



CITY OF MEMPHIS

COUNCIL AGENDA

December 4, 2012

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

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 20, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARING

1. RESOLUTION approving a planned development located at 4965 Brunswick, on the southwest corner of Baylor Road and Brunswick Road, containing 4.61 acres in the Residential Single Family-10 (R-10) District.

Ford

Case No. PD 12-310cc

Applicant: Ms. Eschonixhunetta Kikina & Mary Louis Knight
Delinor Smith – Representative

Request: Allow a residential home for the elderly, assisted living facility within the R-10 (Residential Single-Family-10) District

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES WERE MAILED ON NOVEMBER 21, 2012

DIVISION OF PLANNING & DEVELOPMENT

2. RESOLUTION requesting the Land Use Control Board to hear the Vance Avenue Collaborative plan. (Held from 11/6)

Ford

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING

3. **ORDINANCE** rezoning the northwest corner of New Frayser Boulevard and New Allen Road, containing 37.13 acres in the Commercial Mixed Use (CMU-3) District, up for T H I R D and F I N A L reading.

Ford

Ordinance No. 5476
Case No. Z 12-106

Applicant: Belz Investco, GP
Burch-Porter-Johnson, PLLC – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES WERE MAILED ON NOVEMBER 21, 2012



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

4. **ORDINANCE** to amend No. 4934, of the City Code of Ordinances, Chapter 2, Article III, Division 4, Public Art – Public Art Program for the City of Memphis, up for **F I R S T** reading.

Hedgepeth

Ordinance No. 5488

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

5. **ORDINANCE** amending Title 6, Business Licenses and Regulation, of the Memphis, Tennessee, Code of Ordinances to add Chapter 105, Prohibiting Wage Theft, providing Administrative Procedures for Wage Theft, and allowing Shelby County Government to impose penalties against those employers found guilty of Wage Theft, up for **S E C O N D** reading.

Collins

Ordinance No. 5478

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **JOINT ORDINANCE** updating the Memphis and Shelby County Existing Building Code by adoption of International Code Council 2012 Edition of the International Existing Building Code with local amendments, up for **S E C O N D** reading.

Ford

Ordinance No. 5479

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **JOINT ORDINANCE** updating the Memphis and Shelby County Residential Code by adoption of the International Code Council 2012 Edition of the International Residential Code with local amendments, up for **S E C O N D** reading.

Ford

Ordinance No. 5480

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **JOINT ORDINANCE** updating the Memphis and Shelby County Fuel Gas Code by adoption of the 2009 Edition of the International Code Council Fuel Gas Code with local amendments, up for S E C O N D reading.

Ford

Ordinance No. 5481

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **JOINT ORDINANCE** updating the Memphis and Shelby County Plumbing Code by adoption of the 2009 Edition of the International Code Council Plumbing Code with local amendments, up for S E C O N D reading.

Ford

Ordinance No. 5482

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **JOINT ORDINANCE** updating the Memphis and Shelby County Energy Conservation Code by adoption of the International Code Council 2009 Edition of the International Energy Conservation Code with local amendments, up for S E C O N D reading.

Ford

Ordinance No. 5483

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **JOINT ORDINANCE** updating the Memphis and Shelby County Electrical Code by adoption of the 2008 National Electrical Code with local amendments, up for S E C O N D reading.

Ford

Ordinance No. 5484

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **JOINT ORDINANCE** updating the Memphis and Shelby County Mechanical Code by adoption of the 2009 Edition of the International Code Council Mechanical Code with local amendments, up for S E C O N D reading.

Ford

Ordinance No. 5485

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **ORDINANCE** adopting the 2009 International Fire Code (published by International Code Council) with local amendments, to replace the currently adopted 2003 International Fire Code, to be the enforced document for fire and life safety within the City of Memphis. See existing Ordinance No. 5225, up for S E C O N D reading.

Conrad

Ordinance No. 5486

ACTION REQUESTED: Adopt the ordinance on Second reading

14. **JOINT ORDINANCE** updating the Memphis and Shelby County Building Code by adoption of Chapters 14-25 and Chapter 34 of the 2012 International Code Council 2012 Edition of the International Building Code and Chapters 1-13, 26-33 and Chapter 35 of the 2009 Edition of the International Code Council International Building Code with local

amendments, up for S E C O N D reading.

Conrad

Ordinance No. 5487

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

15. RESOLUTION approving ASSIGNMENT, ASSUMPTION AND GUARANTEE OF CONTRACT PERFORMANCE for CEDAR CREEK SANITARY SEWER EXTENSION and accompanying bond and releasing old bond.

Contract No. CR-5029AM

Resolution approves the assignment assumption and guarantee of contract performance located outside of the City of Memphis. Resolution also authorizes the proper officials to execute the attached Assignment, Assumption and Guarantee of Contract Performance with accompanying bond and authorizes release of initial performance bond in the amount of \$238,000.00.

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving the SUPPLEMENTAL AGREEMENT #1 to CEDAR CREEK PD, SANITARY SEWER EXTENSION.

Contract No. CR-5029AM

Resolution approves the supplemental agreement #1, located on the south side of Latting Road, 2,476' east of Pisgah Road. Cost of the required improvements to be shared between the City and the Developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1. City Engineer recommends approval.

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving the SUPPLEMENTAL AGREEMENT #2 to WOLF RIVER BLUFFS P.D., PHASE 1

Case No. PD 05-377

Contract No. CR-5083AM

Resolution approves the supplemental agreement #2, located on the north side of James Road at McLean Blvd. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #2.

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

18. RESOLUTION awarding contract to TUF-TUG Products, for transmission pole fall arrest protection systems in an estimated amount of \$162,613.20.
19. RESOLUTION approving Change No. 2 to Contract No. 11486, Grounds Maintenance and Landscaping Services, with The Roberts Company Ltd. of Tennessee, d/b/a Environmental Landscape Services in the funded amount of \$72,581.50. (This change is to renew the current contract for the second of four renewal terms for the period covering May 4, 2013 to May 3, 2014 in the funded amount of \$67,566.50 which reflects no increase in rates from the previous year. This change also reflects the removal of the Main Street parking lot which reflects a decrease of (\$385.00) and the addition at Whitten Road within the scope of contract in the funded amount of \$5,400.00).
20. RESOLUTION approving Change No. 1 to Contract No. 11502, Grounds Maintenance Well Lots, with Bean and Prince Contractors, Incorporated, in the funded amount of \$67,599.14. (This change is to renew the contract for the first of four renewal terms beginning May 17, 2013 to May 16, 2014 with no increase in rates).
21. RESOLUTION awarding Contract No. 11592, University Ground Water Institute to the University of Memphis in the funded amount of \$1,250,000.00.
22. RESOLUTION authorizing payment of \$107,390.76 of Personal Property taxes on 2.25 billion cubic feet of natural gas in the Epps Storage field in East and West Carroll parishes in Louisiana, stored per the general terms and conditions of the Trunkline tariff approved by FERC August 1, 2003.
23. RESOLUTION amending Purchase Order No. 144184 with Patterson Welding Company for repairs and fabrication of substation equipment in the amount of \$42,000.00, for a new contract value of \$135,000.00. (This amendment is to increase the value of the purchase order and gain approval after the fact to pay additional invoices in the amount of \$32,798.12 for work previously performed; the remaining \$9,201.88 will be allocated to pay any additional fabrication or repairs that may arise within the 2012 budget year).

24. RESOLUTION approving a contract between Memphis Light, Gas and Water and the Electric Power Research Institute, Inc. (EPRI) for professional technical services to assist MLGW with research and development of “Whole Product Performance for LED Street and Area Lighting Fixtures” in an amount not to exceed \$53,250.00.
25. RESOLUTION awarding 36-month blanket contract, to Ruffin and Associates, for concrete standards in the amount of \$2,270,119.76.
26. RESOLUTION awarding 12-month blanket contract to Brighter Days and Nites, LLC, for cable, in the amount of \$401,445.00.
27. RESOLUTION awarding 24-month blanket contract to HD Supply Power Solutions for wedge-tap connectors, in the amount of \$541,195.59.
28. RESOLUTION approving Change No. 2 to Contract No. 11370, Electronic Bill Presentation and Payment Services, with Fidelity National Information Services Incorporated (FIS) in the funded amount of \$1,400,000.00. (This change is to increase the current contract value due to the increase in the number of transactions over the period of the contract).
29. RESOLUTION approving Change No. 5 to Contract No. 11279, Third Party Administrator for Worker’s Compensation, with Brentwood Services Administrators, Incorporated, in the funded amount of \$125,000.00. (This change is to renew the contract for the fourth of six renewal terms beginning January 1, 2013 to December 31, 2013 with no increase in rates).
30. RESOLUTION approving Change No. 2 to Contract No. 11465, Contract Security Services, with CDA, in the funded amount of \$2,944,716.72. (This change renews the contract for the second of four renewal terms covering the period January 1, 2013 to December 31, 2013. In addition, this change reflects an increase in the number of hours for armed guards at the Netters Business Center from 96 to 168 as a result of the North American Electric Reliability Corporation (NERC) requirement).
31. RESOLUTION approving Change No. 1 to Contract No. 11499, Temporary Service for General Labor, with Pridestaff, in the funded amount of \$746,533.00. (This change is to renew the current contract for the first of four renewal terms with no increase in rates from the previous year for the period covering January 4, 2013 to January 3, 2014 in the funded amount of \$677,352.00. In addition, MLGW is requesting the approval of contingency funds in the amount of \$69,181.00 for unforeseen vacancies).
32. RESOLUTION approving Change No. 2 to Contract No. 11500, Temporary Service for Clerical Support, with Kelly Services, Incorporated, in the funded amount of \$400,325.00. (This change is to renew the current contract for the first of four renewal terms with no increase in rates from the previous year for the period covering January 4, 2013 to January 3, 2014 in the funded amount of \$314,993.00. In addition, MLGW is requesting the approval of contingency funds in the amount of \$85,332.00 in the event of unforeseen vacancies).

33. RESOLUTION approving Change No. 1 to Contract No. 11529, Temporary Service for Skilled Craftsman, with Pridestaff, in the funded amount of \$129,180.80. (This change is to renew the current contract for the first of four renewal terms with no increase in rates from the previous year for the period covering January 4, 2013 to January 3, 2014 in the funded amount of \$60,000.00. In addition, MLGW is requesting the approval of contingency funds in the amount of \$69,190.80 in the event of unforeseen vacancies).
34. RESOLUTION awarding contract to Venture Technologies, for a corporate network upgrade, in the amount of \$610,553.90.
35. RESOLUTION awarding Contract No. 11537, Professional Services Support, to Nextech Solutions, in the funded amount of \$599,957.00.
36. RESOLUTION awarding Contract No. 11548, MSS ERP Replacement System, to Rolta International, in the funded amount of \$31,199,068.00.
37. RESOLUTION awarding Contract No. 11586, Professional Services Support, to VACO Mid South, in the funded amount of \$599,957.00.
38. RESOLUTION awarding Contract No. 11587, Professional Services Support, to Zycron, Incorporated in the funded amount of \$599,957.00.
39. RESOLUTION awarding Contract No. 11588, Professional Services Support, to Cook Systems International, Inc. in the funded amount of \$599,957.00.
40. RESOLUTION awarding Contract No. 11589, Professional Services Support, to TEK System, in the funded amount of \$599,957.00.
41. RESOLUTION awarding Contract No. 11590, Professional Services Support, to Conch Technologies Incorporated, in the funded amount of \$599,957.00.
42. RESOLUTION awarding Contract No. 11591, Professional Services Support, to Stragistics Technology Incorporated, in the funded amount of \$599,957.00.
43. RESOLUTION approving Change No. 5 to Contract No. 11185, Environmental Consulting Services, with Center for Toxicology and Environmental Health, in the funded amount of \$587,500.00. (This change is to renew the current contract for the fourth and final annual renewal term covering the period January 1, 2013 to December 31, 2013 with no increase in rates from the previous year).
44. RESOLUTION approving Change No. 5 to Contract No. 11250, Waste Management Services, with Tradebe, in the funded amount of \$175, 000.00. (This change is to renew the contract for the fourth and final renewal term for the period covering January 1, 2013 to December 31, 2013, with no increase in unit prices from the previous year).
45. RESOLUTION awarding Contract No. 11543, Environmental Abatement Services, to General Construction Services Incorporated, in the funded amount of \$7,734,500.00.



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REGULAR AGENDA

46.
Collins

APPOINTMENTS

MEMPHIS CONVENTION CENTER COMMISSION

Appointment

Hal J. Lansky

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSION

Appointment

Judith Black Moore

GENERAL ORDINANCES – THIRD AND FINAL READING

47. **ORDINANCE** to amend Cable Franchise Ordinance No. 5331 to be consistent with Council's authority and intent, up for T H I R D and F I N A L reading. (Held from 10/2; 11/6)

Fullilove

Ordinance No. 5473

ACTION REQUESTED: Take whatever action Council deems advisable

48. **ORDINANCE** amending Chapter 48 of the City of Memphis Code of Ordinances, by adding Sections 48-23 thru 48-28 to include "Property Registration Requirements" that will require owners of real properties, including condominiums, to maintain on file with the County Register or other designee of the City, an accurate name and mailing address of one or more of the owners for purposes of notice and service of process and to require registration by a mortgagee or mortgagee's agent upon notice of default or vacancy by a mortgagor regarding single family residential real property including condominiums located in the municipal boundaries of the City of Memphis, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5477

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

49. RESOLUTION accepting grant funds in the amount of \$2,202,300.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Grant Adult Program.

Halbert

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION accepting grant funds in the amount of \$2,357,830.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Grant for the Dislocated Worker.

Halbert

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

51. RESOLUTION appropriating \$117,724.23 chargeable to and amend the FY2013 Federal Operating Budget, by appropriating funds to the MHA Low Income Housing Program Account.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

52. RESOLUTION closing Whitehaven Golf Course for the winter months, increasing golf cart rental fees and establishing a non-Shelby County user fee. (Held from 11/6)

Boyd

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION approving the agreement between the City of Memphis through its Division of Parks and Neighborhoods and Save One Foundation dba Memphis Little League (MLL) to manage and operate Will Carruthers Baseball Complex.

Boyd

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION appropriating \$102,210.00 in Construction funds in CIP Project Number, GA01008-Mud Island Major Maintenance for the caulking of the Mud Island River Model.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

55. RESOLUTION amending the FY 2013 Capital Improvement Budget by reducing Sewer Revenue Bonds, project number SW02001 and establish an allocation funded by Sewer Operating-CIP in Concrete Replacement 2013, project number SW02105 in the amount of \$200,000.00, to replace curbs, gutters, and sidewalks at various locations within the City.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

56. RESOLUTION to accept grant funds and to establish an allocation in the amount of \$3,722,177.00 funded by FEMA through the Hazard Mitigation Grant Program and \$620,363.00 funded by the State of Tennessee to replace the existing Airways Bridge over Nonconnah Creek.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

57. RESOLUTION to cease funding for any stand-alone signs for bike lanes.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

58. RESOLUTION creating a Blight and Rental Property Reporting Hotline.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

59. **ORDINANCE** to establish meeting dates for City Council meetings in 2013, up for F I R S T reading.

Consent

Ordinance No. 5489

ACTION REQUESTED: Adopt the ordinance on First reading

60. RESOLUTION thanking Maria Fuhrmann for her service to the Memphis City Council.

Flinn

ACTION REQUESTED: Adopt the resolution

61. RESOLUTION approving a hotel/motel waiver for Rodeway Inn, located at 5119 American Way.

Ford

ACTION REQUESTED: Adopt the resolution

62. RESOLUTION approving a hotel/motel waiver for Motel 6, located at 4300 American Way.

Ford

ACTION REQUESTED: Adopt the resolution

63. RESOLUTION approving a hotel/motel waiver for Motel 6, located at 210 S. Pauline.

Ford

ACTION REQUESTED: Adopt the resolution

64. RESOLUTION approving final calculation and distribution of MLGW Electric system payments in lieu of taxes for fiscal year ending June 30, 2013.

Fullilove

ACTION REQUESTED: Adopt the resolution

65. RESOLUTION approving final calculation and distribution of MLGW Gas system payments in lieu of taxes for fiscal year ending June 30, 2013.

Fullilove

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Dropped
3. Through 46 – Approved
47. Held to December 18, 2012
48. Held to January 8, 2013
49. Through 51 – Approved
52. Held to December 18, 2012
53. Through 56 – Approved
57. Held to December 18, 2012
58. Held to January 22, 2013
59. Through 65 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 20, 2012

Approved

ACTION TAKEN ON THE MINUTES OF DECEMBER 4, 2012 FOR ITEMS 1, 36, 49, 50, 64 & 65 ONLY:

Approved