



CITY OF MEMPHIS

COUNCIL AGENDA

October 18, 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 (October 4, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

1. RESOLUTION approving a street/alley closure time extension, located on the west side of Hacks Cross Road at the intersection of Tournament Drive, containing 5.14 acres.

Ford

Case No. SAC 00-601

Applicant: Cindy Reaves, SR Consulting

Request: Approval of a one year time extension to close and vacate Bancharry Lane, Penmarron Court and Cove, Penwythe Lane, Rycroft Cove and Tournament Drive within Phases 1 and 3 of the Fieldstone Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)

2. **ORDINANCE** rezoning the east side of Getwell Road; +/-510 feet north of Cochese Avenue, containing 0.80 acre in the Commercial Mixed Use-1 (CMU-1) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 11-107
Ordinance No. 5419

Applicant: LA Coneccion, Inc. – Archie Yousef
The Bray-Davis Firm – Representative

Request: Commercial Mixed Use-3 (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES WERE MAILED ON OCTOBER 7, 2011



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

3. **ORDINANCE** to amend Chapter 39, Article II, Section 39-148 of the Code of Ordinances, so as to require Carriage Drivers to immediately clean waste, up for **S E C O N D** reading.
Strickland Ordinance No. 5421

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

4. **ORDINANCE** rezoning the southwest corner of Danny Thomas Boulevard and Linden Avenue, containing 2.67 acres in the Sports & Entertainment (SE) and South Downtown Residential (R-SD) Districts, up for **S E C O N D** reading.
Ford Case No. Z 11-108
Ordinance No. 5422

Applicant: Linden Hotels, LP

Request: Sports & Entertainment (SE) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

5. **RESOLUTION** approving final plat of SONS OF LEON SUBDIVISION.
Case No. S 11-009

Resolution approves the final plat located on the southside of Spottswood Ave., east of S. Highland St.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of SHELBY COUNTY CREDIT UNION SUBDIVISION.

Case No. S 11-012

Resolution approves the final plat located at the terminus of Dovecrest Rd. and Sycamore View.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

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

- A. Case No. SUP 11-210

Located on the south side of Park Avenue, generally located between Pendleton Street and Haynes, containing .08 acre in the Commercial Mixed Use -2(CMU-2) District

Applicant: TV Signal Source Towers, LLC
Solomito Land Planning (Brenda Solomito) – Representative

Request: Cellular Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 1, 2011



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REGULAR AGENDA

BUDGET ITEM

8. 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; 7/5; 7/19; 8/2; 8/16; 9/6; 9/20;10/4)

Flinn

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES-THIRD AND FINAL READING

9. **ORDINANCE** to amend Code of Ordinances of the City of Memphis, pertaining to the Budget, Salaries and Contracts of the Memphis, Light, Gas and Water Division, to increase the amount of contracts requiring approval of the City Council to \$50,000.00, up for T H I R D and F I N A L reading. **(This item was approved on 10/12/10 and had to come back before full Council in (1) year).**

Fullilove

Ordinance No. 5383

ACTION REQUESTED: Take whatever action Council deems advisable

10. **ORDINANCE** to amend Title 6 – Business Licenses and Regulations – Chapter 6-88 – Wreckers and Towing Operators, Section 6-88-15- Private Property Tow authorization formerly Chapter 41 – Wreckers or Towing Operator – of the Code of Ordinances of Memphis, Tennessee, up for T H I R D and F I N A L reading. (Held from 9/20)

Strickland

Ordinance No. 5414

ACTION REQUESTED: Take whatever action Council deems advisable

11. **ORDINANCE** to amend Chapter 39 of the City of Memphis Code of Ordinances so as to establish the Memphis Transportation Commission, up for T H I R D and F I N A L reading. **(This item was pulled from 9/20/11 Minutes on 10/04/11).**

Strickland

Ordinance No. 5415

ACTION REQUESTED: Take whatever action Council deems advisable

12. **ORDINANCE** to amend Memphis, Tennessee, Code of Ordinances Title 4 – Pension and Retirement System, so as to modify the Pension Benefits allowable under the Ordinance, up for T H I R D and F I N A L reading. (Held from 9/20)

Collins

Ordinance No. 5416

ACTION REQUESTED: Take whatever action Council deems advisable

- 13. **ORDINANCE** to amend Chapter 5, Animals and Fowl of the Code of Ordinances, City of Memphis, to Prevent Cruelty to Animals and Cock and Animal Fighting, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5417

ACTION REQUESTED: Take whatever action Council deems advisable

- 14. **ORDINANCE** to amend Chapter 21 of the Memphis City Code of Ordinances, governing Motor Vehicles and Traffic, so as to Regulate Valet Parking Services, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5418

ACTION REQUESTED: Take whatever action Council deems advisable

- 15. **ORDINANCE** to amend Chapter 25 – Pension and Retirement System of the City of Memphis, Code of Ordinances, to Protect Pension Benefits from the 4.62% Salary Reduction Policy, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5420

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

- 16. **RESOLUTION** to transfer an appropriation for Clothing Allotment in Fire Suppression to various Fire service centers in the amount of \$215,675.00.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

- 17. **RESOLUTION** for the City of Memphis to accept from the Memphis Housing Authority the conveyance of approximately 3 acres of real property in the University Place development area via quitclaim deed. This land is set aside for the use and benefit of the City of Memphis Public Works Division.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 18. **RESOLUTION** appropriating the Revenues and Expenditures for the Neighborhood Stabilization Program in the amount of \$626,370.00.

Brown

ACTION REQUESTED: Adopt the resolution

- 19. RESOLUTION authorizing the Division of Housing and Community Development to award \$413,500.00 in funding to designated 501(c) 3 organizations for the purpose of community development, community initiatives, and business/economic development activities.

Brown

ACTION REQUESTED: Adopt the resolution

- 20. RESOLUTION to approve the City of Memphis – Division of Housing and Community Development’s leases and/or sub-leases of Memphis City property that may be subject to City of Memphis Ordinance 2-291 relating to Real Property.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

- 21. RESOLUTION approving the nomination of Mr. Dana J. Jeanes as Vice President, Chief Financial Officer and Secretary-Treasurer, at an annual salary of \$166,004.80.

Fullilove

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

- 22. RESOLUTION approving the Division of Park Services to move forward with the low bid in the amount of \$169,912.00 and, with contingency, a total of \$183,512.00 in expenditures from Contract Construction in Lichterman Nature Center, CIP Project Number PK08001, funded by G.O. Bonds General, for the construction of Lichterman Nature Center Renovations.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

- 23. RESOLUTION accepting donated funds in the amount of \$4,500.00 from Target specifically for public safety projects. Resolution also amends FY 2012 Operating Budget to establish and appropriate funds.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

24. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation and appropriating \$200,000.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers project number SW02001, to Concrete Replacement, project number SW02085 to replace curbs, gutters, sidewalks, etc, in various locations and for a construction contract with Barnes & Brower.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION amending the FY 2012 Capital Improvement Budget by transferring an allocation and appropriating \$524,880.00 funded by G.O. Bonds – General (Storm Water) from Flood Control – ST, project number ST03059 to Floodwall Gate Replacement, project number ST03136, for the fabrication and installation of concrete stop logs at six locations along the flood wall and for a construction contract with Zellner Construction Services, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

26. RESOLUTION amending the FY12 Capital Improvement Budget by appropriating an additional \$2,500,000.00 funded by Local Other, Project Number EN90027, for a construction contract with CONTINENTAL CONSTRUCTION.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION directing the City Council Attorney to explore options related to possible loss of revenue due to the NBA lockout.

Lowery

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held to November 15, 2011
3. Through 6 – Approved
7. Public Hearing set for November 1, 2011
8. Approved, as amended. Substituted with 2 separate resolutions
9. Approved. Be it resolved that Ordinance No. 5383 remains in effect
10. Held to November 1, 2011
11. Approved
12. Through 14 – Held to November 1, 2011
15. Approved, as amended
16. Through 25 – Approved
26. Approved, as amended
27. Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 4, 2011

Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 18, 2011 FOR SPECIAL ITEM #1, SPECIAL ITEM #2, 15 AND 26 ONLY

Approved