



# CITY OF MEMPHIS

## COUNCIL AGENDA

May 1, 2007

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (April 24, 2007)**

## **CONSENT AGENDA**

### **GENERAL ORDINANCES - FIRST READING**

1. **ORDINANCE** establishing the Fiscal Year 2008 Operating Budget for the City of Memphis, up for F I R S T reading.

Chumney

Ordinance No. 5208

**ORDINANCE** to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2007 through June 30, 2008, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2007 through June 30, 2008, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2008, up for F I R S T reading.

Chumney

Ordinance No. 5209

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and 25-195, up for F I R S T reading.

Taylor

Ordinance No. 5210

ACTION REQUESTED: Adopt the ordinance on First reading

**GENERAL ORDINANCES - SECOND READING** (None)

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING** (None)

4. NOTATIONS FROM OPD

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 07-303 – Henry Commercial P.D., Amended

Located on the north side of Shelby Drive; +/-310 feet west of Sandy Park Drive, containing 1.90 acres in an area currently governed by Henry Commercial Planned Development (P.D. 99-333).

Applicant: Henry A. McLemore  
Doveland Building & Engineering Company – Representative

Request: Planned development amendment to modify Outline Plan to create a new Concept Plan to allow two (2) additional buildings within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 07-306

Located on the east side of E. Parkway South; +380.47 feet south of Central Avenue, containing 14.89 acres in the Duplex Residential (R-D) District

Applicant: Salvation Army  
Ron Harkavy – Representative

Request: A planned development to permit a community center

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: May 15, 2007**



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### MLGW FISCAL CONSENT

5. RESOLUTION approving Change No. 8 to Contract No. 10840, Temporary Personnel Services, with Kelly Services, Inc., in an estimated funded amount of \$540,000.00. (This change covers ratification in the amount of \$52,000.00 to cover services performed through March 23, 2007, and approval of award in the amount of \$488,000.00 to cover projected cost of services until the end of the contract term, June 4, 2007.) (Held from 4/24/07).
6. RESOLUTION approving Change No. 3 to Contract No. 10478, Electric Meter Reading System, with Itron, Inc., in the funded amount of \$173,040.00. (This covers additional handheld electronic meter reading systems to replace aging and failing equipment.)
7. RESOLUTION approving Change No. 6 to Contract No. 10857, LNG Property/Boiler and Machinery Insurance, with Hilb, Rogal and Hobbs, in the funded amount of \$230,630.00. (This renews the policy for the period June 1, 2007 to May 31, 2008.)
8. RESOLUTION ratifying expedited procurement request for award of contract for rental of two cranes and end-hung baskets covering a three-month period to Global Rental Company, in the amount of \$47,600.00.
9. RESOLUTION awarding contract for air disconnect switches, as follows:

Royal Switchgear Manufacturing.....	\$90,035.00
Southern States .....	<u>82,994.00</u>
Total.....	\$173,029.00
10. RESOLUTION ratifying award of emergency purchase order for epoxy-coated steel pipe to Consolidated Pipe and Supply, in the amount of \$113,265.60.
11. RESOLUTION awarding contract for locate and outage software modules to ABB, Inc., in the amount of \$50,000.00.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

12. **APPOINTMENTS**

Taylor

**Memphis & Shelby County Mechanical/Gas Code Advisory Board**

**Reappointments**

William L. Moss  
David Wayne Sink, Jr.

**GENERAL ORDINANCES - THIRD AND FINAL READING**

13. **ORDINANCE** approving a new Code of Ethics pursuant to legislation enacted by the General Assembly requiring all municipalities in Tennessee to adopt a policy for all municipal and elected officials, employees, boards, commissions, authorities, corporations and other instrumentalities, up for T H I R D and F I N A L reading.

Lowery &  
Sammons

Ordinance No. 5206

ACTION REQUESTED: Take whatever action Council deems advisable

14. **ORDINANCE** repealing Ordinance No. 4709, which established an aspirational Code of Ethics for all elected and appointed officials of the city and replacing with a more comprehensive ethics policy, up for T H I R D and F I N A L reading.

Lowery &  
Sammons

Ordinance No. 5207

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION**

15. **RESOLUTION** appropriating \$2,450,000.00 in G.O. Bonds General in CIP Project IS01025, Oracle Phase III. This project will provide funds to complete Oracle Phase I and II and address the challenges that still exist in the City's business processes.

Brittenum

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

16. RESOLUTION to adopt and approve the FY 2008 Consolidated Plan/Annual Action Plan. Resolution also appropriates FY 2008 CDBG, HOME, ESG and HOPWA Program Funds and anticipated Program Income from CDBG and HOME repayments to the FY 2008 budget for the Division of Housing and Community Development.

Ware

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**DIVISION OF PARK SERVICES**

17. RESOLUTION appropriating \$201,492.00 in G.O. Bonds, Project No. PK06003 for construction of the Audubon Golf Storage Building.

McCormick

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION approving the extension of the conditions, considerations and stipulations of the existing agreement for the operations of the Senior Service Center located at 1620 Marjorie Street for a period of five (5) years beginning April 19, 2007 and expiring April 18, 2012.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

19. RESOLUTION accepting project loan from the State of Tennessee through its Wastewater Revolving Loan Fund for the financing and construction of a gravity sewer and force main connected to the Loosahatchie Force Main and Gravity Interceptor Project and Phase 1 of the Mary's Creek Interceptor Sewer in the amount of \$7,000,000.00.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION accepting project loan from the State of Tennessee through its Wastewater Revolving Loan Fund for the financing and construction of Mary's Creek Interceptor Phase 2 in the amount of \$2,550,000.00.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION accepting grant funds in the amount of \$175,000.00 from Cargill, Inc., to be used to retro-fit Solid Waste trucks that operate on diesel fuel to improve air quality within its community. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE - THIRD AND FINAL READING**

22. **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; 2/20; 3/6)

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: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**

**DIVISION OF PLANNING & DEVELOPMENT**

23. RESOLUTION submitting a grant application to the State of Tennessee Department of Transportation State Industrial Highway Program for costs related to the access road needed for the expansion by Nike, Inc., at New Allen Road and Frayser Boulevard.

Sammons

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION approving a use variance on the northeast corner of Raleigh-LaGrange Road and Amberly Village Way.

Lowery

Case No. UV 06-15cc

Applicant: Steve and Kay Mistilis

Request: Continuation of an existing bed and breakfast establishment

LUCB and OPD recommendation: APPROVAL, with conditions (as amended by Land Use Control Board)

Prior Council Action: APPROVAL, with conditions on March 6; Reconsidered and held on March 20

County Commissioner Action: APPROVAL, with conditions as amended by County Commission on March 12

ACTION REQUESTED: Concur with conditions as amended by County Board of Commissioners

**No Opposition at LUCB; No Public Hearing Required**

**PUBLIC HEARINGS** (None)

**PRESENTATIONS AND RECOGNITION OF VISITORS** (None)

**GENERAL ITEM**

25. RESOLUTION praising the Memphis Police Department and Director Larry Godwin for service to the citizens of the City of Memphis and congratulations be extended in honor of accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc.

Sammons

ACTION REQUESTED: Adopt the resolution

**ADJOURNMENT**

26. APPOINTMENTS

Taylor

MEMPHIS & SHELBY COUNTY AIRPORT AUTHORITY

Appointment

James J. Keras, Jr.

27. RESOLUTION approving the election of Brent Taylor and Dedrick Brittenum as Vice Chairs.  
Marshall

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 - Approved
4. Public Hearing Set for May 15, 2007
5. Through 12 - Approved
13. & 14 - Held until May 15, 2007
15. Through 21 - Approved
22. Held until June 5, 2007
23. Through 27 - Approved

ACTION TAKEN ON THE MINUTES OF APRIL 24, 2007

Approved

ACTION TAKEN ON THE MINUTES OF ITEM #5 - (MLGW'S Contract with Kelly Temporary Services), from Tonight's Meeting

Approved