



CITY OF MEMPHIS

COUNCIL AGENDA

July 25, 2006

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 (July 11, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as it relates to Establishing an Audit Committee to request, receive, review, analyze and evaluate investigations, examinations, reports and/or audits, and as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held on November 7, 2006, up for F I R S T reading.

Brittenum

Ordinance No. 5180

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

2. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as it relates to Term Limits and as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held November 7, 2006, up for S E C O N D reading.

Sammons

Ordinance No. 5174

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

3. **ORDINANCE** rezoning the south side of E. Raines Road; +/-404 feet west of Elvis Presley Boulevard, containing 0.48 acre in the Single Family Residential (R-S10) District, up for F I R S T reading.

Peete

Ordinance No. 5178

Case No. Z 06-112

Applicant: Lizzie B. Milan

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL, of Local Commercial (C-L) District

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** rezoning the southeast corner of McKellar Avenue and Hernando Road, containing 0.17 acre in the Heavy Industrial (I-H) District, up for F I R S T reading.

Pecte

Ordinance No. 5179
Case No. Z 06-113

Applicant: CEBU Investments, LLC

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL, of a Single Family Residential (R-S6) District

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD (None)



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MLGW FISCAL CONSENT

5. RESOLUTION awarding Contract No. 11107, Electronic Bill Presentment and Payment Services, to KUBRA, in an estimated funded amount of \$200,000.00.
6. RESOLUTION awarding contract for aerial towers as follows:

Altec Industries, Inc.....	\$1,122,781.00
Terex Utilities.....	<u>171,861.15</u>
Total.....	\$1,294,642.15
7. RESOLUTION awarding contract for gas cooler heat exchangers to API Basco in the amount of \$35,500.50.
8. RESOLUTION awarding contract for turbine and rotary meters to Tri-State Meter and Regulator Service, Inc. in the amount of \$82,034.10.
9. RESOLUTION awarding contract for server hardware and software to Carotek, Inc. in the amount of \$237,648.97.
10. RESOLUTION awarding contract for coiled pipe trailer to Consolidated Pipe and Supply in the amount of \$36,655.00.
11. RESOLUTION awarding contract for network transformers and protectors as follows:

Carte International.....	\$ 751,785.00
Richards Manufacturing.....	<u>402,885.00</u>
Total.....	\$1,154,670.00
12. RESOLUTION awarding contract for hydraulic mini-digger derrick to Terex Utilities South in the amount of \$94,490.00.
13. RESOLUTION awarding contract for utility bodies as follows:

Utility Equipment Service, Inc.....	\$ 76,379.00
Altec Industries, Inc.....	<u>22,413.00</u>
Total.....	\$ 98,792.00
14. RESOLUTION awarding contract for truck mounted hydraulic digger derricks to Altec Industries, Inc. in the amount of \$311,830.00.
15. RESOLUTION approving amendment to Purchase Order No. 123504 for cab and chassis with Mid-America International Trucks, Inc. in the amount of \$56,709.00.
16. RESOLUTION awarding contract for corporate global server to Fujitsu Computer Systems Corporation in the amount of \$155,073.00.
17. RESOLUTION awarding contract for infrared camera system to FLIR Systems, Inc. in the amount of \$39,950.00.

18. RESOLUTION approving Change No. 7 to Contract No. 10840, Temporary Personnel Services, with Kelly Services, Inc. in the amount of \$2,100,000.00, for the period 9/5/06 to 6/4/07. (This change was approved by the MLGW Board at meeting held 4/20/06 in the amount of \$2,800,000.00, renewing the contract for the fourth term of four renewal terms, 6/5/06 to 6/4/07. On 5/16/06, the Council of the City of Memphis revised the resolution and extended the contract for a period of 90 days, 6/5/06 to 9/4/06, in the prorated amount of \$700,000.00).



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

GENERAL ORDINANCES - THIRD AND FINAL READING (None)

EXECUTIVE DIVISION

19. RESOLUTION appropriating \$3,800,000.00 in G.O. Bonds General in CIP Project Number IS01025, Oracle Phase III. This project will provide funds to complete Oracle Phase I and II and address the inefficiencies that still exist in the City's business processes.

Brittenum

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION accepting grant funds in the amount of \$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 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION accepting grant funds in the amount of \$4,035.96 from the State of Tennessee Department of Human Services Division of Rehabilitation Services for WIA Title One Career Center Resource Share Grant. Resolution also amends the FY 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

22. RESOLUTION accepting grant funds in the amount of \$627,915.00 from the Department of Homeland Security Federal Emergency Management Agency for the Urban Search and Rescue Program to provide administration, medical screening, training, equipment and warehousing services. Resolution also amends FY2007 Operating Budget to establish and appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

- 23. RESOLUTION accepting grant funds in the amount of \$50,112.00 from the State of Tennessee Department of Transportation and \$2,928.00 from the Downtown Neighborhood Association to purchase and install bicycle racks in the downtown area. Resolution also amends the FY 2007 Operating Budget to establish and appropriate funds.

Ford

ACTION REQUESTED: Adopt the resolution

- 24. RESOLUTION approving sale of 0.585 acre to Second Presbyterian Church located on the north side of Central Avenue, approximately 1155.75 feet west of the west line of Goodlett Street for the sum of \$819,000.00. (\$145,000.00 for the 0.585 acre of property and \$674,000.00 for the cost to relocate the existing well).

Ford

ACTION REQUESTED: Adopt the resolution

- 25. RESOLUTION accepting an offer to purchase City owned property in the amount of \$200,000.00, located on the east side of Barton and north of Raines Road. The property has no further city use and has been deemed surplus. The property is 140' x 165' (approximate .53 acre) with improvements. Formally the old Whitehaven Library.

1st Reading
Ford

Resolution accepts an offer from Charles McBride to purchase City owned property located on the east side of Barton and north of Raines Road. Per ordinance, the sale of the subject property is subject to the offer laying over for a subsequent council meeting for a second and final reading. At the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Offer to Purchase Agreement.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 26. RESOLUTION approving the formation of a Community Development Entity under the New Markets Tax Credit Program.

Holt

ACTION REQUESTED: Adopt the resolution

- 27. RESOLUTION accepting the transfer of tax delinquent Parcel 0320280000150 from Shelby County, Tennessee for further transfer to the Memphis Housing Authority for the University Place Redevelopment Project.

Holt

ACTION REQUESTED: Adopt the resolution

- 28. RESOLUTION accepting the transfer of tax delinquent Parcels 0010810000150 and 02700700000280 from Shelby County, Tennessee for further transfer to the Memphis Housing Authority for the Uptown Redevelopment Project.

Holt

ACTION REQUESTED: Adopt the resolution

- 29. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring an allocation of \$500,000.00 funded by G.O. Bonds-General from contract construction within HCD-Middle Income Developer's Assistance Program, Project Number CD01025 to contract construction within James Road Development, Project Number CD01064. Resolution also appropriates \$500,000.00 funded by G.O. Bonds-General within James Road Development, Project Number CD01064 for infrastructure construction costs.

Holt

ACTION REQUESTED: Adopt the resolution

- 30. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring and allocation of \$240,000.00 funded by G.O. Bonds-General from contract construction within HCD-Middle Income Developer’s Assistance Program, Project Number CD01025 to contract construction within Claybrook Larkin, Project Number CD01065. Resolution will also appropriate \$240,000.00 funded by G.O. Bonds-General within Claybrook Larkin, Project Number CD01065 for infrastructure construction costs.

Holt

ACTION REQUESTED: Adopt the resolution

- 31. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring an allocation of \$975,000.00 funded by G.O. Bonds-General from contract construction within MHA-Lamar Terrace/University Place, Project Number CD01015 to contract construction within HCD-Crump Stadium, Project Number CD01066. Resolution will appropriate \$975,000.00 funded by G.O. Bonds General within HCD-Crump Stadium, Project Number CD01066 for infrastructure construction costs.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION

- 32. RESOLUTION accepting grant funds in the amount of \$25,000.00 from the National Conference of Black Mayors for the Metropolitan Urban Demonstration Project to promote seatbelt usage among African-American drivers. Resolution also amends the FY 2007 Operating Budget to establish and appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

- 33. RESOLUTION accepting grant funds in the amount of \$547,602.00 from the State of Tennessee Department of Finance and Administration for the Victims of Crime Act (VOCA) Grant to provide personnel services for the Memphis Sexual Assault Resource Center for a three-year period beginning July 1, 2006 and ending June 30, 2009. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Brown

ACTION REQUESTED: Adopt the resolution

- 34. RESOLUTION accepting grant funds in the amount of \$63,300.00 from the State of Tennessee Department of Finance and Administration for the STOP Violence Against Women (STOP) Grant to provide personnel services for the Memphis Sexual Assault Resource Center for a three-year period beginning July 1, 2006 and ending June 30, 2009. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Brown

ACTION REQUESTED: Adopt the resolution

- 35. RESOLUTION authorizing the execution of a lease agreement with WesPac Pipelines – Memphis, LLC for certain lands on Presidents Island, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on January 19, 2006.

Brittenuum

Contract No. CR-5019

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE - THIRD AND FINAL READING

36. **ORDINANCE** rezoning the southwest corner of Wolf River and Interstate 240, containing 19.697 acres in the Agricultural (AG) & Agricultural Flood Plain (AG{FP}) Districts, up for T H I R D and F I N A L reading.

Peete Ordinance No. 5173
Case No. Z 05-104

Applicant: Robert D. Pelts
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Light Industrial (I-L) & Light Industrial Flood Plain (I-L{FP})
Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

53 NOTICES MAILED ON JULY 14, 2006

DIVISION OF PLANNING & DEVELOPMENT

37. RESOLUTION approving a special use permit located on the north side of State Line Road; ±2,170 feet west of Hacks Cross Road, containing 11.4 acres in the Agricultural (AG) District.

Peete Case No. SUP 06-205cc

Applicant: Metro Wholesale Florist, Inc.
Tim McCaskill – Representative

Request: Greenhouse/nursery

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

38. RESOLUTION approving a hotel waiver for Graceland Inn at 3280 Elvis Presley, Memphis, TN 38116.

Peete

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving a hotel waiver for Scottish Inn and Suites at Lamar and Dunn.

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

40. RESOLUTION approving a planned development located on the west side of White Station Road; +925 feet north of Poplar Avenue, containing 2.44 acres currently governed by P.D. 93-315 – White Station Planned Development-Amended.

Peete Case No. PD 06-319

Applicant: David Wolfe
ETI Corp. – Faith Weber – Representative

Request: Amend the P.D. to permit a bank with drive-thru service

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

100 NOTICES MAILED ON JULY 14, 2006

41. RESOLUTION approving a planned development located on the east side of Raleigh-Millington Road; +/-367.96 feet south of New Allen Road, containing 9.90 acres in the Agricultural (AG) District and Multiple Dwelling Residential (R-ML) Districts.

Peete

Case No. PD 06-322

Applicant: United Mobile Homes
Farris-Matthews-Brannan, PLC (Homer Branan) – Representative

Request: Planned Development to allow an expansion of a mobile home park with Thirty-Five (35) manufactured homes within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON JULY 14, 2006

42. RESOLUTION approving a planned development located on the west side of Mendenhall Road, +/-90 feet north of the western terminus of Barry Road, containing 0.614 acre in the Single Family Residential (R-S10) District.

Peete

Case No. PD 06-323

Applicant: Mars Development, LLC (Angelo Lagonia/Ron Sklar)
Bray-Davis Firm (David Bray) – Representative

Request: A Planned Development consisting of two residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

55 NOTICES MAILED ON JULY 14, 2006

43. RESOLUTION approving a planned development located on the southeast corner of Winchester Road and Malco Way, containing 0.993 acre in the Agricultural (AG) District.

Peete

Case No. PD 06-324

Applicant: Arby's Development Corporation
Solomito Land Planning – Brenda Solomito – Representative

Request: Planned Development to allow a restaurant building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES MAILED ON JULY 14, 2006

44. RESOLUTION approving a street/alley closure located between Madison Avenue and Jefferson Avenue, containing 27,506 square feet and 18' X 770' – Width X Length of R.O.W., in the Street right-of-way ~ Hospital (H) District.

Peete

Case No. SAC 06-608

Applicant: City of Memphis

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

11 NOTICES MAILED ON JULY 14, 2006

45. RESOLUTION approving an appeal located on the west side of Center Drive; ±325 feet south of Cross Drive, containing 1.465 acres in the Single Family Residential (R-S10) District.

Peete

Case No. S 06-011

Appellant: William Chandler

Request: Appeal to overturn action of the Land Use Control Board which rejected a two (2) lot preliminary plat subdivision located at 591 Center Drive

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON JULY 14, 2006

46. RESOLUTION approving an appeal located on the southeast corner of Mendenhall Road and Minden Avenue, containing 1.465 acres in the Single Family Residential (R-S10) District.

Peete

Case No. S 06-024

Appellant: Eugene L. Paula H. Amagliani, Jr.

Request: Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision located at 232 Mendenhall Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES MAILED ON JULY 14, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS

47. RESOLUTION approving an honorary street name change on Union Avenue, between Main and Second Street, in honor of WDIA's late (Jaye Michael Davis) Preston Moore.

Peete, Brown & Brittenum

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION posthumously honoring Victor Hooker.

Peete

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION honoring the Raleigh Community Council.

Jones

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

50. RESOLUTION approving final plat of GALLERIA OF MEMPHIS PD, AMENDED, PHASE 10.

Consent

Case No. PD 04-312
Contract No. CR-5020

Resolution approves the final plat located on Germantown Road south of Interstate 40. 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

51. RESOLUTION approving final plat of KIRBY GATE SOUTH PD, AMENDMENT, PHASE 1.

Consent

Case No. PD 05-355

Resolution approves the final plat located on the northside of Nonconnah Blvd., south of Quince Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION approving final plat of THE IVY AT SOUTH END SUBDIVISION, 1ST ADDITION.

Consent

Case No. S 06-018

Resolution approves the final plat located on South Front Street, on the northside of Georgia Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION approving engineering plans of STONEBRIAR P.D., PHASE 6, SEWER EXTENSION.

Consent

Contract No. CR-5021

Resolution approves the engineering plans located on Stateline Road, west of Hacks Cross 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

54. RESOLUTION approving final plat of STONEBRIAR P.D., AREA 10, PHASE 6.

Consent

Case No. PD 03-335cc
Contract No. CR-5022

Resolution approves the final plat located on Stateline Road, west of Hacks Cross 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. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 17 – Approved
18. Held until August 1, 2006
19. Through 38 – Approved
39. Held until August 1, 2006
40. & 41 – Approved, as amended
42. Through 44 – Approved
45. Held until September 5, 2006
46. Through 54 – Approved

ACTION TAKEN ON THE MINUTES OF JULY 11, 2006 MEETING

Approved, as amended