



CITY OF MEMPHIS

COUNCIL AGENDA

October 12, 2010

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 (September 28, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change for Mr. E.C. Jones.
Morrison

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a special use permit located on the west side of Billy Maher and north of Maher Trail, containing 5.2 acres in the Agricultural (AG) District.
Ford Case No. SUP 10-218cc

Applicant: SBA Network Services, LLC (John Rosenhack)
Shawn Massey – Representative

Request: Cell Tower (150 Feet Tall – Flush Mounted Antennae)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

48 NOTICES MAILED ON OCTOBER 1, 2010

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION approving a hotel waiver for Sun Inn located at 1543 Elvis Presley Boulevard. **(This item was approved on 4/13/10 for 6 months and had to come back before Council on 10/12/10).**

Ford

Case No. HMW 10-01

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING

4. **ORDINANCE** rezoning the southwest corner of North Dunlap Street and Mosby Avenue, containing 2.49 acres in the Multiple Dwelling Residential (R-MM) and Local Commercial (C-L) Districts and Overlay Districts: Winchester Park [WP] and Medical Overlay [MO] Districts, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-110

Ordinance No. 5385

Applicant: Methodist Healthcare-Memphis Hospitals
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Change to the Hospital (H) and Overlay Zones: Winchester Park [WP] and Medical Center [MO]

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

87 NOTICES MAILED ON OCTOBER 1, 2010



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

5. **ORDINANCE** rezoning the west side of Raleigh LaGrange Road; 130' south of Goodlett Farms Parkway, containing 0.41 acre in the Single Family Residential (R-S6) District, up for F I R S T reading.

Ford

Case No. Z 10-113cc
Ordinance No. 5386

Applicant: Angella B. Battle
James Kincaide – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

6. **RESOLUTION** approving final plat of POPLAR MANOR S/D, RESUB. OF LOT 16.
Case No. S 10-016

Resolution approving the final plat located at the south of Rex and west of the I-240 frontage road.

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. PD 10-311cc – THE OFFICES OF SOUTHWIND PLANNED DEVELOPMENT, 2ND AMENDMENT

Located on the east side of Southwind Park Cove; +/- 182.82 feet north of Winchester Road, containing 0.99 acre (43,124 sq. ft.) and is currently governed by Offices of Southwind Planned Development (P.D. 08-310cc)

Owner/Applicants: Trustmark National Bank
Prime Development Group – Representative

Request: Planned development amendment to allow a veterinary clinic

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: October 26, 2010



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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 2011. (Held from 6/8; 6/22; 9/14; 9/28)

Fullilove

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING

9. ORDINANCE regulating the Encroachment of Cable and Video Services in the City's Rights-of-Way, up for T H I R D and F I N A L reading. (Held from 7/6; 8/10; 9/14)

Hedgepeth

Ordinance No. 5365

ACTION REQUESTED: Take whatever action Council deems advisable

10. 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.

Fullilove

Ordinance No. 5383

ACTION REQUESTED: Take whatever action Council deems advisable

11. ORDINANCE to repeal, in its entirety, previous Ordinance No. 4388, codified as City Code, Chapter 2, Division 5, Section 2-325 thru Section 2-331 and replace with the attached Ordinance inserted in lieu thereof as a result of the findings of the 2010 Disparity Study as performed by Griffin & Strong, PC, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5384

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

12. RESOLUTION authorizing the issuance of not to exceed Forty Million Dollars (\$40,000,000.00) principal amount, sale and delivery of sanitary sewerage system revenue refunding bonds, series 2010, of the City of Memphis, Tennessee for the purpose of refunding certain outstanding sanitary sewerage system revenue bonds of the City.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

13. RESOLUTION appropriating \$245,181.00 in General Obligation Bonds from the FY11 CIP Budget for the Division of Fire Services to do major modification renovations at Fire Station #26 for a total appropriation of \$245,181.00.

Lowery

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION appropriating \$397,428.00 in Fiscal Year 2011 Capital Improvement Budget for Fire Station Repair, Project Number FS02001 Contract Construction to be funded by G.O. bonds-General.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

15. RESOLUTION appropriating \$4,965,000.00 funded by GO Bonds – General from Major Modifications and Improvements, CIP Project #GS01007. This project provides funding for major modifications, renovations and improvements to City facilities, including security, roofing, electrical, plumbing, painting, construction and HVAC improvements.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION appropriating \$922,000.00 funded by GO Bonds – General from Americans with Disabilities, CIP Project #GS01010. This project provides contract construction funding for the renovation of existing City Facilities to comply with the Federal Americans with Disabilities Act.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

17. RESOLUTION authorizing the Division of Housing and Community Development to award \$588,500.00 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

DIVISION OF HUMAN RESOURCES

18. RESOLUTION amending the FY2011 Operating Budget to re-instate the prior year funding level of the Tuition Reimbursement Program by transferring an allocation and appropriation of \$902,211.00 across the Human Resources Division legal levels and operating categories. (Held from 8/24; 9/14; 9/28)

Strickland

NO RECOMMENDATION

INFORMATION SERVICES

19. RESOLUTION accepting \$224,597.14 from Shelby County for reimbursement of the NICE Recorder Project.

Conrad

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION accepting \$25,000.00 from Shelby County Commission for access to GIS technology tool developed by the City of Memphis.

Conrad

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES

21. RESOLUTION accepting grant funds in the amount of \$240,000.00 from the State of Tennessee Office of Justice Programs for the 2011 Internet Crimes Against Children (ICAC) award. Resolution also amends the FY2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

22. RESOLUTION amending the FY2011 Capital Improvement Budget by transferring an allocation and appropriating \$76,628.00 funded by G.O. Bonds- General from ADA Curb Ramp, project number PW04007 to ADA Curb Ramp Group 44, project number PW04082 for the installation of ADA ramps at various locations in the City and for a construction contract with Encor, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

23. RESOLUTION appropriating \$415,250.00 in General Obligation bonds from the FY2011 CIP Budget for the Division of Fire Services to purchase Air Mask System Units and Accessories for a total appropriation of \$415,250.00.

Lowery

ACTION REQUESTED: Adopt the resolution

24. Consideration of resolution awarding Managed Prescription Drug Program.

Fullilove

25. Consideration of resolution awarding Medical Administrative Services.

Fullilove

26. **APPOINTMENTS**

Strickland

Memphis/Shelby County Downtown Parking Authority

Appointments

Graham W. Askew
J. Richard (Rick) Wagers, Jr.

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Held to October 26, 2010
2. Approved
3. Approved, as amended
4. Through 6 – Approved
7. Public Hearing set for October 26, 2010
8. Approved, as amended
9. Dropped
10. Approved, as amended

11. Held to October 26, 2010
12. Through 17 – Approved
18. Held to October 26, 2010
19. Through 26 – Approved

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 28, 2010

Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 12, 2010 FOR ITEM #23 ONLY:

Approved