



CITY OF MEMPHIS

COUNCIL AGENDA

March 20, 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 (March 6, 2007)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

1. RESOLUTION approving final plat of COLE-COLONIAL ROAD SUBDIVISION.
Case No. S 04-079

Resolution approves the final plat located at the corner of Cole Road and Colonial Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving final plat of SUNSET RIDGE P.D.
Case No. PD 02-341cc
Contract No. CR-5062

Resolution approves the final plat located on the northside of St. Elmo Road, 281.5 feet west of New Brownsville 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

3. RESOLUTION approving final plat of DAVENPORT PLANNED DEVELOPMENT.
Case No. PD 04-371
Contract No. CR-5063

Resolution approves the final plat located on the northeast corner of Holmes Road and Tchulahoma 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

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of HILL AND FONTAINE BROOK AVENUE SUBDIVISION, RE-SUBDIVISION OF PART OF LOT 41 HILL AND FONTAINE BROOK AVENUE SUBDIVISION.

Case No. S 06-038
Contract No. CR-5064

Resolution approves the final plat located at the northeast corner of Elvis Presley Blvd. and Brooks 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

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting FOR PETS SAKE P.D., and authorizing release of bond.

Case No. PD 98-360
(Contract No. CR-4935)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Summer Avenue, north of Gillespie Road. The standard improvement contract was approved on April 19, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$66,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting APPLING COMMONS P.D., 3rd AMENDMENT, PHASE 4, AREA D and authorizing release of bond.

Case No. PD 04-355cc
(Contract No. CR-4969)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Goodlett Farms Parkway and Garrett Ridge Road. The standard improvement contract was approved on September 6, 2005. Resolution also authorizes the release of the performance bond in the amount of \$140,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting NORTHGATE SHOPPING CENTER C-P, PHASE 1 and authorizing release of bond.

Case No. Z 04-131
(Contract No. CR-4928)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Highway 51, north of Whitney Avenue. The standard improvement contract was approved on March 1, 2005. Resolution also authorizes the release of the performance bond in the amount of \$55,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 8. RESOLUTION approving final plat of SMITH LUTRELL SUBDIVISION.
Case No. S 06-046

Resolution approves the final plat located on the south east side of Hwy. 14, north of Old Covington Pike. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

- 9. 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 05-372cc – Harris Place P.D.

Located on the northeast corner of Pisgah Road and Latting Road, containing 16.310 acres in the Agricultural (AG), Agricultural Flood Plain (AG[FP]) and Floodway (FW) Districts

Applicant: R. S. Harris
Michael J. Fahy, Prime Development Group, Inc. – Representative

Request: A planned development to create six single family detached lots (minimum lot size = 41,954 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. SAC 06-632 – Roselawn Avenue Closure

Located on Roselawn Avenue at E. Crestwood Drive, containing 13,586 square feet in the Single Family Residential (R-S10) District

Applicants: Thomas R. & Patricia A. Morris
Frederick C. & Anne F. Reid

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

LUCB and OPD recommendation: APPROVAL, with conditions

- C. Case No. SAC 02-608 – Lenow Road

Located between Pisgah Road and Houston Levee Road, containing 1.08 acre in the Agricultural (AG) District

Applicant: Roy Hendrix
Ralph Smith, ETI Corp. – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 10, 2007

GENERAL ITEMS

- 10. RESOLUTION commemorating the life of Bob Cannon.
Marshall

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION commemorating the 40th Anniversary of the Medal of Honor being awarded to Sgt. Walter K. Singleton.

Marshall

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

12. RESOLUTION approving Expedited Procurement Request for Change No. 5 to Contract No. 10918, Out-of-State Auto Insurance, with Pete Mitchell & Associates, Inc., in the funded amount of \$88,257.00. (This change renews the contract for the fourth and final term, March 15, 2007 to March 14, 2008.)
13. RESOLUTION approving Change No. 2 to Contract No. 11013, Line Clearance, with Blume Tree Services, Inc., in the funded amount of \$980,912.01. (This change renews the contract for a second term, May 1, 2007 to April 31, 2008, with a 3% increase.)
14. RESOLUTION awarding contract for voltage and current transformers to Areva T&D, Inc./Ritz HV IT, Inc. c/o Vincent Sales, Inc., in the amount of \$120,000.00.
15. RESOLUTION approving Change No. 9 to Contract No. 10839, Temporary Personnel Services, with neMarc Professional Services, Inc., in an estimated funded amount of \$280,000.00. (This change covers an increase in the contract amount for projected cost of services until the end of the contract term.)
16. RESOLUTION approving Change No. 1 to Contract No. 11158, PCB Assessment of Transformer Fire, with Shaw Environmental and Infrastructure, in an amount not to exceed \$100,000.00. (This expands the scope to include cleanup and removal of environmental materials.)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

GENERAL ORDINANCE - THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

17. RESOLUTION authorizing and providing for the issuance, sale and delivery of City of Memphis, Tennessee, General Improvement Bonds Series 2007A, for the purpose of retiring outstanding bond anticipation notes.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

18. RESOLUTION appropriates \$455,000.00 in GS01010, ADA Facility Compliance for paving and sidewalk construction at various City facilities under the terms of the Settlement Agreement between the City of Memphis and the Federal Government Department of Justice.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

19. RESOLUTION amending the FY 2007 Federal Operating Budget by appropriating \$118,650.90 in revenues derived from the Health Education Housing Facility Board.

Ware

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES

20. RESOLUTION accepting grant funds in the amount of \$364,176.00 from Shelby County Government for the Justice Assistance Grant to provide crime prevention programs, overtime and law enforcement equipment.

Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$364,176.00.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE - THIRD AND FINAL READING

21. **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 T H I R D and F I N A L reading.

Lowery

Ordinance No. 5204
Case No. Z 06-132

Applicant: Belz Investco c/o Ron Belz
Ronald Harkavy – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

8 NOTICES MAILED ON MARCH 9, 2007

DIVISION OF PLANNING & DEVELOPMENT

22. RESOLUTION approving a special use permit located on the north side of Winchester Road; +353 feet east of Elvis Presley Boulevard, containing 1.617 acres in the Planned Commercial (C-P) District.

Lowery

Case No. SUP 06-226

Applicant: CMRG Winchester, LLC
Cindy Reaves, SR Consulting – Representative

Request: Hotel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

23. RESOLUTION approving a planned development located on the northwest corner of N. Second Street and Chelsea Avenue, extending westward to N. Main Street, containing 2.63 acres in the Mixed Use (MU) and Moderate Density Residential (MDR) Districts.

Lowery

Case No. PD 06-365

Applicant: Greenmark, LLC
James Rasberry – Representative

Request: A maximum of 40 townhouse style residential units in seven, 3-story buildings

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Re-Design

ACTION REQUESTED: Take whatever action Council deems advisable

65 NOTICES MAILED ON MARCH 9, 2007

24. RESOLUTION approving a planned development located on the east side of Kate Bond Road; +/-152.67 feet south of Educators Lane, containing 1.03 acres in the Agricultural (AG) District.

Lowery

Case No. PD 06-367

Applicant: VCM, Inc.
Solomito Land Planning – Representative

Request: Planned development to allow a residential-styled office building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

59 NOTICES MAILED ON MARCH 9, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

25. RESOLUTION honoring the Memphis Civil Rights Sit-In Movement of March, 1960.

Brittenum

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

- 26. RESOLUTION supporting the study of the creation of an additional rail right-of-way and requests the Administration to explore the feasibility of such and present a preliminary plan within thirty days of the adoption of this resolution.

Brittenum

ACTION REQUESTED: Adopt the resolution

- 27. RESOLUTION supporting the creation of an Aero (aerotropolis) Center Commission and Business District and requests the Administration to explore this concept and present a preliminary plan within thirty days of the adoption of this resolution.

Brittenum

ACTION REQUESTED: Adopt the resolution

- 28. RESOLUTION appropriating \$43,108.00 funded by G.O. Bonds General in Walnut Grove Guardrail Installation, CIP Project Number PW01163 for a construction contract with Acuff Enterprises dba Scott Contractors for the installation of guardrails.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 29. RESOLUTION approving legal level transfers within the Divisions of Public Service for the Summer Youth Program Clean-up resolution, in the amount of \$898,025.00.

Chumney

ACTION REQUESTED: Adopt the resolution

- 30. RESOLUTION opposing the "Competitive Cable & Video Services Act".

Marshall

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 8 - Approved
- 9. Public Hearing Set for April 10, 2007
- 10. Through 22 - Approved
- 23. & 24 - Approved, as amended
- 25. Through 29 - Approved
- 30. Approved, but this item is also being Sent Back to Committee on April 10. 2007, for further discussion by the Council.

ACTION TAKEN ON THE MINUTES OF MARCH 6, 2007 MEETING

Approved, as amended. Item #25, UV 06-15cc Minutes are being held until April 24, 2007.

ACTION TAKEN ON THE MINUTES OF ITEM#28, Resolution appropriating \$43,108.00 funded by G.O. Bonds General in Walnut Grove Guardrail Installation, FROM TONIGHT'S MEETING

Approved