



# CITY OF MEMPHIS

## COUNCIL AGENDA

November 23, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (November 9, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATION AND RECOGNITION OF VISITORS**

1. RESOLUTION congratulating Holly Labry on being named Reserve Champion at the Washington International Horse Show and Reserve Champion at the 2010 National Horse Show.

Boyd

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing Memphis Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated in honor of their 75<sup>th</sup> Chapter Anniversary Celebration.

Fullilove

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION thanking Mary Pollard for her 22 years of service as the Neighborhood Watch Coordinator for the Tillman Precinct.

Strickland &  
Conrad

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

- 4. RESOLUTION approving planned development Located at the western terminus of Nonconnah View Cove; +/-465 feet west of Germantown Road, containing 8.70 acres in an area currently governed by Germantown-Knight Arnold P.D. 91-329.

Ford

Case No. PD 10-313

Applicant: TV6-W, LLC  
 Prime Development Group, Inc. - Representative

Request: Plan amendment to allow a cellular communications tower one-hundred fifty (150) feet in height of concealed canister monopole design with a capacity to accommodate a minimum of five (5) antennae in Area 'D'

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**41 NOTICES WERE MAILED ON NOVEMBER 12, 2010**

- 5. RESOLUTION approving a street/alley closure Located on the south side of Monroe Avenue Extended, 130 feet west of Madison Avenue, containing .07 acre.

Ford

Case No. SAC 10-604

Applicant: James H. Wolfe and Gracie Wolfe

Request: Close alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**11 NOTICES WERE MAILED ON NOVEMBER 12, 2010**

**ZONING ORDINANCE – THIRD AND FINAL READING**

- 6. ORDINANCE rezoning the south side of Raines Road; 400 feet east of Marlin Road, containing 0.47 acre in the Single Family Residential (RS-10) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-111  
Ordinance No. 5387

Applicant: Robert T. Cooper, Jr.  
 James Kincaide – Representative

Request: Change zoning from Single Family Residential (RS-10) to Local Commercial General Office (O-G) Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**48 NOTICES WERE MAILED ON NOVEMBER 12, 2010**



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## CONSENT AGENDA

**GENERAL ORDINANCE - FIRST READING** (None)

**GENERAL ORDINANCE - SECOND READING**

7. **ORDINANCE** to amend Chapter 9 of the City of Memphis Code of Ordinances, to include Nondiscrimination based upon Sexual Orientation, Gender Identity or Expression, up for S E C O N D reading.

Strickland

Ordinance No. 5388

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING** (None)

**NOTATIONS FROM OPD** (None)



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### MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11421, MLGW Retirement and Pension Actuary, to The Segal Company, in the funded amount of \$308,000.00.
9. RESOLUTION awarding Contract No. 11422, Other Post-Employment Benefits Actuary, to The Segal Company, in the funded amount of \$308,000.00.
10. RESOLUTION approving Change No. 4 to Contract No. 11112, Generator Preventative Maintenance Agreement, with Cummins Mid-South, LLC, in the funded amount of \$51,543.57. (This change renews the contract for the fourth and final renewal term, January 21, 2011 to January 20, 2012, with a decrease in rates).
11. RESOLUTION approving Change No. 2 to Contract No. 11185, Environmental Consulting Services, with Center for Toxicology and Environmental Health, in the funded amount of \$75,000.00. (This change renews the contract for the second of four renewal terms, January 1, 2011 to December 31, 2011).
12. RESOLUTION approving Change No. 1 to Contract No. 11324, In-Service Wood Pole Inspection, with Osmose Utilities Services, Inc., in the funded amount of \$600,000.00. (This change renews the contract for the first of four renewal terms, January 1, 2011 to December 31, 2011, with an increase in rates. This change also includes additional service units).
13. RESOLUTION awarding contract for forklift trucks, as follows:

Nissan Liftrucks of Memphis.....	\$28,952.39
Lift Pro of Memphis.....	27,880.12
Shaw Material Handling Systems.....	<u>103,484.00</u>
Total:	<u>\$160,316.51</u>
14. RESOLUTION awarding 48-month contract for rental of two digital black-and-white copier/printer systems to Konica Minolta Business Solutions, in the amount of \$690,240.00.
15. RESOLUTION awarding contract for ball cluster sets to Utilicor, in the amount of \$129,000.00.
16. RESOLUTION awarding contract for power circuit breakers to Mitsubishi Electric Power Products c/o H V Sales, in the amount of \$349,895.00.



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## REGULAR AGENDA

17. **APPOINTMENT**

Strickland

**Memphis and Shelby County of Board Adjustment**

Reappointment

David Andrews

**GENERAL ORDINANCE -THIRD AND FINAL READING** (None)

**ENGINEERING DIVISION**

18. RESOLUTION amending the Fiscal Year 2011 Special Revenue Fund Budgets by accepting and appropriating \$50,000.00 in grant funds passed 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**

19. RESOLUTION requesting structural changes to the FY 2012 Operating Budget reporting structure.

Morrison

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES**

20. RESOLUTION appropriating \$434,808.00 for Contract Construction, funded by G.O. Bonds General for Fire Station Repair, CIP Project Number FS02001.

Lowery

City Council did include Fire Station Repair, CIP Project Number FS02001 as part of the FY 2011 Capital Improvement Program. Bids were taken on September 24, 2010 for Fire Station Repair, with the lowest and best complying bid of five bids submitted by P.C. Mock Construction Co., LLC.

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$781,906.00 in General Obligation Bonds from the FY 2011 CIP Budget for the Division of Fire Services for station repairs for a total appropriation of \$781,906.00.

Lowery

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

22. RESOLUTION to amend and appropriate the FY 2011 Operating Budget in the amount of \$2,000,000.00 to establish funds for the FY 2011 Brownfields Economic Development Initiative Grant for site acquisition, site preparation and remediation as part of the Memphis Medical Center Hotel 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**

23. RESOLUTION supporting the Annie E. Casey Foundation efforts in bringing the Juvenile Detention Alternatives Initiative to Memphis and Shelby County.

Lowery

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

24. RESOLUTION amending the CIP Budget by advancing a project identified as PW01195, Fairley Road, scheduled for FY 2012 into FY 2011.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEMS** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

25. RESOLUTION authorizing the Mayor to enter into an agreement with the Center City Development Corporation to act as transactional agent for the James Lee House, located at 690 Adams Avenue, and to authorize the Mayor of the City of Memphis to sell the James Lee House to the private developer chosen by Center City Development Corporation.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION to amend the FY 2011 Capital Improvement Budget by transferring allocations in the amount of \$182,399.00 from Architecture and Engineering to Construction in EECBG-Energy Efficiency ARRA, project number SW04010. Resolution to amend the FY2011 Capital Improvement Budget by transferring an allocation and appropriating \$188,844.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to EECBG-Energy Efficiency ARRA, project number SW04010 to cover the cost of construction contingencies. Resolution to transfer appropriations of \$116,041.00 from the MLGW portion, grant project number PW90005 to EECBG-Energy Efficiency ARRA, project number SW04010 and establish the additional allocations for construction.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. **APPOINTMENT**

Strickland

**Memphis and Shelby County Airport Authority**

Appointment

Arnold E. Perl

28. RESOLUTION accepting grant funds in the amount of \$10,000.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I National Emergency Grant (NEG) for Dislocated Workers. Resolution also amends FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION accepting grant funds in the amount of \$1,645,790.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Dislocated Worker Program. Resolution also amends FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting grant funds in the amount of \$2,071,116.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Adult Program. Resolution also amends FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION to waive restrictive covenants of certain property, located in the Beale Street Urban Renewal Area, to allow hotel construction on certain property located at Fourth and Linden.

Brown

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION requesting that the City Council schedule a public hearing, to be held on December 7, 2010, for consideration and determination of revisions in tariffs, to reflect increases in water rates (5.0%), effective with meters read on Cycle One of the January 2011 revenue month, on a non-prorated basis.

Fullilove

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION instructing Council Attorney Alan Wade, to pursue a motion for mediation in the litigation between City of Memphis and Memphis City Schools.

Collins

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 6 – Approved
7. Failed
8. Through 23 – Approved
24. Approved, as amended
25. Through 33 – Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF NOVEMBER 9, 2010 MEETING**

Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #26, #27, #28, #29, #30, #31  
#32 & #33, FROM TONIGHT'S MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEM#20 –(Ord.#5384-Findings of 2010 Disparity  
Study) FROM OCTOBER 26, 2010 MEETING**

Approved