



# CITY OF MEMPHIS

## COUNCIL AGENDA

December 18, 2012

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

*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 (December 4, 2012)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION of the 2012 City Council Humanitarian Award, to Lewis R. Donelson, III.

Morrison

2. RESOLUTION approving an honorary street name change for Mr. William Gandy, Sr.

Halbert

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING (None)

**DIVISION OF PLANNING & DEVELOPMENT**

- 3. RESOLUTION approving the Rules of Procedures and Regulations adopted by the Memphis Transportation Commission.

Ford

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION approving a planned development located at 426 Union Avenue; northwest corner of Union Avenue and Lauderdale Street, containing .957 acres in Sports and Entertainment District.

Ford

Case No. PD 12-316

Applicant: Enterprise Rent-A-Car  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Expand existing Enterprise Rent-A-Car agency by expanding lot Area and constructing a new building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

- 5. RESOLUTION approving a special use permit located on the east side of Old Allen Road; +/-754 feet northeast of New Allen Road, containing .49 acre in the Residential Single Family-10 (RS-10) District.

Ford

Case No. SUP 12-221

Applicant: Tower Ventures V, LLC/TV6-W, LLC  
Lou Katzerman – Representative

Request: To construct a one hundred seventy foot (170') CMCS tower at 3298 Old Allen Road

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** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

6. **ORDINANCE** to Amend Title 7 – Alcoholic Beverages, Chapter 7-8 – Beer and Light Alcoholic Beverages, Article 2 – License to Store, Sell, Distribute or Manufacture, of the Code of Ordinances, City of Memphis, so as to create a Caterer’s Permit, up for F I R S T reading.

Conrad

Ordinance No. 5490

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

7. **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 S E C O N D reading.

Hedgepeth

Ordinance No. 5488

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to establish meeting dates for City Council meetings in 2013, up for S E C O N D reading.

Morrison

Ordinance No. 5489

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)



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## MLGW FISCAL CONSENT

9. RESOLUTION awarding three-month contract to Standard Construction Company for approximately 1,000 tons of winter asphalt mix, in an approximate amount of \$62,000.00.
10. RESOLUTION awarding 24-month blanket contracts for instrument transformers to HD Supply Utilities in the amount of \$3,333.30 and Utilicor in the amount of \$141,261.46, for a total amount of \$144,594.76
11. RESOLUTION awarding 24-month blanket contracts for electric meters to WESCO Distribution in the amount of \$135,870.00, Landis & Gyr, Inc. in the amount of \$21,200.00 and Utilicor in the amount of \$733,200.00 for a total amount \$890,270.00.
12. RESOLUTION approving Change No. 7 to Contract No. 10863, Blue Pumpkin Software License Support Services, with Verint, Inc., in the amount of \$658,863.75. (This change is to upgrade existing workforce management (WFM)/customer feedback (CF) software applications; increase customer feedback (CF) licenses; install Workforce Management and Desktop and Process Analytics (discovery and adherence tools); data migration; to activate multi media forecasting and scheduling features; and training and support.)
13. RESOLUTION approving Change No. 11 to Contract No. 10562, PBX/ACD System, with Black Box Network Services, in the funded amount of \$48,429.10 for a new contract amount of \$2,151,123.96. (This change is to upgrade from the OpenScape Contact Center v7.0 application to the OpenScape Contact Center v8.0. In addition, this change is to modify the CTI applications on new MLGW provided servers which will migrate data from v7.0 database to v8.0 database. This upgrade will allow MLGW to develop and activate the Call Director application in an effort to speak to customers in the estimated wait time along with other pertinent information.)
14. RESOLUTION approving Change No. 10 to Contract No. 10332, ABB Software Maintenance, with ABB Power Training & Development Company, Inc., in the funded amount of \$135,119.00. (This change is to renew software maintenance, licenses, and support renewal fees for the period covering January 1, 2013 to December 31, 2013. In addition, this change includes a 0.42% increase in price from the previous year. The increase is due to ABB's 2013 pricing model. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by ABB Power Training & Development Company, Inc.)
15. RESOLUTION awarding contract to Buckeye Mountain for global positioning system (GPS) handheld devices, in the amount of \$69,810.00.

16. RESOLUTION approving Change No. 3 to Contract No. 11324, In-Service Wood Pole Inspection, with Osmose Utilities Services, Inc., in the funded amount not to exceed \$600,000.00. (This change is to renew the current contract for the third of four renewal terms covering the period January 1, 2012 to December 31, 2012. In addition, this renewal reflects a 0.75% price increase from the previous year.)
17. RESOLUTION awarding Contract No. 11594, PowerPlan Maintenance Agreement to PowerPlan, Inc. in the funded amount of \$851,309.00.
18. RESOLUTION awarding a 12-month blanket contract to Thomas Consultants, Inc. for Novell Software maintenance, in the amount of \$315,916.43.
19. RESOLUTION awarding Contract No. 11595, Telvent Maintenance Agreement, to Telvent, in the funded amount of \$700,000.00.
20. RESOLUTION awarding Contract No. 11593, Oracle Maintenance Agreement, to Rolta International, in the funded amount of \$1,296,654.00.
21. RESOLUTION awarding Contract No. 11551, Video Production for Memphis Energized, to Media Source in the funded amount of \$50,000.00.
22. RESOLUTION awarding a 60-month contract to Pitney Bowes for rental of a shipping and receiving solution, in the amount of \$98,940.00.



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## REGULAR AGENDA

### GENERAL ORDINANCES – THIRD AND FINAL READING

23. **ORDINANCE** to amend Chapter 9-60 (Litter Control) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6)

Hedgepeth

Ordinance No. 5474

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend Chapter 9-58 (Tire Business and Tire Hauler Registration) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6)

Hedgepeth

Ordinance No. 5475

ACTION REQUESTED: Take whatever action Council deems advisable

25. **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; 12/4)

Fullilove

Ordinance No. 5473

ACTION REQUESTED: Take whatever action Council deems advisable

26. **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 T H I R D and F I N A L reading.

Collins

Ordinance No. 5478

ACTION REQUESTED: Take whatever action Council deems advisable

27. **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 T H I R D and F I N A L reading.  
Ford Ordinance No. 5479

ACTION REQUESTED: Take whatever action Council deems advisable

28. **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 T H I R D and F I N A L reading.  
Ford Ordinance No. 5480

ACTION REQUESTED: Take whatever action Council deems advisable

29. **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 T H I R D and F I N A L reading.  
Ford Ordinance No. 5481

ACTION REQUESTED: Take whatever action Council deems advisable

30. **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 T H I R D and F I N A L reading.  
Ford Ordinance No. 5482

ACTION REQUESTED: Take whatever action Council deems advisable

31. **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 T H I R D and F I N A L reading.  
Ford Ordinance No. 5483

ACTION REQUESTED: Take whatever action Council deems advisable

32. **JOINT ORDINANCE** updating the Memphis and Shelby County Electrical Code by adoption of the 2008 National Electrical Code with local amendments, up for T H I R D and F I N A L reading.  
Ford Ordinance No. 5484

ACTION REQUESTED: Take whatever action Council deems advisable

33. **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 T H I R D and F I N A L reading.  
Ford Ordinance No. 5485

ACTION REQUESTED: Take whatever action Council deems advisable

34. **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 T H I R D and F I N A L reading.

Conrad

Ordinance No. 5486

ACTION REQUESTED: Take whatever action Council deems advisable

35. **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 T H I R D and F I N A L reading.

Conrad

Ordinance No. 5487

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

36. **RESOLUTION** seeking approval from the Memphis City Council to enter into an interlocal agreement with the Shelby County Office of Trustee for the collection of current and delinquent Ad Valorem Taxes owed to the City of Memphis.

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES**

37. **RESOLUTION** adopting the 2013 State Legislative Agenda.

Collins

ACTION REQUESTED: Adopt the resolution

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES**

38. 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; 12/4)  
Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES**

39. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$15,000.00. Resolution also amends the FY 2013 Operating Budget to establish and appropriate \$15,000.00 in grant funds for FY 2013.  
Conrad

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$107,029.42 for Comprehensive Alcohol Risk Reduction (C.A.R.D.). Resolution also amends FY 2013 Operating Budget to establish and appropriate \$107,029.42 in grant Funds for FY 2013.  
Conrad

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting grant funds from the Governor's Highway Safety Office (GHSO) of the State of Tennessee Department of Transportation in the amount of \$398,472.98 for Alcohol Saturation Patrols. Resolution also amends FY 2013 Operating Budget to establish and appropriate \$398,472.98 in grant funds for FY 2013.  
Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES**

42. RESOLUTION appropriating \$70,000.00 in G.O. Bond funds for the purchase of two video edit systems, for the Memphis Public Library and Information Center's Television Station, WYPL TV-18.  
Lowery

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

43. RESOLUTION to cease funding for any stand-alone signs for bike lanes. (Held from 12/4)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION to sell city-owned property, located at 4122 Barton, to Alpha Memphis Education Foundation, Inc., for the amount of \$1.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION approving the amendment to agricultural lease agreement with Ensley Bottoms Farm, LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission, on October 17, 2012.

Hedgepeth

Contract No. CR-5194

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

46. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code, as adopted by the City of Memphis August 10, 2012 and by Shelby County August 9, 2012, as amended to revise and enhance the Joint Zoning and Subdivision Regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board, up for F I R S T reading.

Consent

Case No. ZTA 12-002  
Ordinance No. 5491

Applicant: Memphis/Shelby County Office of Planning and Development  
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County  
Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

47. **JOINT ORDINANCE** and resolution amending the Memphis and Shelby County Unified Development Code to make certain changes in the map and to comply with regulations of the Federal Emergency Management Agency, up for F I R S T reading.

Consent

Case No. Z 12-107  
Ordinance No. 5492

Applicant: Memphis/Shelby County Office of Planning and Development  
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County  
Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

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

A. Case No. SAC 12-606

Located on the western terminus of Northpointe Drive; +/-985 feet west of New Allen Road, containing 0.88 acre (38,319 sq. ft.) in the Employment (EMP) District.

Applicants: Nike TN, Inc. & Belz Investco, GP  
The Reaves Firm, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with two (2) conditions

B. Case No. SAC 12-607

Located on the west side of New Allen Road; +/-1,950 feet north of New Frayser Boulevard, containing 1.65 acres (71,976 sq. ft.) in the Employment (EMP) District.

Applicants: Belz Investco, GP  
The Reaves Firm, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation; APPROVAL, with (3) conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: January 8, 2013**

49. RESOLUTION accepting funds from the Center City Revenue Finance Corporation for the Main Street Multimodal Connector in the amount of \$311,704.00 and appropriating those funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION accepting funds from the Charles McVean and Hyde Family Foundation for the Main Street Multimodal Connector in the amount of \$650,000.00 and appropriating those funds to project number PW04090 for the Design of the Harahan Bridge Trail.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 22 – Approved
23. Through 26 – Held until January 8, 2013
27. Through 37 – Approved
38. Held until January 22, 2013
39. Through 47 – Approved
48. Public Hearing set for January 8, 2013
49. and 50 – Approved

**ACTION TAKEN ON THE MINUTES OF DECEMBER 4, 2012**

Approved, as amended. Item #54 was pulled and dropped from the Minutes of December 4, 2012

**ACTION TAKEN ON THE MINUTES OF DECEMBER 18, 2012 FOR ITEMS 39, 40, 41, 49 and 50 only**

Approved. Set up as Special Item #3