



# CITY OF MEMPHIS

## COUNCIL AGENDA

January 2, 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 (December 19, 2006)**

## **CONSENT AGENDA**

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

1. **ORDINANCE** providing for the transfer of the Permits Department from the Finance Division to the Law Division pursuant to Section 8 of the Home Rule Amendment to the Charter of the City of Memphis, up for F I R S T reading.

Marshall

Ordinance No. 5203

ACTION REQUESTED: Adopt the ordinance on First reading

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

### **ZONING ORDINANCE - FIRST READING**

2. **ORDINANCE** amending the text of the Subdivision Regulations, up for F I R S T reading.

Lowery

Ordinance No. 5202

Case No. STA 06-001cc

Applicant: Office of Planning and Development

Request: Subdivision Text Amendment as follows: Amend Sections 300.2E: Names and Addresses and 404.3F: Adjacent Properties – to add requirements for interconnected streets

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

### **NO NOTICES WERE REQUIRED**

### **ZONING ORDINANCE - SECOND READING**

3. **ORDINANCE** rezoning the west side of N. Second Street @ Mahannah Avenue, containing 9.88 acres in the Heavy Industrial (I-H) & Heavy Industrial Flood Plain (I-H[FP]) Districts, up for S E C O N D reading.

Lowery

Ordinance No. 5201

Case No. Z 06-126

Applicant: THM, Inc. & Harbor View Properties, LLC  
SR Consulting, LLC – Representative

Request: Mixed Use (MU) & Mixed Use Flood Plain (MU[FP]) Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

- 4. RESOLUTION accepting LOST CREEK P.D, SEWER EXTENSION and authorizing release of bond.

(Contract No. CR-4981)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Dexter Grove Cove, 442 feet southwest of Appling Road. The standard improvement contract was approved on October 11, 2005. Resolution also authorizes the release of the letter of credit (No. P002563) in the amount of \$33,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 5. RESOLUTION accepting BUCKINGHAM FARMS P.D., PART OF PARCEL 'O', PHASE 28 and authorizing release of bond.

Case No. PD 95-310cc  
(Contract No. CR-4959)

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 East Shelby Drive, 521.03 feet west of Meadow Cliff Drive. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the certificate of deposit in the amount of \$58,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION accepting OLD OAKS SUBDIVISION and authorizing release of bond.

Case No. S 05-059cc  
(Contract No. CR-4996)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Montorey Road, east of Red-Hooker Road. The standard improvements contract was approved on February 21, 2006. Resolution also authorizes the release of the letter of credit (No. S063048) in the amount of \$31,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 7. RESOLUTION approving engineering plans of MACON ROAD SEWER OUTFALL (LEE LINE FARMS P.D.)

Contract No. CR-5045

Resolution approves the engineering plans located on the north side of Macon Road, 570 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 sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

8. **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 06-348 – Thomas Country P.D., Amended

Located on the northeast corner of Pisgah Road and Houston Levee Road, containing 24.40 acres currently governed by Thomas Country Planned Development (P.D. 01-341)

Applicant: Davis Development Company  
Burch-Porter-Johnson, PLLC – Representative

Request: Planned development amendment to allow Multiple Dwelling Residential (R-ML) District land use within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: January 16, 2007**



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## MLGW FISCAL CONSENT

9. RESOLUTION approving an Expedited Procurement Request for Change No. 1 to Contract No. 11053, Armored Car Services, with Dunbar Armored Car Services, in the funded amount of \$46,748.40 with no increase in service rates. (This renews the Contract for the first term beginning December 19, 2006 until December 18, 2007.)
10. RESOLUTION awarding contract for Uninterruptible Power Source and DC Power System to Computer AC, Inc. in the amount of \$146,468.00.
11. RESOLUTION amending Purchase Order No. 123567 with American Meter for 630-750 gas meters in the amount of \$136,692.00.
12. RESOLUTION amending Purchase Order No. 123568 with Dresser Roots Meters and Instruments for 1500 CFH, 3000 CCF and 5000 CCF gas meters in the amount of \$32,425.00.
13. RESOLUTION awarding contract for ACSR wire to Stuart C. Irby in the approximate amount of \$412,000.00.
14. RESOLUTION amending Purchase Order No. 123971 with Southern Sales and Service Company, Inc., c/o SkyCast, for concrete standards in the amount of \$1,222,920.31.
15. RESOLUTION amending Purchase Order No. 123966 with StressCrete, c/o Curtis H. Stout of Tennessee for concrete standards in the amount of \$948,726.01.
16. RESOLUTION amending Purchase Order No. 123325 with American Electric Lighting for luminaries in the amount of \$796,284.00.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

17. APPOINTMENTS

Marshall

Alcohol Commission

Reappointment

Rev. Ella R. Mosby (Held from December 19, 2006)

Fire Department Board of Appeals

Reappointments

Ronald A. Fuller  
Charles Gordon Nevels, III

Memphis & Shelby County Airport Authority

Reappointment

Ruby R. Wharton

GENERAL ORDINANCE - THIRD AND FINAL READING

18. **ORDINANCE** amending the use of Public Property and approving Implementation of Agreement of Purchase, Sale and Transfer entered into by and between the United States Postal Service, The Tennessee Board of Regents/State of Tennessee and the City of Memphis. Property shall be used by the State for The University of Memphis Cecil C. Humphreys School of Law, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5200

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

19. RESOLUTION accepting grant funds in the amount of Forty-Five Thousand, Nine Hundred Thirty-Five Dollars (\$45,935.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Incumbent Worker Services Grant. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION**

- 20. RESOLUTION to amend the FY 2007 Operating Budget Ordinance #5166 to provide the services necessary in accordance with the Berryhill Annexation Area.

Sammons

ACTION REQUESTED: Adopt the resolution

- 21. RESOLUTION to amend the FY 2007 Operating Budget Ordinance #5166 to provide the services necessary in accordance with the Southwind Annexation Area.

Sammons

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES**

- 22. RESOLUTION accepting an offer to purchase City owned property located on the west side of Barton between Essex and East Person; being approximately 20' x 115' and contains 2,300 square feet more or less. The amount of the offer is \$460.00.

Holt

Resolution accepts an offer from Bobby Barr to purchase property located in the City of Memphis, County of Shelby and State of Tennessee. Said property was acquired by the City of Memphis in Tax Sale #5, Chancery Court Cause #9413-3, as Exhibit #3153 on March 29, 1990 for delinquent taxes. The Shelby County, Tennessee Assessor's Office has identified the property as Ward 035, Block 088, Parcel 012, Lot 272 and as described in deed recorded in Book 731, Page 71. Said property formerly known for address purposes as 1635 Barton, measures 20' x 115' and contains 2,300 square feet, more or less. Per ordinance, the sale of the subject parcel is NOT subject to the offer laying over for a future Council meeting for an increase of bid. Therefore, resolution approval shall be deemed approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

- 23. RESOLUTION increasing FY 2007 allocation by \$1,000,000.00 in GS01010, ADA Facility Compliance and appropriates \$2,080,000.00, ADA Facility Compliance for remediation of City facilities under the terms of the Settlement Agreement between the City of Memphis and the Federal Government Department of Justice.

Holt

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

- 24. RESOLUTION authorizes the Division of Housing and Community Development to award \$494,200.00 in funding to designated 501 (c) 3 organizations for the purpose of Community Initiatives, Community Development and Business/Economic Development activities.

Holt

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION**

- 25. RESOLUTION exempting persons employed as Police Officers, after the effective date of the ordinance, from the residency provisions of the Memphis City Charter.

Marshall

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION exempting persons employed as Paramedics, after the effective date of the ordinance, from the residency provisions of the Memphis City Charter.

Marshall

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION exempting employees of the Emergency Management Agency from the residency provisions of the Memphis City Charter.

Marshall

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION exempting employees of the Bartlett Library from the residency provisions of the Memphis City Charter.

Marshall

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PARK SERVICES**

29. RESOLUTION accepts and appropriates insurance proceeds as local other funds in the amount of \$184,000.00 in CIP Project #GA01003, Riverfront Park Improvements for the execution of certain replacement projects.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

30. RESOLUTION appropriating \$506,766.00 funded by G.O. Bonds General for ADA Curb Ramps 28, Project Number PW04054 for a contract with Dixieland Contractors, Inc., for the installation of ADA Ramps at various locations in the City.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating \$68,103.00 funded by Sewer Funds for 3258 Old Allen Road Sewer Extension, Project Number SW03013 for a construction contract with Mills & Sons, Inc., to provide service to an unsewered residence.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION appropriating \$172,000.00 funded by G.O. Bond Funds to be deposited in the Local Government Investment Pool account for Holmes Street Bridge over CSX RR, Project Number PW 02015.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$213,000.00 funded by G.O. Bonds General in Nonconnah/Mt. Moriah Culvert, Project Number ST03081 for a negotiated contract with the United States Corps of Engineers for the construction of Mt. Moriah Culvert.

Jones

Director of Public Works recommends approval

34. RESOLUTION appropriating \$1,846,790.00 funded by Sewer Revenue Bonds in Sewer Line Replacement Service, Project Number SW02067 for sewer line replacement at various locations.

Jones

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE - THIRD AND FINAL READING**

35. ORDINANCE rezoning the north side of Clementine Road; +200 feet west of Darlene Street, containing 2.39 acres in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading

Lowery

Ordinance No. 5199  
Case No. Z 06-125

Applicant: ProUnited Realtors  
Fisher & Arnold Eng. (Jud Te Paske) – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**80 NOTICES MAILED ON DECEMBER 21, 2006**

**DIVISION OF PLANNING & DEVELOPMENT** (None)

**PUBLIC HEARINGS**

36. 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.

Lowery

Case No. S 06-056

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

Request: 3 Lot Preliminary Plat

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**14 NOTICES MAILED ON DECEMBER 21, 2006**

37. RESOLUTION approving a street/alley closure Located on Outland Road @ Lamar Avenue, Length X Width of R.O.W. varies 15'/245' X 750' feet and Area of R.O.W. is 38,625 square feet in the Street right-of-way ~ Single Family Residential (R-S6) District.

Lowery

Case No. SAC 06-616

Applicant: BNSF Railroad

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**3 NOTICES MAILED ON DECEMBER 21, 2006**

38. RESOLUTION approving a street/alley closure Located on the west side of Third Street; +141.98 feet north of Union Avenue, containing 2,404 square feet and the Length X Width of R.O.W. is 16' X 150' in the Alley right-of-way ~ Sports and Entertainment (SE) District.

Lowery

Case No. SAC 06-628

Applicant: Jadora Partners and Metro Hotels  
Nathan Bicks – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**21 NOTICES MAILED ON DECEMBER 21, 2006**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

**ADJOURNMENT**

**ADD-ONS**

39. RESOLUTION approving final plat of MICROTEL INNS and SUITES.

Consent

Contract No. CR-5046

Resolution approves the final plat located on south Second Street. 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

40. RESOLUTION approving the Supplemental Agreement #1 to COUNTRYSIDE ACRES SUBDIVISION, SECTION A, RESUBDIVISION LOTS 1-6 (S-96-035).

Consent

Contract No. CR-4833AM

Resolution approves the Supplemental Agreement #1 located on the north side of Christine Road, south of Christine Circle. 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

41. **APPOINTMENT**

Taylor

Alcohol Commission

Appointment

Jimmie D. Kelly

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 7 – Approved
- 8. Public Hearing Set for January 16, 2006
- 9. Through 17 – Approved, with the exception of Rev. Ella Mosby, her name was Withdrawn
- 18. Through 34 – Approved
- 35. Held until January 16, 2007
- 36. Approved, as amended
- 37. Through 41 – Approved

**ACTION TAKEN ON THE MINUTES OF DECEMBER 19, 2006**

Approved

**ACTION TAKEN ON THE MINUTES FOR ITEM#41-JIMMIE D. KELLY APPOINTMENT, FROM JANUARY 2, 2007 MEETING**

Approved