



CITY OF MEMPHIS

COUNCIL AGENDA

July 5, 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 (June 21, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Third Street between A.W. Willis Avenue and Saffarans Street, in honor of Stefan and Hesia Diament. (Held from 6/7; 6/21)

Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change of Ford Road between Brooks Road and Mitchell Road in honor of the late Mrs. Johnnie Mae Peters.

Ford

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a special use permit located on the east side of North Third Street, 181 feet north of A.W. Willis Avenue, containing 4,529 square feet.

Ford

Case No. SAC 10-606

Applicant: Tony Fox

Request: Close and vacate alley rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

24 NOTICES WERE MAILED ON JUNE 24, 2011

4. RESOLUTION approving a street/alley closure located on the east side of Getwell Road, 1,388 feet south of Holmes Road, containing 3.14 acres.

Ford

Case No. SAC 11-604

Applicant: Auto Dealers Exchange of Memphis, Incorporated

Request: Close and vacate Chad Lane to comply with Outline Plan Condition III.H of the Wiese Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

4 NOTICES WERE MAILED ON JUNE 24, 2011

5. RESOLUTION approving a street/alley closure beginning at A.W. Willis Avenue to a point 1,100 feet south, containing 1.01 acres.

Ford

Case No. SAC 11-607

Applicant: City of Memphis (John Cameron, City Engineer)

Request: Close unimproved public street right-of-way

LUCB and OPD recommendation: APPROVAL, with one condition

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

6. RESOLUTION approving a use variance located on the north side corner of Tant Road and Interstate 240, containing 3.2 acres in the Single Family Residential (R-S6) District.

Ford

Case No. UV 10-12

Applicant: Brianne K. Mawry

Request: Contractor Storage and Recycling

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

22 NOTICES WERE MAILED ON JUNE 24, 2011

DIVISION OF PLANNING & DEVELOPMENT

7. RESOLUTION approving a Hotel Waiver for Union Express, located at 42 S. Camilla Street. (Held from 6/21)

Ford

Case No. HMW 11-11

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION establishing a public hearing date of July 19, 2011 for adopting an amendment to the Community Redevelopment Plan for the Uptown Area.

Ford

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION establishing a public hearing date of July 19, 2011 for authorizing the Memphis and Shelby County Community Redevelopment Agency to issue not exceeding in aggregate principal amount of \$32,000,000.00 of Tax Increment Bonds or Notes of the agency pursuant to the provisions of the Community Redevelopment Act of 1998 to fund certain existing debt and/or expenditures to be made with respect to land acquisition, construction and redevelopment activities in connection with that certain Community Redevelopment Plan for the Uptown Area as amended; redevelopment project activities to be located within the Community Redevelopment Area and from the proceeds of it not to exceed \$32,000,000.00 Tax Increment Bonds or Notes; and providing an effective date.

Ford

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving a planned development located on the northeast corner of Hacks Cross Road and Players Club Parkway, containing 2.83 acres in an area currently governed by conditions of the Southwind Planned Development (PD 01-317cc), Plat Book 209, Page 41.

Ford

Case No. PD 11-301

Applicant: Americare
Tetra Tech, Inc. – Representative

Request: A Planned Development amendment to permit an assisted living home for the elderly

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

11. RESOLUTION approving a planned development located on the southeast corner of Winchester Road and Malco Way, containing 4.5 acres in the Conservation Agricultural (CA) District.

Ford

Case No. PD 11-307

Applicant: Winchester-Riverdale Holdings, LLC
The Reaves Firm – Representative

Request: A Planned Development to permit Commercial Mixed Use-2
(CMU-2)

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

12. **ORDINANCE** rezoning the east side of Airways Boulevard; +/-250 feet south of Kilarney Avenue, containing 58.74 acres in the Residential Single Family-15 (R-15) District, up for T H I R D and F I N A L reading. (Held from 6/7)

Ford

Case No. Z 11-101
Ordinance No. 5397

Applicant: William H. Thomas, Jr.
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Warehouse & Distribution (WD) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

44 NOTICES MAILED ON MAY 27, 2011



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July 5, 2011

Public Session, Tuesday, 3:30p.m.

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125 N. Main Street

Memphis, TN 38103-2017

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

13. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to require a Two-Thirds Majority approval of the City Council in order to increase the Ad Valorem Tax Rate if the increase is a higher percentage than the rate of inflation and to submit the proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 8, 2012, up for F I R S T reading.

Flinn

Ordinance No. 5408

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

14. **ORDINANCE** to amend Title 2, Administration, of the Code of Ordinances of Memphis, Tennessee by establishing the Memphis Advisory Council for Citizens with Disabilities, up for S E C O N D reading.

Collins

Ordinance No. 5407

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

15. **ORDINANCE** rezoning the south side of Alcy Road; +/-188 feet west of Elvis Presley Boulevard, containing 0.25 acre in the Residential Urban-3 (RU-3) District, up for F I R S T reading.

Ford

Case No. Z 11-103

Ordinance No. 5409

Applicant: Ware Properties, LLC
W.H. Porter Consultant, PLLC – Representative

Request: Rezone property from Residential Urban 3 (RU-3) to the Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

16. RESOLUTION approving final plat of MEMPHIS DRUM SHOP CAMPUS.
Case No. PD 10-304

Resolution approves the final plat located between Nelson Avenue and Blythe Street.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving final plat of PARK/HIGHLAND P.D.
Case No. PD 10-310
Contract No. CR-5169

Resolution approves the final plat located on the northeast corner of Park Avenue and Highland Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

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

- A. Case No. PD 06-332 – STEVE ROAD PLANNED DEVELOPMENT,
AMENDED (Held from 4/19; 5/3)

Located on the south side of Steve Road; +/-182.59 feet west of Ellsworth Street, containing 12.18 acres and is currently governed by Steve Road Planned Development, Amended (P.D.06-332).

Appellant: Thomas Investments (William H. Thomas, Jr.)
SR Consulting, LLC – Representative

Request: Appeal to overturn decision of the Land Use Control Board on Thursday, March 10, 2011 denying a request for a five (5) year time extension and to remove phasing restrictions from Outline Plan Conditions

LUCB and OPD recommendation: REJECTION

B. Case No. SAC 11-605

Beginning at North Main Street extending west to North Front Street, containing .37 acre.

Applicant: MLB-Uptown, LLC

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No SE 11-001 – Cotton Mill Apartments

Located on the south side of Monroe Avenue, +/-504 feet east of Lauderdale Street, containing 1.16 acres in the Central Business District (CBD) and Medical Overlay [MO] District.

Applicant: Memphis Housing, LLC – Tony Crosby
SR Consulting, LLC – Cindy Reaves – Representative

Appellant: The Edge Community Association – Mike Todd

Request: Overturn the decision of the LUCB approving a Special Exception to allow an increase in height for a proposed building at 51 feet in height where a maximum of 35 feet of height is permitted

LUCB and OPD recommendation: APPROVAL, with one condition

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 19, 2011



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MLGW FISCAL CONSENT

19. RESOLUTION awarding Contract No. 11449, North Service Center Gate and Gate House, to SMS Contractors, Inc., in the funded amount of \$210,800.00.
20. RESOLUTION awarding Contract No. 11478, Exhaust Fan Replacement at North Service Center and Hickory Hill Service Center, to Air Technical Services, Inc., in the funded amount of \$252,260.00.
21. RESOLUTION approving Change No. 5 to Contract No. 11071, Emergency Storm Restoration, with Davis H. Elliot Company, Inc., in the funded amount of \$207,497.35. (This change covers payment for work performed as a result of the April 4, 2011 storm).
22. RESOLUTION approving Change No. 4 to Contract No. 11437, Emergency Aid Agreement, with Standard Electric Company, in the funded amount of \$129,685.21. (This change covers payment for work performed as a result of the April 4, 2011 storm).
23. RESOLUTION awarding contract for one tractor and mower to Mid-South Ag Equipment, Inc., in the amount of \$50,745.00.
24. RESOLUTION awarding contract for Chiller R'Newal to Trane in the amount of \$52,768.00.
25. RESOLUTION awarding contract for two-ton and five-ton cab and chassis trucks, as follows:

Diamond International.....	\$815,065.00
Tag Truck Center.....	<u>73,500.00</u>
Total: <u>\$888,565.00</u>	
26. RESOLUTION awarding Contract No. 11484, Over-the-Phone Interpreter, to Universe Technical Translation, Inc., in the funded amount of \$126,848.00.
27. RESOLUTION awarding contract no. 11400, internet service provider, to TW telecom, inc., in the funded amount of \$66,600.00.

28. RESOLUTION approving Change No. 2 to Contract No. 10699, Access Agreement, with Fidelity National Title Group, in the funded amount of \$112,000.00. (This change is to ratify payments in the amount of \$7,000.00 for the period March 1, 2011 to June 30, 2011, and to renew the contract for a five-year period, March 1, 2011 to February 28, 2016, in the amount of \$105,000.00).
29. RESOLUTION approving Change No. 1 to Contract No. 11470, Wireless Communications Services, with Cellular South, for Voice Plan and BlackBerry services, in the funded amount of \$71,400.00. (This change adds 100 cell phones and services which will be used by the MLGW Customer Service Technicians).
30. RESOLUTION ratifying emergency/expedited purchases and contract awards for the materials and supplemental construction resources required for the relocation of 16" XXHP and 22" HXP gas high-pressure transmission lines located in the Robco Lake Levee, in the amount of \$1,743,543.93.
31. RESOLUTION approving payment to the City of Memphis Public Works Department for annual sewer discharge fee for the 2010 filter backwash discharge for six water pumping stations in the amount of \$252,406.77.



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REGULAR AGENDA

BUDGET ITEM

32. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu of tax payment to the City of Memphis for Fiscal Year 2012. (GAS & ELECTRIC) (Held from 6/7; 6/21)

Flinn

ACTION REQUESTED: Adopt the resolution

33. APPOINTMENTS

Collins

Alcohol Commission

Appointments

Erma T. Hayslett
Billy Post

Reappointments

Martavius D. Jones
Jimmie Kelly
Robert W. West

Economic Development Growth Engine of Memphis and Shelby County (EDGE)

Appointments

Al Bright, Jr.
Councilman Kemp Conrad
Mark J. Halperin
Deidre Carter Malone
Jackson W. Moore
Johnny B. Moore, Jr.

Memphis City Beautiful Commission

Appointments

John O. Alexander
Dixie R. Crase
Andree □ Glenn
Ken Hall
Lou Henslee
Syd Lerner
Andrew J. Trippel
Jo Boone-Wild

Reappointments

LeAndre Gibson
Deni Carr Reilly
Damone Virgilio
Anne C. Waring

Memphis and Shelby County Cross Connection Board

Appointment

Tyler Zerwekh

Memphis and Shelby County Joint Board of Appeals

Appointments

David Canup
Fred Collier
Ella J. Davis
Michael Harless
Brian Mann
Oscar Pruitt
James Thomas

Reappointments

James Burke
David Dixon
Jamnu Tahiliani
Gary Wagoner
Don White

Memphis and Shelby County Port Commission

Appointments

Mark J. Halperin
Deidre Carter Malone

Johnny B. Moore, Jr.

GENERAL ORDINANCES -THIRD AND FINAL READING

- 34. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-28 – Pedestrians, of the Code of Ordinances of Memphis, Tennessee, up for T H I R D and F I N A L reading. (Held from 6/7; 6/21)

Strickland

Ordinance No. 5401

ACTION REQUESTED: Take whatever action Council deems advisable

- 35. **ORDINANCE** to amend Chapter 48, Article 1, of the City of Memphis, Code of Ordinances, so as to provide for Reserve Housing and Code Enforcement Officers, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5404

ACTION REQUESTED: Take whatever action Council deems advisable

- 36. **ORDINANCE** to amend Chapter 21, Motor Vehicles and Traffic, Article X, Vehicle Equipment and Loads, Section 338, Windshields and Windows, of the Code of Ordinances of Memphis, Tennessee, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5405

ACTION REQUESTED: Take whatever action Council deems advisable

- 37. **ORDINANCE** amending Chapter 39 – Vehicles for Hire, Section 48, Rates – of the Code of Ordinances of Memphis, Tennessee, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5406

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

- 38. RESOLUTION approves the nominees for appointment to the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee, the Memphis and Shelby County Industrial Development Board, the Depot Redevelopment Corporation of Memphis and Shelby County and the Memphis and Shelby County Port Commission.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

- 39. RESOLUTION authorizing the City Purchasing Agent to dispose of all surplus personal property with a value of \$500.00 up to \$10,000.00, including motor vehicles that have been declared surplus and unfit by the various Divisions.

Flinn

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

40. RESOLUTION accepting and appropriating \$994,200.00 in State In-Service Grant funds from the State of Tennessee for the Division of Fire Services for a total appropriation of \$994,200.00.

Strickland

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION appropriating \$215,958.00 for Contract Construction funded by G.O. Bonds General chargeable to the Fiscal Year 2011 Capital Improvement Budget for Fire Station Repair.

Strickland

The Council of the City of Memphis did include Fire Station Repair, CIP Project Number FS02001 as part of the FY2011 Capital Improvement Budget.

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION accepting grant funds in the amount of \$321,221.00 from the U.S. Department of Homeland Security Grant Program for the Division of Fire Services – Metropolitan Medical Response System (MMRS) to support the integration of emergency management, health and medical systems into a coordinated response to mass casualty incidents caused by any hazard. Resolution also amends the FY2011 Operating Budget to establish and appropriate grant funds.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

43. RESOLUTION accepting and appropriating FY2011 Economic Development Initiative – Special Project funds in the amount of \$200,000.00 from the U. S. Department of Housing and Urban Development (HUD) to the FY2011 budget for the Division of Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION amending the FY2011 Operating Budget by appropriating revenues and expenditures in the amount of \$6,264,239.00 in (CDBG) Supplemental Disaster Recovery Grant funds to the FY2011 Operating Budget.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

45. RESOLUTION approving the Division of Park Services to encumber \$1,558,750.00 of the total appropriation approved by the Council on May 19, 2009 in Contract Construction in Countrywood Park, CIP Project Number PK07088, funded by G.O. Bonds General for the construction of the Countrywood Park.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

46. RESOLUTION accepting grant funds from the State of Tennessee for FY2011 for the Internet Crimes Against Children (ICAC) Award in the amount of \$394,000.00. Resolution also amends the FY2011 Operating Budget to establish and appropriate \$394,000.00 in grant funds.

Strickland

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION accepting grant funds from the University of Memphis for FY2011 Department of Justice Award – Operation Safe Community (OSC): Data Driven Strategies to Reduce Violent and Gang Crime in the amount of \$323,083.00. Resolution also amends the FY2011 Operating Budget to establish and appropriate \$323,083.00 in grant funds.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

48. RESOLUTION appropriating \$4,270,200.00 funded by Sewer Funds for South Plant Expansion Project, Project Number SW02033 for a contract with W. Rogers Company for the construction of a new structure, the installation of three fine bar screens and other appurtenances at the Maxson Plant.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION appropriating \$1,100,000.00 to refurbish Solid Waste Management vehicles funded by G.O. Bonds – General for Solid Waste Management Capital Acquisition, Project Number PW05008.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION appropriating \$1,279,597.00 funded by Sewer Funds for South Plant Expansion Project, Project Number SW02033 for a contract with SAK Construction, LLC, for the rehabilitation of the 90 inch sewer line and other construction rehabilitation services at the Maxson Plant.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

51. Consideration of the Fire Impasse Committee Recommendation. (Held from 6/21)

Lowery

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

52. RESOLUTION amending the FY 2012 Capital Improvement Budget by transferring an allocation of \$2,604,001.00 funded by Federal Grant funds and \$651,000.00 funded by G. O. Bonds-General from STP Repaving, Project Number PW01199 to STP Repaving Group I, Project Number PW01200. Resolution also appropriates \$2,604,001.00 funded by Federal Grant funds and \$651,000.00 funded by G. O. Bonds-General in STP Repaving Group 1, Project Number PW01200 for a construction contract with APAC-Tennessee.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION setting a date of July 22, 2011 and a time of 8:00 a.m., City Council Chambers, to fill vacancy of City Council District 7 position.

Lowery

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION extending the issuance of compensated dance permits by the Memphis Alcohol Commission and Permits Office, until October 4, 2011, applicable to all pending applications and all permits applied for, from and after the date of this resolution

Lowery

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Held until July 19, 2011
4. & 5 – Approved
6. Through 9 - Held until July 19, 2011
10. & 11 – Approved
12. Approved, as amended
13. Through 17 – Approved
- 18A. Public Hearing Set for September 6, 2011
- 18B. Public Hearing Set for July 19, 2011
- 18C. Public Hearing Set for August 16, 2011
19. Through 31 – Approved
32. Held until July 19, 2011
33. Through 54 – Approved

ACTION TAKEN ON THE MINUTES OF JUNE 21, 2011 MEETING

Approved, as amended

ACTION TAKEN ON THE MINUTES OF ITEMS #52 & #54 FROM TONIGHT'S MEETING

Approved