



CITY OF MEMPHIS

COUNCIL AGENDA

November 15, 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 (November 1, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PUBLIC HEARING

1. RESOLUTION approving a planned development located on the southeast corner of Highway 64 and Houston Levee Road, containing 30.32 acres in an area currently governed by the Houston Levee Trails P.D., 1st Addition, 2nd Amendment (P.D. 00-350cc).

Ford

Case No. PD 11-309

Applicant: First Alliance Bank
SR Consulting, LLC – Cindy Reaves - Representative

Request: 1) Add .59 acre to planned development boundary; 2) Change a portion of Area A to Area C; 3) Permit Commercial Mixed Use-2 (CMU-2) District uses within Area C, including Multi-Family Residential and cellular tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

154 NOTICES MAILED ON NOVEMBER 4, 2011

DIVISION OF PLANNING & DEVELOPMENT

- 2. RESOLUTION approving a hotel waiver for Quality Inn located at 8166 Varnavas Drive, Cordova, Tennessee 38018.

Ford

Case No. HMW 11-13

ACTION REQUESTED: Adopt the resolution

- 3. RESOLUTION approving a planned development located on the west side of Benjestown Road; +/-272 feet west of Carrolton Road, containing 34 acres in the Employment (EMP) and Floodplain (EMP[FP]) Districts.

Ford

Case No. PD 11-313cc

Applicant: Eco2 Development Recycling Center (Marvin Frick)
Homer Branan – Representative

Request: Demolition (a.k.a. Construction) Landfill

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

- 4. RESOLUTION approving a planned development located on the east side of Getwell Road; +/-510 feet north of Cochese Avenue, containing 0.80 acre in the Commercial Mixed Use-1 (CMU) District.

Ford

Case No. PD 11-321
(Converted from Z 11-107)

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

Request: Commercial Mixed Use-1 (CMU-1) District

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

- 5. **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 **T H I R D** and **F I N A L** reading. **(Held from 10/18 and converted to a Planned Development, PD 11-321)**

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: Take whatever action Council deems advisable

33 NOTICES WERE MAILED ON OCTOBER 7, 2011



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

6. **ORDINANCE** to amend Chapter 15, Article I, Section 15-26.1, City of Memphis Code of Ordinances, to limit the use of Dumpsters in public alleys within the Downtown Solid Waste Collection District, up for F I R S T reading.

Hedgepeth

Ordinance No. 5430

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

7. **ORDINANCE** to amend Chapter 23 of the City of Memphis Code of Ordinances, to add Section 23-86, which shall require the use of Helmets for personal safety during skating and other activities within the Skate Parks, up for S E C O N D reading.

Boyd

Ordinance No. 5423

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to fix and determine salary and compensation of Mayor, pursuant to Home Rule Amendments, up for S E C O N D reading.

Collins

Ordinance No. 5424

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** to fix and determine salary and compensation of City Court Judges, pursuant to Home Rule Amendments, up for S E C O N D reading.

Collins

Ordinance No. 5425

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to fix and determine salary and compensation of City Court Clerk, pursuant to Home Rule Amendments, up for S E C O N D reading.

Collins

Ordinance No. 5426

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to amend Chapter 11, Section 11-24, of the City of Memphis Code of Ordinances, to increase City Court Costs, up for S E C O N D reading.
Flinn Ordinance No. 5427

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** to amend Chapter 21, Section 21-159, of the City of Memphis Code of Ordinances, to increase the Booting Fee for Immobilized Vehicles, up for S E C O N D reading.
Flinn Ordinance No. 5428

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **ORDINANCE** to amend Chapter 21, Article II, Section 50, of the City of Memphis Code of Ordinances, to impose a Delinquency Fee for Parking Citations that remain unpaid, up for S E C O N D reading.
Flinn Ordinance No. 5429

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD (None)



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MLGW FISCAL CONSENT

14. RESOLUTION awarding Contract No. 11490, UPS/PDU Netters Maintenance, to Emerson Network Power Liebert Services, in the funded amount of \$59,370.00.
15. RESOLUTION awarding contract to Standard Construction Company for approximately 1,000 tons of asphalt in the amount of \$60,000.00.
16. RESOLUTION awarding contract to Liles Brothers and Son for seven backhoe loaders in the amount of \$415,800.00.
17. RESOLUTION awarding 36-month blanket contract for approximately 19,650 tons of asphalt to APAC-Tennessee, Inc. in the amount of \$689,715.00 and Lehman Roberts Company in the amount of \$555,882.13, for a total amount of \$1,245,597.13.
18. RESOLUTION awarding Contract No. 11498, Internet Service Provider for Netters Business Center, to PAETEC, in the funded amount of \$64,800.00.
19. RESOLUTION approving Change No. 4 to Contract No. 11075, Community Office Pay Stations, with TIO Networks Corporation in the funded amount of \$129,000.00. (This change modifies the scope of the current contract to include, for security reasons, maintenance, collection and processing fees for the kiosks located at MLGW Community Offices, and the collection of cash from the kiosks using armored cars. The current renewal term ends June 30, 2013).
20. RESOLUTION approving Change No. 1 to Contract No. 11257, Job Evaluation Manager Subscription (JEM) with HayGroup, Inc. in the funded amount of \$53,500.00. (This change amends the subscriber agreement for an additional five-year period, April 1, 2012 to April 30, 2017).
21. RESOLUTION awarding Contract No. 11525, ArcFm Solutions Software Maintenance, to Telvent USA Corporation, in the funded amount of \$112,203.97.
22. RESOLUTION approving Change No. 5 to Contract No. 11268, Information Services Support, with NexTech Solutions, in the funded amount of \$358,779.20. (This change renews the contract for the fourth and final renewal term, January 1, 2012 to December 31, 2012, with no increase in rates from the previous year).
23. RESOLUTION approving Change No. 5 to Contract No. 11272, Information Services Support, with Ciber, Inc., in the funded amount of \$493,120.00. (This change renews the contract for the fourth and final renewal term, January 1, 2012 to December 31, 2012, with no increase in rates from the previous year).

24. RESOLUTION approving Change No. 2 to Contract No. 11296, Enterprise GIS Software Selection and Installation, with Environmental System Research Institute (ESRI), in the funded amount of \$396,000.00. (This change authorizes ESRI to assign the maintenance of the Telvent software (ArcFm Software) to Telvent, and renews ESRI's hardware and software for the period covering December 31, 2011 to December 30, 2013).
25. RESOLUTION awarding contract for software to PowerWorld Corporation in the amount of \$160,600.00.
26. RESOLUTION approving the employment of the law firm of Burch, Porter & Johnson on an as-needed basis at agreed upon hourly rates.



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REGULAR AGENDA

27. **APPOINTMENT**

Collins

Health, Educational and Housing Facility Board

Appointment

Paige E. Walkup

GENERAL ORDINANCES-THIRD AND FINAL READING

28. **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 T H I R D and F I N A L reading. (Held from 10/18; 11/1)

Strickland

Ordinance No. 5417

ACTION REQUESTED: Take whatever action Council deems advisable

29. **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 T H I R D and F I N A L reading. (Held from 10/18; 11/1)

Hedgepeth

Ordinance No. 5418

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

30. **RESOLUTION** amending the FY 2012 Operating Budget by appropriating an additional \$215,000.00 in additional Parking Meter Revenue. Additional revenue to be expended as follows: \$30,000.00 for addition of one (1) Parking Enforcement Technician (increase of one position to Engineering Division Complement), \$170,000.00 for Miscellaneous Professional Services and \$15,000.00 for Miscellaneous Set Up costs. (Held from 11/1)

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 accepting and appropriating FY2011 Lead Hazard Reduction Demonstration Funds (TNLHD0227-11) in the amount of \$3,000,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the FY2012 budget for the Housing and Community Development Division.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES

32. RESOLUTION appropriating \$340,000.00 for CIP Project Number IS01070, Website/Intranet Upgrade, which was approved by City Council in the FY2012 Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

33. RESOLUTION to amend the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$550,000.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to Install CIPP Annual 2011, Project Number SW02091 to repair and rehab existing damaged sanitary sewer pipe using cured in place technology at various locations. Resolution also appropriates \$550,000.00 funded by Sewer Revenue Bonds for Install CIPP Annual 2011, Project Number SW02091 for a construction contract with SAK Construction, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$77,345.00 funded by G.O. Bonds – General (Storm Water) from Drainage-ST, Project Number ST03006 to Galloway Drainage District, Project Number ST03142. Resolution also appropriates \$77,345.00 funded by G.O. Bonds – General (Storm Water) in Galloway Drainage District, Project Number ST03142 for a construction contract with Barnes and Brower, Inc.

Hedgepeth

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

35. ELECTION of Chairman for 2012.

Lowery

36. ELECTION of Vice Chairman for 2012.

Lowery

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

37. RESOLUTION regarding the annual suggested pension contribution.

Conrad

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION allocating and appropriating the sum of Six Hundred Thousand Dollars (\$600,000.00) as a twenty percent (20%) leveraged match for the establishment of a small business revolving loan fund administered by the Memphis Area Association of Governments.

Conrad

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION allocating and appropriating the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) to fund administrative, operating and programming cost for the establishment of Jumpstart Memphis, an initiative designed to enhance the development of small, minority and women owned businesses.

Conrad

ACTION REQUESTED: Adopt the resolution

40. **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, up for F I R S T reading,

Boyd

Ordinance No. 5431

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved, as amended
2. Through 4 –Approved
5. Dropped
6. Through 31 – Approved
32. Held until December 6, 2011
33. Through 36 – Approved
37. Held until December 6, 2011
38. Through 40 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 1, 2011 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #19, #26, #30, #38 & #39 FROM TONIGHT'S MEETING

Approved