



CITY OF MEMPHIS

COUNCIL AGENDA

August 16, 2005

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 (August 2, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** amending Ordinance No. 5014, to extend the sunset clause to November 1, 2007, up for F I R S T reading.

Marshall

Ordinance No. 5128

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCE - FIRST READING

2. **ORDINANCE** rezoning the west side of Hernando Road; +10 feet south of Ferguson Road, containing 3.77 acres in the Multiple Family Residential (R-MM) District, up for F I R S T reading.

Peete

Ordinance No. 5127

Case No. Z 05-115

Applicant: Outdoor Management, LLC
Fisher & Arnold, Inc. – Representative

Request: Light Industrial (I-L) District

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

3. **ORDINANCE** rezoning the east side of Cox Street; +47.5 feet north of Young Avenue, containing 0.13 acre in the Local Commercial (C-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5126

Case No. Z 05-116

Applicant: Northside Properties
Stephen Steinbach – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (none)

NOTATIONS FROM OPD

4. **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 03-363cc – MISTY MEADOWS PLANNED DEVELOPMENT

Located on the southeast corner of Hacks Cross Road and Mist Meadows Lane extending southward to Nonconnah Creek and Northeast corner of Hacks Cross Road and Nonconnah Parking, extending eastward some 2,000 feet, containing 39.0 acres in the Townhouse Residential (R-TH) and Agricultural Flood Plain (AG{FP}) Districts

Applicant: B. J. Gurley
Homer Branam/Ralph Smith – Representative

Request: Area A: Retail Commercial Uses with exceptions; Area B: Commercial Uses with exception

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 05-314

Located on the Northwest corner of L & N Railroad and Interstate 240, containing 84.89 acres in the Multiple Family (R-MM) & Multiple Family Flood Plain (R-MM{FP}) District

Applicant: William H. Thomas, Jr.
ETI Corporation – Representative

Request: A planned development to permit Light (I-L) Industrial uses within the plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

C. Case No. PD 05-339 – FOWLER HOMES PLANNED DEVELOPMENT

Located on the south side of Crump Boulevard; between Latham Street and Fourth Street, containing 8.13 acres in the Multiple Residential (R-MM) & South Downtown (RSD) District

Applicant: Memphis Housing Authority
Michael Swindle - Representative

Request: Twenty-five (25) Single Family Lots; Sixteen (16) apartment units in four buildings (4/unit) and Eighty (80) apartment units for Senior Citizens in one building

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 05-333cc- GRAY'S CREEK CROSSING PLANNED DEVELOPMENT

Located on the northeast corner of Houston Levee Road and Gray's Creek Drainage Canal, containing 31.82 acres in the Agricultural Flood Plain (AG{FP}) and Floodway (FW) Districts & formerly governed by Cordova Gardens Planned Development (P.D. 99-317cc)

Applicant: Houston Levee, LLC
Harkavy-Shainberg, PLC – Representative

Request: Planned development to allow Planned Commercial(C-P) District
uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 6, 2005



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MLGW FISCAL CONSENT

5. RESOLUTION awarding Contract No. 11032, Pipeline Integrity Management ECDA Inspections, to GE Energy in an estimated funded amount of \$1,430,127.84.
6. RESOLUTION awarding Contract No. 11046, Emergency Generator and Tank for Morton Station, to Tri-State Armature and Electrical Works, Inc. in the funded amount of \$1,637,750.00.
7. RESOLUTION awarding Contract No. 11055, Filter Building Improvements at Morton Station, to Chris-Hill Construction Company, LLC in the funded amount of \$306,940.00.
8. RESOLUTION awarding Contract No. 11057, Indus Maintenance Services Agreement, to Indus International, Inc. in the funded amount of \$36,525.00.
9. RESOLUTION awarding Contract No. 11059, Choctaw Roofing Project, to Osment Roofing Systems, Inc. in the funded amount of \$69,885.00.
10. RESOLUTION awarding Contract No. 11060, Emergency Generator Installation, to Tri-State Armature and Electrical Works, Inc. in the funded amount of \$112,740.00.
11. RESOLUTION approving Change No. 1 to Contract No. 10992, Dial Tone Services, with BellSouth Telecommunications, Inc. in the funded amount of \$80,748.00. (This provides six T1 circuits between the Arlington LNG Plant and the Capleville LNG Plant.)
12. RESOLUTION awarding contract for remote terminal units to Telvent in the amount of \$167,210.00.
13. RESOLUTION approving Expedited Procurement Request to extend contracts for rental of copiers to:

Pitney Bowes Office Systems/Imagistics.....	\$26,364.00
Minolta Corporation.....	<u>31,236.00</u>
Total.....	\$57,600.00
14. APPROVAL of Salary S-75542, Senior Communication Strategist & Advisor, Janas Jackson, annual salary \$98,508.80. (See attached resume.)
15. APPROVAL of Salary S-76804, Vice President and General Counsel, Odell Horton, Jr., annual salary \$159,515.20. (See attached resume.)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

16. RESOLUTION honoring Kenon Isabel.
Jones

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES - THIRD AND FINAL READING

17. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Plumbing Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #248 on August 27, 2001 and by the County of the City of Memphis on September 4, 2001 in Ordinance # 4890, so as to make certain changes as hereinafter set out and providing an effective date, up for T H I R D and F I N A L reading.
Marshall Ordinance No. 5120

ACTION REQUESTED: Take whatever action Council deems advisable

18. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Mechanical Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #247 on August 27, 2001 and by the Council of the City of Memphis in Ordinance #4891 on September 4, 2001 so as to make certain changes as hereinafter set out and establish an effective date therefore, up for T H I R D and F I N A L reading.
Marshall Ordinance No. 5121

ACTION REQUESTED: Take whatever action Council deems advisable

19. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Building Code** of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 244 on August 27, 2001 and the Council of the City of Memphis in Ordinance No. 4549 on September 4, 2001, so as to make certain changes as hereinafter set out and establish an effective date therefore, up for T H I R D and F I N A L reading.
Marshall Ordinance No. 5122

ACTION REQUESTED: Take whatever action Council deems advisable

20. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Electric Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #245 on August 27, 2001 and the Council of the City of Memphis in Ordinance #4892 on September 4, 2001, so as to make certain changes as hereinafter set out and providing an effective date therefore, up for T H I R D and F I N A L reading.
Marshall Ordinance No. 5123

ACTION REQUESTED: Take whatever action Council deems advisable

21. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners adopting the 2005 **Joint Existing Building Code** and providing for an effective date, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5124

ACTION REQUESTED: Take whatever action Council deems advisable

22. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Fuel Gas Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #246 on August 27, 2001 and by the Council of the City of Memphis in Ordinance #4889 on September 4, 2001, so as to make certain changes as hereinafter set out and to establish the effective date therefore, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5125

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES

23. RESOLUTION transferring an allocation and appropriation of \$88,800.00 funded by G.O. Bonds General from Information Technology to Furniture Fixtures and Equipment in Southeast Precinct, CIP Project Number PD02001 and chargeable to the Fiscal Year 2006 Capital Improvement Budget.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

24. RESOLUTION appropriating \$474,415.00 in G.O. Bonds for project number PW04007, ADA Wheelchair Ramps for a construction contract with Precise Concrete works, LLC.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION appropriating \$3,446,242.00 in G.O. Bonds for Asphalt Paving project number PW01040 for paving of City streets.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

26. **ORDINANCE** rezoning the northeast side of I-40, extending southeastward from the westbound ramp to Exit 8, containing 15.95 acres in the Agricultural Flood Plain (AG[FP] and Floodway (FW) Districts, up for T H I R D and F I N A L reading. **(Reconsidered from 07/19 minutes on 08/02)**

Peete

Ordinance No. 5115
Case No. Z 05-111

Applicant: William H. Thomas, Jr.
ETI Corporation – Representative

Request: Light Industrial Flood Plain (I-L[FP] and Floodway Districts (FW)

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES RE-MAILED ON AUGUST 5, 2005

DIVISION OF PLANNING & DEVELOPMENT

27. AN AMENDED RESOLUTION approved by City Council July 5, 2005, reflecting modifications made by the Shelby County Board of Commission on July 25, 2005, approving a planned development.

Peete

Case No. PD 05-311cc

Applicant: Robert Folgeman
Ronald Harkavy – Representative

Request: A planned development to create 125 single family lots with a minimum lot size of 3,515 square feet within the plan

LUCB & OPD recommendation: Take whatever action Council deems advisable

166 NOTICES MAILED ON AUGUST 5, 2005; No Public Hearing Required

PUBLIC HEARINGS

28. RESOLUTION approving a street/alley closure located on the east side of Lauderdale Street; +152 feet north of Linden Avenue, containing 1,522 square feet in the Multiple Dwelling Residential (R-MM) and Light Industrial (I-L) Districts.(Held from 8/2)

Peete

Case No. SAC 05-608

Applicant: YMCA of Memphis and the Mid South
Fisher & Arnold, Inc. – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

39 NOTICES MAILED ON JULY 22, 2005

29. RESOLUTION approving a street/alley closure located +/-287 feet north of McFarland Road, containing 20,334 square feet – Area of R.O.W. and 813’ x 25’ –Length X Width of R.O.W., in the Single Family Residential (R-S8) District.

Peete

Case No. SAC 05-609

Applicant: Carlson W. Orange

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

14 NOTICES MAILED ON AUGUST 5, 2005

GENERAL ITEM

30. RESOLUTION approving a hotel sup waiver at the Holiday Inn, located at 2490 Mt. Moriah, Memphis, Tennessee, 38115.

Peete

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION approving a hotel sup waiver at the Rodeway Inn, located at 3222 Airways, Memphis, Tennessee, 38116.

Peete

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

- 32. RESOLUTION approving an honorary street name change in honor of the late Reverend Alexander McEwen Williams.

Holt

ACTION REQUESTED: Adopt the resolution

- 33. PRESENTATION of certificates to students receiving the Master of Science Degree in Leadership & Policy Studies(School Administration & Supervision) at The University of Memphis.

Holt

ACTION REQUESTED: Adopt the resolution

- 34. RESOLUTION approving final plat of FERRELL PLANNED DEVELOPMENT, PHASE 1.
Case No. PD 04-328

Consent

Resolution approves the final plat located on the east side of Summer Avenue, on the north side of Raleigh-LaGrange Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 35. RESOLUTION approving final plat of GIAROLI COMMERCIAL SUBDIVISION, SECOND ADDITION.

Consent

Case No. S 05-005

Resolution approves the final plat located on the east side of Sycamore View Road, opposite Pleasant View Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 36. RESOLUTION accepting SOUTHERN HEIGHTS SUBDIVISION, PHASE 4, and authorizing release of bond.

Consent

Case No. S 99-068
(Contract No. CR-4903)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Windsor Road, 1,917 feet east of Horn Lake Road. The standard improvement contract was approved on November 9, 2004. Resolution also authorizes the release of letter of credit in the amount of \$104,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 37. RESOLUTION accepting SOUTHERN HEIGHTS SUBDIVISION, PHASE 6, and authorizing release of bond.

Consent

Case No. S 99-068
(Contract No. CR-4904)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located 2463' west of the intersection

ADD-ONS

of Horn Lake Rd. and Windsor Rd. The standard improvement contract was approved on November 9, 2004. Resolution also authorizes the release of letter of credit in the amount of \$96,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving final plat of WILKINSON PLACE SUBDIVISION.
Consent Case No. S 05-030

Resolution approves the final plat located at the terminus of Wilkinson Place. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving ASSIGNMENT, ASSUMPTION AND GUARANTEE OF CONTRACT PERFORMANCE for CARLYLE PLACE II, P.D. and accompanying bond and releasing old.
Consent Contract No. CR-4920AM

Resolution approves the Assignment, Assumption and Guarantee of Contract Performance, located outside the City of Memphis. Resolution also authorizes the proper officials to execute the attached Assignment, Assumption and Guarantee of Contract Performance with accompanying bond and authorizes release of initial performance bond in the amount of \$15,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION approving engineering plans for HOUSTON LEVEE TRAILS PD, AREA 'A', PUBLIC IMPROVEMENTS.
Consent Contract No. CR-4965

Resolution approves the engineering plans, located on the west side of Houston Levee Road, south of U.S. Highway 64. 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

41. RESOLUTION approving final plat of HOUSTON LEVEE TRAILS P.D., FOURTH AMENDMENT, PHASE 7.
Consent Case No. PD 04-383
Contract No. CR-4966

Resolution approves the final plat located on the south side of Highway 64, 263.47 feet west of Houston Levee 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.

City Engineer recommends approval

ADD-ONS

ACTION REQUESTED: Adopt the resolution

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

- E. Case No. PD 05-313cc – HACKS/BILL MORRIS PARKWAY PLANNED DEVELOPMENT
(Companion Case PD 03-363cc)

Located on the southeast corner of Hacks Cross Road and Bill Morris Parkway, containing 8.9 acres in the Parcel L of the Buckingham Farms P.D. +/-4 acres (P.D. 95-310cc) and the Nonconnah Crossing Planned Development P.D. 02-335cc – 5.5 acres

Applicant: Auto Nation
Homer Branan – Representative

Request: Automobile Dealership

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 6, 2005

- 42. **ORDINANCE** amending Franchise Ordinance #4159, with Time Warner Entertainment Co., to reflect ownership change to CABLE Holdco II, Inc., upon the same terms and conditions as previously held by past entities, up for F I R S T reading.

Jones

Ordinance No. 5129

Original franchise adopted with CATV, Inc., adopted April 21, 1992, to run for 10 years, and previously mended by name change to Time Warner Communications on May 21, 2000. Time Warner was granted an extension of time to May 3, 2008. The above ordinance further amends ownership from Time Warner Communications to CABLE HOLDCO, II, Inc. for remaining term.

ACTION REQUESTED: Adopt the ordinance on First reading

- 43. **RESOLUTION** approving the request made by the Memphis Center City Revenue Finance Corporation for the extension of the date for reverter of the Rhodes Jennings and Court Park Buildings to be extended to December 31, 2005.

Holt

ACTION REQUESTED: Adopt the resolution

- 44. **RESOLUTION** approving temporary structures on the streets on September 2, 2005 at 6:00 a.m., until September 4, 2005 12:00 p.m., for the WLOK Stone Soul Picnic.

Consent

ACTION REQUESTED: Adopt the resolution

- 45. **RESOLUTION** approving temporary structures on the streets on September 2 – 3, 2005, from 11:00 a.m., until 11:00 p.m., for the “Memphis Music & Heritage Festival.

Consent

ACTION REQUESTED: Adopt the resolution

ADD-ONS

46. RESOLUTION appropriating an allocation of \$950,000.00 funded by G.O. Bonds General, in CIP Project #PS02003 Convention Center for litigation fees related to this project.
Marshall

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. Public Hearing set for September 6, 2005
5. Through 26 – Approved
27. and 28 – Approved, as amended
29. Failed
30. Through 37 – Approved
38. Held to September 6, 2005
39. Through 46 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 2, 2005

Approved