O N D reading.
Strickland Ordinance No. 5417

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **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 S E C O N D reading.
Hedgepeth Ordinance No. 5418

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **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 S E C O N D reading.
Collins Ordinance No. 5420

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

7. **ORDINANCE** rezoning the southwest corner of Danny Thomas Boulevard and Linden Avenue, containing 2.67 acres in the Sports & Entertainment (SE) and South Downtown Residential (R-SD) Districts, up for F I R S T reading.
Ford Case No. Z 11-108
Ordinance No. 5422

Applicant: Linden Hotels, LP

Request: Sports & Entertainment (SE) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

- 8. **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 S E C O N D 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 Second reading

ENGINEERING

- 9. **RESOLUTION** approving final plat of AMBERCROMBIE SUBDIVISION.
Case No. S 11-003

Resolution approves the final plat located on the northeast corner of Jackson Ave. and North Hollywood.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 10. **RESOLUTION** approving final plat of CLEARBORN HOPE VI SECTION 1 SENIOR BUILDING SUBDIVISION AND SITE PLAN.

Case No. S 10-023 &
SE 10-01

Resolution approves the final plat located on the eastside of Lauderdale St., north of Georgia Ave.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 11. **RESOLUTION** approving final plat of HERNANDO PLACE SUBDIVISION, RESUBDIVISION OF LOT 2.

Case No. S 11-008

Resolution approves the final plat located north of E. Winchester Rd., on the west side of Elvis Presley Blvd.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving contract and site plan of MEMPHIS BIOWORKS FOUNDATION, PHASE 1.

Case No. MO 11-01
Contract No. CR-5173

Resolution approves the final plat located on the west side of Dudley Street, between Madison Avenue and Union Avenue. Cost the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)



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MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11472, Healthcare Administration, to CIGNA Corporation, in an estimated funded amount of \$122,100,710.36.(Held from 9/20)
14. RESOLUTION approving Change No. 8 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 \$140,267.60. (This renews the contract for 2011 with no increase in meters from the previous year).
15. RESOLUTION approving Change No. 4 to Contract No. 11173, Weld Testing and Inspection Services, with American Industrial Testing, in the funded amount of \$17,747.50, for a new contract value of \$88,247.50.
16. RESOLUTION approving Change No. 6 to Contract No. 11193, Janitorial Services, with Eurest Services, in the funded amount of \$117,906.39. (This increases the current contract value to complete the final term of the contract ending March 1, 2012. An error was made in calculating the amount required for the current renewal period).
17. RESOLUTION awarding contract for one plasma-cutting machine to Machinery Sales Company, Inc., in the amount of \$56,900.00.
18. RESOLUTION authorizing Contract No. 11522, Pipeline Capacity Release Contract, for the purchase of one or more pipeline capacity releases through the pipeline bulletin board for the transmission of natural gas in an aggregate amount not to exceed \$36,000,000.00 under terms that do not exceed a maximum of five years.
19. RESOLUTION approving Change No. 1 to Contract No. 11307, Voice System Network PBX Maintenance, with Black Box Network Services, in a funded amount not to exceed \$258,003.89. (This renews the contract for the first of two renewal terms, January 14, 2012 to January 13, 2013, with no increase in rates).
20. RESOLUTION awarding Contract No. 11483, 10 Mbps Metro Ethernet for MLGW Capleville Plant, to AT&T, in the funded amount of \$32,400.00.
21. RESOLUTION awarding Contract No. 11492, 2012 External Corrosion Direct Assessment Inspection/Survey of Natural Gas Pipeline, to BGL Asset Services, LLC, in the funded amount of \$292,950.00.
22. RESOLUTION awarding contract for telecommunications equipment to Motorola Solutions, Inc., in the amount of \$132,005.24.

23. RESOLUTION approving Change No. 1 to Contract No. 10614, Bloomberg Data License and Maintenance, with Bloomberg, L.P., in an estimated funded amount of \$62,880.00. (This change modifies the renewal provision of the contract from automatic renewals to renewals after request and approval. This also renews annual software maintenance and support services and license fees. The term of the maintenance covers the period September 2, 2011 to September 1, 2013, with no increase from the previous term. MLGW is requesting approval of continuous maintenance of the acquired system which can only be performed by Bloomberg, L.P.).
24. RESOLUTION approving Change No. 4 to Contract No. 11240, Influenza Vaccine, with Methodist Healthcare Alliance Health Services in an estimated funded amount of \$28,770.00, for a new contract value of \$157,106.00. (This change renews the contract for the fourth and final renewal term, October 20, 2011 to October 19, 2012, with a 48.44% increase in cost per injection from \$17.00 to \$25.00 from the previous year. The value of the renewal is \$47,500.00; however, MLGW will receive a wellness credit from Health Choice (a division of Methodist Healthcare Systems) in the amount of \$18,730.00 which offsets the cost per injection from \$25.00 to \$15.14).
25. RESOLUTION approving Change No. 1 to Contract No. 11424, Certified Laboratory for Drug Testing, with Advanced Toxicology Network, in the funded amount of \$24,000.00, for a new contract value of \$48,000.00. (This renews the contract for the first of four renewal terms, October 28, 2011 to October 27, 2012, with no increase in rates).
26. RESOLUTION awarding contract for hand-held devices to Itron, Inc., in the amount of \$74,008.00.
27. RESOLUTION awarding contract for the expansion of the wireless network to Venture Technologies, in the amount of \$152,742.90.
28. RESOLUTION awarding contract for Hewlett Packard hardware and software to Logicalis, Inc., in the amount of \$906,886.12.
29. RESOLUTION awarding 12-month contract for a maintenance agreement to Mitchell Graphic Repair for printing equipment in the amount of \$11,856.00.
30. RESOLUTION awarding 36-month contract to Konica Minolta Business Solutions for the rental of a color printing system in the amount of \$263,513.88.



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REGULAR AGENDA

BUDGET ITEM

31. 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; 9/20)

Flinn

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES-THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

32. RESOLUTION appropriating \$500,000.00 for CIP Project IS01007, Replace Obsolete Equipment (Enterprise), which was approved by City Council in the FY2012 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION requesting the City Council to appropriate \$5,250,000.00 funded by G.O. Bonds General in CIP Project#GA03018, Preventive Maintenance, to fund costs for maintenance of capital assets for the Memphis Area Transit Authority, in Fiscal Year 2012 as part of the Fiscal Year 2012 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 34. RESOLUTION appropriating the allocated sum of \$500,000.00 of the FY2012 CIP budget for SRVS project to provide support and opportunities for the people with developmental disabilities, as part of SRVS' second phase Building Dreams Campaign.

Brown

ACTION REQUESTED: Adopt the resolution

- 35. RESOLUTION to approve an agreement to recoup the cost of providing improvements, facilities and service Willow Creek Housing, Inc., a Maryland Nonprofit Corp., as required by applicable tax exemption statute, Tenn. Code Ann.§67-5-207, ET Seq., at an amount of Five Dollars (\$5) per unit per month.

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

- 36. RESOLUTION accepting grant funds in the amount of \$691,222.00 from Shelby County Government granted through the U.S. Department of Justice for the Justice Assistance Grant specifically for public safety projects. Resolution also amends FY 2011 Operating Budget to establish and appropriate grant funds.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

- 37. RESOLUTION amending the FY 2012 Capital Improvement Budget by transferring an allocation and appropriating \$130,693.00 funded by Sewer Revenue Bonds from Misc. Subdivision Outfalls, project number SW01001 to SCS Bus Barn Sewer Extension, project number SW01031 for the extension of sewer and for a construction contract with Ensco, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 38. RESOLUTION in support of changes to the General Services Division’s Fiscal Year 2012 Capital Improvement Budget for Public Works Capital Acquisition, project number GS0212F; whereby, one Tandem Axle Dump Truck, one Skid Steer Loader, one Cold Planner Attachment has been substituted for three Pothole Crew Vehicles as a Public Works priority. There is no change in the total budgeted amount of \$282,500.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

- 39. RESOLUTION approving final plat of LEGENDS PARK PLANNED DEVELOPMENT, PHASE 5.

Consent

Case No. PD 07-338
Contract No. CR-5174

Resolution approves the final plat located on the northeast corner of Ayers Street and Delmar Avenue. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 40. RESOLUTION accepting and appropriating \$52,530.00 from the Foundation for the Memphis and Shelby County Library (Memphis Library Foundation) to fund the LINC/2-1-1 Database Manager with funding provided by the United Way.

Morrison

Public Services and Neighborhoods recommend approval

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 30 – Approved
- 31. Held to October 18, 2011
- 32. Through 40 – Approved

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 20, 2011

Approved, as amended. Councilman Collins made a motion to pull Item #40, Ordinance No. 4515, establishing the Memphis Transportation Commission, from the Minutes of September 20, 2011 to go back to Committee and be put on the Council Agenda on October 18, 2011.

ACTION TAKEN ON THE MINUTES OF OCTOBER 4, 2011 FOR ITEMS 13, 39 AND 40 ONLY:

Approved, set up as Special Item #2