

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****February 20, 2007****3:30 P.M. SCHEDULED SESSION****4:15 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor, Madeleine Cooper Taylor and Chairman Tom Marshall

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Councilman E. C. Jones.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

MINUTES**Approval of the Minutes of the regular meeting of February 6, 2007**

MOTION: Jones
SECOND: McCormick
AYES: Brittenum, Cooper Taylor, Ford, Holt, Jones, Lowery, McCormick, Sammons, Taylor and Chairman Marshall
 Brown, Chumney and Peete did not cast a vote

APPROVED**32. RESOLUTION APPROVING THE MLGW HEALTH INSURANCE CONTRACT.**

Chairman Marshall recognized the following persons from the audience:

Susan Carter, 5329 Laurie, Mphs, TN 38120
 Dick Gardiner, 1734 Gosnold Bluff Rd., Collierville, TN 38018
 Barbara Vandemark, 690 Anderson, Mphs, TN 38104

Friendly Amendment: Require disclosure not only by United Healthcare and Health Choice, but also by MLGW and any related entities

MOTION: Sammons

Friendly Amendment: The Council, the retirees and IBW get list of local doctors in 60 days

MOTION: Chumney
SECOND: Sammons

MAIN MOTION: Chumney
SECOND: Jones

AYES: Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery, Sammons and Chairman Marshall
 NAYS: McCormick
 Brown, Peete and Taylor did not cast a vote
 Brittenum recused

APPROVED, as amended

22. **RESOLUTION COMMENDING TAYLOR KINARD FOR HER KINDNESS AND GENEROSITY.**

MOTION: Holt
 SECOND: Jones

APPROVED, by unanimous voice vote

CONSENT AGENDA – Items 1-6 , 25-27 & 31 may be acted upon by one motion. SEE PAGE 2135 FOR ROLL CALL

1. **RESOLUTION APPROVING FINAL PLAT OF COLONIAL OAKS PLANNED DEVELOPMENT.**

Case No. PD 06-346
 Contract No. CR-5053

Resolution approves the final plat located on the west side of Colonial Oaks, 410' north of Poplar Ave. 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

APPROVED

2. **RESOLUTION ACCEPTING FOUNTAIN BROOK PD, PHASE 1 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-370cc
 (Contract No. CR-4987)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Berryhill Road, opposite Berry Bush Lane. The standard improvement contract was approved on 11/15/2005. Resolution also authorizes the release of the Letters of Credit in the total amount of \$134,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

3. **RESOLUTION ACCEPTING FOUNTAIN BROOK PD, PHASE 2 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-370cc
 (Contract No. CR-5000)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast side of Berryhill Road, 652.48' southeast of Berry Bush Lane. The standard improvement contract was approved on 3/7/2006. Resolution also authorizes the release of the Letters of Credit in the total amount of \$82,100.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

4. **RESOLUTION ACCEPTING MEMPHIS INTERMODAL FACILITY PARKING IMPROVEMENTS, AND AUTHORIZING RELEASE OF BOND.**

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of US Hwy 78 at the intersection of Pleasant Hill Road. The standard improvement contract was approved on April 25, 2006. Resolution also authorizes the release of the performance bond in the amount of \$78,200.00.

City Engineer recommends approval

APPROVED

5. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SAC 06-635 – Washington Avenue Closure

Public Hearing Set for March 6, 2007

6. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON MILLER ROAD @ LAMAR AVENUE, CONTAINING 34' X 598' (20,342 SQUARE FEET) AND 34' X 598' (23,738 SQUARE FEET)-AMENDED AREA, IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SAC 06-615

Applicant: BNSF Railroad

Request: Amend the approved closure area to include an addition 3,396 square feet of street right of-way

LUCB and OPD recommendation: APPROVAL, with conditions

APPROVED

25. **RESOLUTION APPROVING FINAL PLAT OF CHRISTY MEADOWS SUBDIVISION.**

Case No. S 06-041

Contract No. CR-5054

Resolution approves the final plat located on Springer Drive, 317.6'W of the intersection Walnut Trace Drive. 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

APPROVED

26. **RESOLUTION APPROVING FINAL PLAT OF LAGRANGE COMMONS PLANNED DEVELOPMENT.**

Case No. PD 05-311cc

Contract No. CR-5055

Resolution approves the final plat located on Raleigh LaGrange south of Macon 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

APPROVED

27. **RESOLUTION APPROVING SEWER PLAN FOR RIVERTOWN SEWER IMPROVEMENT.**

Contract No. CR-5056

Resolution approves the sewer plan located on the east side of Island Drive, south of Auction. Cost of the required improvements to be shared between City and the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

31. **ORDINANCE REZONING THE NORTH SIDE OF FRAYSER BOULEVARD; +522.02 FEET WEST OF NEW ALLEN ROAD, CONTAINING 34.8 ACRES IN THE HIGHWAY COMMERCIAL (C-H) & SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5204

Case No. Z 06-132

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Sammons
 SECOND: McCormick
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery, McCormick, Sammons, Taylor and Chairman Marshall
 Brittenum recused on Item #5 only
 Brown and Peete did not cast a vote

APPROVED

23. **RESOLUTION CONGRATULATING JASMINE HOLMES FOR BEING SELECTED AS A NATIONAL SCHOLAR AND REPRESENTING TENNESSEE AT THE 2007 NATIONAL YOUNG LEADER CONFERENCE.**

MOTION: Sammons
 SECOND: Peete

APPROVED, by unanimous voice vote

MLGW FISCAL CONSENT – Items 7-13 may be acted upon by one motion

7. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 9955, THE 2006 PAYMENT TO THE MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT, FOR THE “PARTIAL FUNDING OF POLLUTION CONTROL,” IN THE FUNDED AMOUNT OF \$141,269.15.**

APPROVED

8. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10569, INTERACTIVE VOICE RESPONSE SYSTEM (IVR), WITH NORTEL NETWORKS, INC., IN THE FUNDED AMOUNT OF \$127,967.00. (THIS ALLOWS UPGRADE TO MLGW’S INTERACTIVE VOICE RESPONSE SYSTEM.)**

APPROVED

9. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10642, GROUNDS MAINTENANCE, WITH BEAN & PRINCE CONTRACTORS, INC., TO AMEND CHANGE NO. 9 DATED FEBRUARY 16, 2006 TO REFLECT THE SIXTH RENEWAL TERM ONLY, AND TO RENEW THIS CONTRACT FOR THE SEVENTH AND FINAL TERM BEGINNING MARCH 16, 2007 TO MARCH 15, 2008, IN AN ESTIMATED FUNDED AMOUNT OF \$576,321.30.**

Back to Committee on March 6, 2007

10. **RESOLUTION APPROVING RATIFICATION OF AN EXPEDITED PROCUREMENT REQUEST FOR CONTRACT NO. 10718, LONG AND SHORT TERM DISABILITY, WITH UNUMPROVIDENT CORPORATION, TO EXTEND THE CURRENT CONTRACT TERM EFFECTIVE FEBRUARY 1, 2007 TO DECEMBER 31, 2007, IN AN ESTIMATED FUNDED AMOUNT OF \$1,576,537.00.**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11020, JANITORIAL SERVICES, WITH KIMCO CORPORATION, TO AMEND CHANGE NO. 3 TO REFLECT AN EXPEDITED PROCUREMENT REQUEST TO EXTEND THE CONTRACT FOR 30 DAYS FOR THE FIRST RENEWAL TERM FROM JANUARY 21, 2006 UNTIL FEBRUARY 21, 2006, AND TO RENEW THIS CONTRACT FOR THE SECOND TERM OF FOUR RENEWAL TERMS BEGINNING FEBRUARY 22, 2007 UNTIL FEBRUARY 21, 2008, IN AN ESTIMATED FUNDED AMOUNT OF \$646,788.50.**

Back to Committee on March 6, 2007

12. **RESOLUTION AWARDED CONTRACT FOR RADIO EQUIPMENT TO MOTOROLA, C/O INTEGRATED COMMUNICATIONS, IN THE AMOUNT OF \$90,475.11.**

APPROVED

13. **RESOLUTION AMENDING PURCHASE ORDER NOS. 124564 AND 124565 WITH DANKA FOR RENTAL OF TWO DIGITAL COPIER/PRINTER SYSTEMS IN THE AMOUNT OF \$539,408.38.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEM

MOTION: Brown – Send Items 9 and 11 back to Committee
SECOND: Peete

MAIN MOTION: Chumney
SECOND: Peete
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Marshall

APPROVED, with the exception of Item 9 and 11, which will go back to Committee

14. **APPOINTMENTS**

Prevailing Wage Commission

Appointment

Harold McDonald

Reappointments

Charles H. Dennis, Jr.
Ronnie T. Green

L. C. Vance

MOTION: Taylor – Remove L.C. Vance
 SECOND: Peete
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery,
 McCormick, Peete, Sammons, Taylor and Chairman Marshall

APPROVED, with the exception of L.C. Vance whose name was removed

MOTION: Sammons – Suspend the rules for the purpose of approving the Minutes for
 Item #32 only
 SECOND: Holt

Without Objection, rules suspended

MINUTES

Approval of the Minutes of the regular meeting of February 20, 2007 for Item #32 only

MOTION: Sammons
 SECOND: Holt
 AYES: Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery, McCormick, Peete,
 Sammons, Taylor and Chairman Marshall
 Brittenum and Brown did not cast a vote

APPROVED, item #32 only, set up as Special Item #1

15. **RESOLUTION WAIVING PROPERTY TAXES ON PLOUGH TOWERS LOCATED AT 6580 POPLAR AVENUE.**

MOTION: Chumney
 SECOND: McCormick
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery,
 McCormick, Peete, Sammons, Taylor and Chairman Marshall

APPROVED

16. **RESOLUTION AMENDING THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A PREVIOUS ALLOCATION AND APPROPRIATING \$471,469.00 FUNDED BY GO BONDS – GENERAL FROM DRAINAGE, CIP PROJECT NUMBER ST03006 TO LEATH BAYOU CIP, PROJECT NUMBER ST03013, FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING, FOR DRAINAGE REPAIR.**

Director of Public Works and City Engineer recommend approval

MOTION: Sammons
 SECOND: Holt
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery, McCormick,
 Sammons, Taylor and Chairman Marshall
 Brown did not cast a vote
 Peete recused

APPROVED

17. **ORDINANCE AMENDING THE TEXT OF THE SUBDIVISION REGULATIONS, UP FOR T H I R D AND F I N A L READING.** (Held from 2/6)

Ordinance No. 5202
 Case No. STA 06-001cc

MOTION: McCormick – Send back to Committee in two weeks
 SECOND: Jones

Back to Committee in two weeks

18. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST CORNER OF LAMAR AVENUE AND GETWELL ROAD, CONTAINING 2.49 ACRES IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. SUP 06-225

Applicant: CMRG Lamar, LLC
Cindy Reaves, SR Consulting - Representative

Request: Hotel

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Lowery
SECOND: McCormick
AYES: Chumney, Holt, Jones, Lowery and Taylor
NAYS: McCormick, Sammons and Chairman Marshall
Brown, Cooper Taylor and Ford did not cast a vote
Brittenuum abstained
Peete recused

APPROVED, as amended

19. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE OF BICKFORD AVENUE; +125 FEET EAST OF N. 5TH STREET, CONTAINING 1.04 ACRES IN THE MODERATE DENSITY (MDR) RESIDENTIAL.**

Case No. UV 06-14

Applicant: Bluff City CDC
Carl Mabry – Representative

Request: A revised use variance plan to permit a 4-story apartment building (Max 47 units)

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Lowery
SECOND: Sammons
AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Holt, Jones, Lowery, McCormick, Sammons, Taylor and Chairman Marshall
Ford did not cast a vote
Peete recused

APPROVED

20. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF POPLAR AVENUE AND PERKINS ROAD, CONTAINING 4.126 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) & HIGHWAY COMMERCIAL (C-H) DISTRICTS.**

Case No. PD 06-364

Owner of Record: Eudora Baptist Church

Applicant: Newman-Tillman Properties
Homer Branan/Ronald Harkavy – Representative

Request: A planned development to create a mixed use development consisting of both commercial and institutional uses

LUCB and OPD recommendation: APPROVAL, with conditions

Friendly Amendment: Not be a flashing light. No flashing message on the sign. The sign would only be informational and fixed. Here is the part that I would like to have removed: The fixed message may be changed electronically three times on Sunday and two times daily the remainder of the week.

MOTION: Holt
SECOND: Brown

MAIN MOTION: Lowery
SECOND: Sammons
AYES: Brown, Chumney, Cooper Taylor, Holt, Jones, Lowery, McCormick, Sammons,
Taylor and Chairman Marshall
Brittenuum and Peete recused
Ford did not cast a vote

APPROVED, as amended

21. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE EAST SIDE OF COLONIAL ROAD; +545.6 FEET SOUTH OF COLE ROAD, CONTAINING 43,298 SQUARE FEET (0.994 ACRE) IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. S 06-056

Applicant: Brad Rainey Homes, Inc.
R Consulting, LLC – Cindy Reaves – Representative

Request: 3 Lot Preliminary Plat

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery
SECOND: Jones
AYES: Brittenuum, Chumney, Cooper Taylor, Holt, Jones, Lowery, McCormick,
Sammons, Taylor and Chairman Marshall
Brown and Ford did not cast a vote
Peete recused

APPROVED

24. **RESOLUTION AMENDING THE RULES OF PROCEDURE REGARDING VOTING METHODS.**

MOTION: Taylor
SECOND: Sammons
AYES: Brittenuum, Chumney, Holt, Jones, Lowery, McCormick, Sammons, Taylor,
and Chairman Marshall
Brown, Cooper Taylor, Ford and Peete did not cast a vote

APPROVED

28. **RESOLUTION SUPPORTING THE LOCATION OF THE NEW TOYOTA AUTOMOTIVE PLANT IN MARION, ARKANSAS.**

MOTION: Brittenuum
SECOND: Sammons
AYES: Brittenuum, Chumney, Cooper Taylor, Jones, Lowery, McCormick, Sammons,
Taylor and Chairman Marshall
Brown, Ford, Holt and Peete did not cast a vote

APPROVED

29. **RESOLUTION CONGRATULATING THE AIRPORT AUTHORITY AND FRONTIER AIRLINES FOR THE EXPANDED SERVICE FROM MEMPHIS.**

MOTION: Cooper Taylor
SECOND: Sammons

APPROVED, by unanimous voice vote

30. **APPOINTMENT**

Memphis and Shelby County Film and Television Commission

Appointment

Pat Kerr Tigrett

MOTION: Taylor
SECOND: Brittenum
AYES: Brittenum, Chumney, Cooper Taylor, Holt, Jones, Lowery, McCormick, Sammons, Taylor and Chairman Marshall
Brown, Ford and Peete did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Marshall recognized the following person from the audience:

Walter Broady, 4256 Ledbetter, Mphs, TN 38109
Georgia A. King, 741 Adams, Mphs, TN 38105
Alma Morris, 981 Alaska, Mphs, TN 38107

ADJOURNED MEETING AT 6:00 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records