



CITY OF MEMPHIS

COUNCIL AGENDA

December 2, 2014

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 18, 2014)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION thanking Fire Director Alvin Benson, for his service to the community as he retires from City of Memphis Government.

Halbert

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a special use permit located at 4127 Summer Avenue (Southwest corner of Summer Avenue and Vaughn Road), containing 0.28 acre in the Residential Single Family (R-6) District.

Collins

Case No. SUP 14-232
(Companion Case Z14-104)

Applicant: Tina & Tammy Nguyen – dba A & T Auto Sales
J. P. Thomas & Associates, Inc. – Representative

Request: Special Use Permit to allow motor vehicle (auto) sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

64 NOTICES WERE MAILED ON NOVEMBER 21, 2014

DIVISION OF PLANNING AND DEVELOPMENT

3. RESOLUTION approving a planned development located on the Northeast corner of Raleigh Lagrange Road and Appling Road, containing 2.10 acres in the PD District.
Collins Case No. PD 14-316cc

Applicant: TV6-W, LLC
Lou Katzerman – Representative

Request: 170' CMCS Tower

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 at 8790 Walnut Grove Road, containing 1.62 acres in the Conservation Agriculture (CA) District.
Collins Case No. PD 14-319

Applicant: First Tennessee Bank National Association
Forrest Owens – ETI Corporation – Representative

Request: To amend the uses in the Walnut Grove/Sanga Planned Development (PD 97-346) to allow for additional office uses

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 southwest corner of Summer Avenue and Vaughn Road, containing 0.28 acre in the Residential Single Family (R-6) District, up for T H I R D and F I N A L reading.

Collins

Case No. Z 14-104

Ordinance No. 5575

(Companion Case SUP 14-232)

Applicant: Tina and Tammy Nguyen
J. P. Thomas & Associates, Inc. (Keith Chapman) – Representative

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

61 NOTICES WERE MAILED ON NOVEMBER 21, 2014



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

6. **ORDINANCE** to amend Chapter 21 – Motor Vehicles and Traffic, Article III, Operation of Motor Vehicles Generally, to add a new section Establishing Driving Rules in the presence of Solid Waste Collection Vehicles, up for S E C O N D reading.

Conrad

Ordinance No. 5576

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

7. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on August 9, 2010, 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 S E C O N D reading.

Collins

Case No. ZTA 14-001

Ordinance No. 5577

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

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

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

NOTICES WERE NOT REQUIRED

ENGINEERING

8. RESOLUTION approving final plat of WINCHESTER HACKS CROSS ROAD DEVELOPMENT, PHASE 40.

Case No. PD 06-342cc

Resolution approves the final plat located south of Winchester road on the eastside of Centennial Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of ENTERPRISE RENTAL CENTER (1885 Brooks Road).

Contract No. CR-5219

Resolution approves the final plat located on the southeast corner of Brooks Road and Cazassa Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)

NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:



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MLGW FISCAL CONSENT

10. RESOLUTION awarding thirty-six month contracts to Lehman-Roberts in the amount of \$194,497.00, Standard Construction Company in the amount of \$475,405.00, and APAC-Tennessee in the amount of \$388,620.00, for the purchase of asphalt.
11. RESOLUTION approving Change No. 3 to Contract No. 11491, System Furniture, with Staples, in the funded amount of \$264,450.00. (This change renews the current contract for the second of four renewal terms covering the period January 23, 2015 to January 22, 2016 with no increase in rates from the previous year in the funded amount of \$264,450.00.)
12. RESOLUTION approving Change No. 12 to Contract No. 10765, Private Label Service Agreement, with Aclara Technologies, LLC, in the funded amount of \$2,297,780.00. (This change is to expand the scope of services and extend the current contract, which ends December 31, 2014, to an additional five year term covering the period January 1, 2015 through December 31, 2019, with the option of two additional one year renewals. This change reflects a 3% increase allowing MLGW customers with enhanced information on utility use, cost and savings options through MLGW's My Account as well as access to customer service channels.)
13. RESOLUTION awarding a twenty-four month contract to Border States, for instrument transformers, in the amount of \$143,902.06.
14. RESOLUTION approving Change No. 12 to Contract No. 10562, PBX/ACD System, with Black Box Network Services, in the funded amount of \$153,518.00. (This change is to produce custom features and tools for the existing OpenScape Contact Center v8.0 application. This change is also to increase the number of licenses of existing products to cover supervisors in other Customer Care departments; to setup personal automatic greetings to preclude agents from speaking same greeting multiple times a day; to allow management to extract and read chat dialogues when a dispute is raised by a customer; and to provide an alert notification when a customer's chat or e-mail arrives to mirror voice notification capabilities.)
15. RESOLUTION requesting approval to exercise an option to renew Purchase Order Number 146925 with Elster American Meter Company LLC in the amount of \$937,112.25, and Purchase Order Number 146927 with Romet International Limited in the amount of \$686,321.00, for the final twelve month period for gas meters.
16. RESOLUTION awarding twenty-four month contracts to Milbank Manufacturing in the amount of \$210,866.27 and The Durham Company in the amount of \$437,880.73, for electric meter sockets and pedestals.

17. RESOLUTION awarding twenty-four month contracts to WESCO Distribution in the amount of \$236,060.00, Landis & Gyr, Inc. in the amount of \$30,000.00, and Border States in the amount of \$706,176.00, for electric meters.
18. RESOLUTION approving a single source award for Contract No. 11759, Choctaw CNG Compressor Rebuild, to Varitech, Incorporated, in the funded amount of \$92,867.78.
19. RESOLUTION awarding Contract No. 11727, 2015 External Corrosion Direct Assessment (ECDA) Inspection/Survey for MLGW's Natural Gas Pipeline, to Southern Cross Pipeline Integrity Services, LLC, in the funded amount of \$189,700.00.
20. RESOLUTION awarding the purchase of a portable steel truck scale, to G. T. Michelli Company, Inc., in the amount of \$43,375.00.
21. RESOLUTION approving Change No. 4 to Contract No. 11413, Surveying Services, with Benchmark-Ollar Surveying, in the funded amount of \$144,381.00. (This is the fourth and final renewal term covering the period of January 19, 2015 through January 18, 2016. This renewal reflects a 3% increase in rates from the previous year due to an increase in operating costs.)
22. RESOLUTION awarding a twelve month contract to Brighter Days and Nites, Inc., for 600V class power cable in-duct, in the amount of \$116,848.00.
23. RESOLUTION awarding a twenty-four month contract to Universal Scaffold & Equipment LLC, for meter pedestals, in the amount of \$415,713.24.
24. RESOLUTION awarding a twenty-four month contract to Universal Scaffolding and Equipment, LLC, for cable, in the amount of \$954,318.00.
25. RESOLUTION awarding a twelve month contract to Brighter Days and Nites, Inc., for 500 Kcmil wire, in the amount of \$261,491.00.
26. RESOLUTION approving Change No. 7 to Contract No. 11279, Third Party Administrator for Workers' Compensation, with Brentwood Services Administrators, Incorporated, in the funded amount of \$30,000.00. (This change is to renew the current contract for the sixth and final renewal term for the period covering January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)
27. RESOLUTION approving Change No. 4 to Contract No. 11465, Contract Security Services, with CDA, Incorporated, in the funded amount of \$2,944,716.72. (This change is to renew the current contract for the fourth and final renewal term covering the period January 1, 2015 to December 31, 2015, with no increase in rates from the previous year.)
28. RESOLUTION approving Change No. 3 to Contract No. 11499, Temporary Service for General Labor, with Pridestaff, in the funded amount of \$860,206.60. (This change is to renew the current contract for the third of four renewal terms covering the period January 4, 2015 through January 3, 2016 in the funded amount of \$807,541.00 with no increase in rates from the previous year. In addition, MLGW is requesting the approval of contingency funds in the amount of \$52,665.60 for unexpected vacancies for a total funded amount of \$860,206.60.)

29. RESOLUTION approving Change No. 4 to Contract No. 11500, Temporary Service for Clerical Support, with Kelly Services, in the funded amount of \$574,087.40. (This change is to renew the current contract for the third of four renewal terms covering the period January 4, 2015 through January 3, 2016 in the funded amount of \$471,689.00, with no increase in rates from the previous year. In addition, MLGW is requesting the approval of contingency funds in the amount of \$102,398.40 for unexpected vacancies for a total funded amount of \$574,087.40.)
30. RESOLUTION approving Change No. 1 to Contract No. 11472, Healthcare Administration, with CIGNA Corporation, in the estimated funded amount of \$106,997,672.00. (This change is to renew the current contract for an additional two year term covering the period January 1, 2015 through December 31, 2016.)
31. RESOLUTION awarding Contract No.11670, Workers' Compensation Brokering to Willis of Tennessee, Incorporated, in the funded amount of \$495,000.00.
32. RESOLUTION approving Change No. 6 to Contract No. 11179, Business Objects Software License and Related Service Agreement, with SAP Public Services, Incorporated, in the funded amount of \$31,813.21. (This change is to renew the current contract for annual software maintenance for the SAP Business Objects Web Intelligence software covering the period November 4, 2014 through November 3, 2015, with no increase in rates from the previous year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by SAP Public Services, Incorporated.)
33. RESOLUTION approving Change No. 4 to Contract No. 10927, Perpetual Licensing Agreement, with Pitney Bowes Software, Incorporated, in the funded amount of \$100,855.00. (This change is to renew the current contract for software maintenance and support services covering the period September 1, 2014 through August 31, 2017. This change includes an upgrade from the current DOC1 version 4 to EngageOne, which is replacing DOC1. The EngageOne product will have the same capabilities as the DOC1 version 4 but will have capabilities for future expansion. This renewal allows MLGW to lock in a 2% increase compared to the company's standard 5% increase for the second and third year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Pitney Bowes.)
34. RESOLUTION approving Change No. 5 to Contract No. 10908, Mobile Data, with Ventyx, Incorporated, in the funded amount of \$161,363.59. (This change is to renew annual software maintenance, license and support services for Mobile Dispatching System, Mobile Mapping, Street Level Routing through Customer Information System (CIS) covering the period January 1, 2015 through December 31, 2015, with no increase in rates from the previous year. This renewal also reflects a change in services to remove the Billgen Product, which Ventyx assigned and sold to another firm (Hanson Technologies), resulting in a reduction in price from the previous year. This product will now be provided under Contract No. 11754. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Ventyx, Incorporated.)
35. RESOLUTION approving Change No. 2 to Contract No. 11589, Professional Services Support, with TEK systems, Incorporated, in the funded amount of \$847,688.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015 with no increase in rates from the previous year.)

36. RESOLUTION approving the assignment of Contract No. 11752, Software License and Services Agreement, to Hansen Technologies from Ventyx, Incorporated in the funded amount of \$47,720.03. (This service was previously provided by Ventyx, Incorporated, which was awarded under Contract No. 10908 Mobile Data Solutions. Ventyx, Incorporated has discontinued providing software license and support services for BillGen and has assigned this portion of the work to Hansen Technologies. The term of this contract is for the period covering January 1, 2015 through December 31, 2015 in the funded amount of \$47,720.03. This is a sole source award and Hansen Technologies is the only firm who can provide this service for the software.)

37. RESOLUTION awarding contract to Konica Minolta Business Solutions for a forty-eight month rental of two digital black and white copier/printer systems, in the amount of \$481,728.00.

38. RESOLUTION approving Change No. 2 to Contract No. 11543, Environmental Abatement Services, with General Construction Services, Incorporated, in the funded amount of \$6,000,000.00. (This change is to add additional funds in the funded amount of \$250,000.00 for unplanned environmental emergency response work at various MLGW facilities to meet regulatory requirements. In addition, this change is also to renew the current contract for the second of four annual renewal terms covering the period January 1, 2015 through December 31, 2015 in the funded amount of \$5,750,000.00.)

39. RESOLUTION awarding a contract to MSM Solutions, for a Barcode System, in the amount of \$71,430.25.



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

40. **ORDINANCE** to amend Article 5, Section 4-28-22, Deferred Retirement Option Plan (DROP), up for T H I R D and F I N A L reading. (Held from 6/17; 10/7; 10/21)

Flinn

Ordinance No. 5549

ACTION REQUESTED: Take whatever action Council deems advisable

41. **JOINT ORDINANCE** of the City Council for the City of Memphis and the Board of Commissioners for Shelby County Tennessee amending the 2012 Memphis and Shelby County Residential Code, as adopted by reference in the 2012 Memphis and Shelby County Building Code and as locally amended, relating to seismic design and construction elements of one and two family dwellings, up for T H I R D and F I N A L reading. (Held from 11/04)

Hedgepeth

Ordinance No. 5570

ACTION REQUESTED: Take whatever action Council deems advisable

42. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, to limit participation in the City Pension System 1978 Plan to participants with 10 or more years of service and create a separate account for participants with less than 10 years of service equal to their employee contributions plus the multiple earned as of June 30, 2015, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5571

SPONSOR: Administration

ACTION REQUESTED: None

43. **ORDINANCE** to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan, up for T H I R D and F I N A L reading. [**New hires only**]

Strickland

Ordinance No. 5573

SPONSOR: Lowery

ACTION REQUESTED: Take whatever action Council deems advisable

44. **ORDINANCE** to require approval for MLG&W contracts with other municipalities, particularly contracts involving collection of various municipal charges, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5574

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

45. RESOLUTION amending the FY2015 Operating Budget by transferring \$1,000,000.00 from the Reserve Fund to the Police Operating Budget to fund an additional Police Recruit Class in FY2015.

Harris

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION amending the FY2015 Budget to allocate \$1,500,000.00 in unallocated Mixed Drink Revenue in General Fund to the MPD Budget, to be used for the testing of the sexual assault kit backlog.

Harris

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 (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

47. RESOLUTION to accept and appropriate funding in the amount of \$50,340.00 from United Way of the Mid-South through Memphis Library Foundation as reimbursement for the Database Manager’s salary in the LINC/2-1-1 department.

Boyd

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION seeking approval for the continuation of plans and specifications and taking of bids for Wolf River Greenway Improvements at an estimated construction of cost of \$1,650,000.00.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

49. RESOLUTION approving Residential Permit Parking on Monroe Ave. between Cooper Street and Cox Street.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION seeking to provide grant funds for the implementation of a Clean Pathways initiative to address issues such as blight, litter and illegal dumping around schools and to reduce poverty and crime within the city limits. The grant funds will be provided from the Sewer, Stormwater and General Funds. Each fund will contribute \$50,000.00 each.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

51. RESOLUTION amending the FY2015 O&M Budget to appropriate \$500,000.00 from the reserve fund to cover expenses of hiring a minimum of 250 children. The same amount will be funded in FY 2016, 2017 and 2018 for a total amount of \$2,000,000.00 for the Summer Youth Employment Program.

Strickland

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

52. APPOINTMENT
Flinn

DIRECTOR OF FIRE SERVICES

Appointment

Michael P. Putt

53. RESOLUTION establishing Maximum Electric Equivalency Payment and Distribution to the City and other Taxing Jurisdiction in Shelby County for Fiscal Year 2015.

Lowery

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION establishing Maximum Gas Equivalency Payment and Distribution to the City and other Taxing Jurisdiction in Shelby County for Fiscal Year 2015.

Lowery

ACTION REQUESTED: Adopt the resolution

55. RESOLUTION approving the Economic Impact Plan for Graceland Economic Development Area.

Halbert

ACTION REQUESTED: Adopt the resolution

56. **ORDINANCE** amending the Taxi Ordinance, up for F I R S T reading.
Consent Ordinance No. 5078

ACTION REQUESTED: Adopt the ordinance on First reading

57. RESOLUTION accepting grant funds in the amount of \$450,000.00 from the State of Tennessee Office of Criminal Justice Programs for the processing of sexual assault kits.

Strickland

ACTION REQUESTED: Adopt the resolution

ADD-ONS

NOTATION FROM OPD

58. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 14-318 – Kirby Gate West P.D.

Located on the northeast corner of Quince Road and Kirby Gate Boulevard, containing 14.54 acres in an area currently governed by P.D. 97-377

Applicant: Grant Properties, LLC
Fisher Arnold, Inc. – David Baker – Representative

Request: 1) Revise the zoning districts that regulate the P.D.
2) Allow a self-service storage facility in Parcel 2 only
3) Delete the requirement to extend Equine Run north to Kirby Gate Boulevard

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 16, 2014

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held until December 16, 2014
3. and 4 – Approved
5. Held until December 16, 2014
6. Through 39 – Approved
40. Held until February 17, 2015
41. Dropped
42. Held until December 16, 2014
43. Approved, as amended. The amended ordinance will be considered in Executive Committee on December 16, 2014
44. Held until December 16, 2014
45. Through 48 – Approved
49. Approved, as amended
50. Approved
51. Approved, as amended
52. Through 58 – Approved

ADD-ONS

ACTION TAKEN ON THE MINUTES OF NOVEMBER 18, 2014

Approved, as amended. Item #33 was pulled from the Minutes

ACTION TAKEN ON THE MINUTES OF DECEMBER 2, 2014 FOR ITEMS
46, 52, 53, 54, 57 AND SPECIAL ITEM #1 ONLY

Approved