



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 10, 2007

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 19, 2007)**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING**

1. **ORDINANCE** amending Chapter 2, Article I, Section 2-4, of the Code of Ordinances regarding Background Checks for Fire Protection Personnel, up for **F I R S T** reading.  
Lowery Ordinance No. 5213

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCES - SECOND READING** (None)

### **ZONING ORDINANCES - FIRST READING** (None)

### **ZONING ORDINANCES - SECOND READING**

2. **ORDINANCE** rezoning the southeast corner of Whitebrook Drive and Old Getwell Rd., containing 3.87 acres in the Highway Commercial (C-H) District, up for **S E C O N D** reading.  
Lowery Ordinance No. 5211  
Case No. Z 07-104

Applicant: Najib H. Makarem  
Larry Fleming - Representative

Request: Multiple-Dwelling Residential (R-MM) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the east side of Elvis Presley Boulevard; +/-290 feet north of Laudeen Drive, containing .27 acre {11,760 Sq. Ft.} in the Single Family Residential (R-S10) District, up for **S E C O N D** reading.  
Lowery Ordinance No. 5212  
Case No. Z 07-105

Applicant: William C. Pilot  
Royston Construction Consultants - Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **NOTATIONS FROM OPD**

**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 07-315 – Dunn Road P.D.

Located on the northwest corner of S. Perkins Road and Dunn Avenue, containing 11.883 square feet in the Single Family Residential (R-S6) District

Applicant: Precision Prosthetics, Inc.  
Fisher & Arnold, Inc. – Representative

Request: A planned development to create office/commercial uses in a single existing building

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 07-311 – Trinity Park P.D.

Located on the east side of East Oakside Drive; +/-2,500 feet south of Winchester Road, containing 8.91 acres in the Townhouse Residential (R-TH) District

Applicant: Habitat for Humanity  
The Pickering Firm, Inc. – Representative

Request: Planned development to allow forty-four (44) single family homes, including a neighborhood Resource Center/Clubhouse building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: July 24, 2007**

**GENERAL ITEM** (None)



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## MLGW FISCAL CONSENT

5. RESOLUTION awarding contract for miscellaneous substation fittings to Designed Metal Connections, in the amount of \$72,775.25.
6. RESOLUTION awarding contract for galvanized structural steel to V & S Schuler Engineering, Inc., in the amount of \$263,505.00.
7. RESOLUTION awarding contract for cable/fault locators to Graybar Electric Company, Inc., in the amount of \$44,548.50.
8. RESOLUTION requesting ratification of Expedited Procurement Request for Change No. 2 to Contract No. 11042, MLGW Gas/Water Facilities Location Services, with Heath Consultants, Inc., in an estimated funded amount of \$283,744.66. (This renews the contract through the period ending December 31, 2007, with a 4% increase retroactive to March 15, 2007.)
9. RESOLUTION approving an amendment to Contract No. 11208, Water Production Wells, with Layne Central, a division of Layne Christensen, by increasing the award in the amount of \$27,725.00.
10. RESOLUTION awarding Contract No. 11148, Professional Engineering Services, to SSR Eller Consulting Engineers, in an estimated funded amount of \$50,000.00.
11. RESOLUTION awarding Contract No. 11229, Professional Engineering Services, to Allen & Hoshall, in an estimated funded amount of \$50,000.00.
12. RESOLUTION requesting an amendment to Purchase Order No. 121272 for URD cable with The Okonite Company, in the amount of \$3,576,853.82.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### 13. APPOINTMENTS

#### Memphis & Shelby County Center City Revenue Finance Corporation Board

##### Reappointments

Lee Askew, III  
Gene Holcomb

##### Appointments

Robert L. Mayweather, Jr.  
Lucy Shaw

#### Memphis & Shelby County Music Commission

##### Appointment

Kris Kourdouvelis

#### GENERAL ORDINANCES - THIRD AND FINAL READING (None)

#### ENGINEERING DIVISION (None)

#### EXECUTIVE DIVISION

14. RESOLUTION accepting grant funds in the amount of Four Thousand, Thirty-Five Dollars, Ninety-Six Cents (\$4,035.96) from the State of Tennessee Department of Human Services Vocational Rehabilitation Division for WIA Title One Career Center Resource Share Grant. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting grant funds in the amount of One Thousand, Four Hundred Dollars (\$1,400.00) from the State of Tennessee Department of Human Services Division for WIA Title One Career Center Resource Share Grant. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

#### FINANCE & ADMINISTRATION (None)

#### DIVISION OF FIRE SERVICES (None)

**DIVISION OF GENERAL SERVICES**

- 16. RESOLUTION accepting an offer from Robert D. Pelts and wife, Eleanor M. Pelts, to purchase City of Memphis and County of Shelby unimproved land, containing approximately 0.807 acres, located on the north side of Levee Road west of I-240/240 in Memphis, Shelby County, Tennessee.(Held from 6/5; 6/19)

McCormick

Resolution accepts an offer from Robert D. Pelts and wife, Eleanor M. Pelts to purchase property located on the north side of Levee Road, west of I-40/240 in City of Memphis, County of Shelby and State of Tennessee. The Public Works Division has determined that the subject property is surplus. The consideration is Purchasers granting the City and County rights of encroachment and ingress/egress, which legitimatizes the continued use of Purchasers' property as an Environmental Maintenance Facility for the staging of bulk materials and the continued regular access across Purchasers' property to a sanitary sewer collector and siphon line at the Wolf River.

Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading will be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale. The offer is subject to both City and County approval.

Director of General Services and Public Works recommend approval

ACTION REQUESTED: Adopt the resolution

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

**DIVISION OF HUMAN RESOURCES**

- 17. RESOLUTION to recognize certain positions as appointed and exempt from civil service and to clarify the status of these employees.

Lowery

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION** (None)

**DIVISION OF PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES**

- 18. JOINT RESOLUTION of the Board of County Commissioners and Memphis City Council establishing a Joint Committee to study the benefits of consolidation of the Memphis Police Department and Shelby County Sheriff's Department.

Sammons

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

- 19. RESOLUTION appropriating \$1,080,000.00 funded by G.O. Bonds (Storm Water) in Drainage Ditch Rehab FY 07, Project Number ST03091 for a construction contract with Ferrell Paving, Inc.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION appropriating \$540,000.00 funded by G.O. Bonds (Storm Water) in Drainage Ditch Rehab FY07, Project Number ST03092 for a construction contract with Ferrell Paving, Inc.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE - THIRD AND FINAL READING** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

21. RESOLUTION approving a special use permit located on the south side of Jefferson Avenue, 58 feet west of North Third Street, containing 10,200 square feet in the Central Business (CBD) District.

Lowery

Case No. SUP 07-205

Applicant: Vibrant Hotels, Inc.

Request: Special Use Permit for a hotel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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

22. RESOLUTION approving a special use permit located on the southwest side of Channel Avenue (2957 Channel Avenue); at the southern terminus of Jetty Street, containing 22 acres in the Heavy Industrial (I-H) District.

Lowery

Case No. SUP 07-206

Applicant: Energy Solutions, LLC  
Homer B. Branan, III – Representative

Request: Scrap Metal/Radiological Material Processing

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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

**PUBLIC HEARING**

23. RESOLUTION approving a one year time extension located on Riverbrook Drive & Pinebrook Drive @ Millbranch Road, containing 166,198 square feet/3.8 acres and 68'/148' x approximately 3,380' (0.64 mile) -Width x Length of R.O.W., in the Street right-of-way ~ Highway Commercial (C-H) District.

Lowery

Case No. SAC 03-611  
(Previously SAC 07-601)

Applicant: Southland Development Partners of Memphis  
W. H. Porter Consultants PLLC - Representative

Request: Close & Vacate Alley Street Right~Of~Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**6 NOTICES MAILED ON JUNE 29, 2007**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

24. RESOLUTION approving an honorary street name change on Hanley Street between Spottswood Avenue and Carnes Avenue, in honor of Ruby Jackson Payne, Principal of Hanley Elementary School.

Brittenum

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION commending Shuntell Williams on her heroic actions which saved the life of her 5-year old neighbor.

Ware

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**ADJOURNMENT**

ADD-ONS

26. RESOLUTION approving Engineering Plans for BEACON RIDGE P.D. SEWER EXTENSION.  
Consent Contract No. CR-5080

Resolution approves the engineering plans located east of Hacks Cross Road, south of Holmes Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving the Supplemental Agreement #1 to FIRST ASSEMBLY OF GOD PD, AMENDED, PHASE 1.  
Consent Case No. PD 02-314  
Contract No. CR-4956AM

Resolution approves the Supplemental Agreement #1 located on the southeast corner of Rockcreek Parkway and Germantown Parkway. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION approving final plat of MCKINLEY PARK SUBDIVISION.  
Consent Case No. S 06-065  
Contract No. CR-5081

Resolution approves the final plat located at the northwest and southwest corners of McKinley Avenue and Polk Avenue. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION accepting grant funds in the of \$100,000.00 from the Shelby County Office of Preparedness to conduct a Terrorism Early Warning Classified Exercise designed to provide enhanced security. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds in the amount of \$100,000.00.  
Sammons

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION authorizing the execution and delivery of not to exceed \$40,000,000.00 gas system revenue anticipation notes of the City of Memphis for the benefit of the Memphis Light, Gas and Water Division to provide funds, in anticipation of the collection of revenues from the City's Gas System, to purchase natural gas, including storage costs and pipeline capacity costs as permitted by § 7-34-111(d) of Tennessee Code Annotated; fixing the terms of said notes; authorizing and approving the execution and delivery of the notes and other documents to effectuate the financing; authorizing the sale of the notes to the purchasers; designating the paying agent and registration agent and authorizing certain other acts in connection with the execution and delivery of said notes.

ADD-ONS

Chumney

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION requiring full disclosure and audit of Memphis Light, Gas and Water's interest in Memphis Networx.

Chumney

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving temporary structures on the street for God Holy Word Temple Church, July 21-29, 2007.

Lowery

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION amending the FY 08 O&M Budget, by releasing the contingent \$500,000.00 for the Summer Youth Employment Program with no age restriction.

Ware

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 3 - Approved
- 4 A. Public Hearing Set for July 24, 2007
- 4 B. Public Hearing Set for October 2, 2007
5. Through 15 - Approved
16. Dropped
17. Held until July 24, 2007
18. Through 22 - Approved
23. Held until July 24, 2007
24. Through 33 - Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 19, 2007**

Approved, as amended. Item #30, SAC 07-603 was amended.

**ACTION TAKEN ON THE MNUTES OF ITEMS #30, #31 & #33 FROM TONIGHT'S MEETING**

Approved