



# CITY OF MEMPHIS

## COUNCIL AGENDA

May 16, 2006

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 (May 2, 2006)**

## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** amending Chapter 25, Article II, Section 25-2 of the Code of Ordinances regarding Pension and Retirement Board of Administration, up for F I R S T reading.

Marshall

Ordinance No. 5168

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** amending Chapter 25, Article III, Section 25-31 of the Code of Ordinances regarding Investment of Trust Fund, up for F I R S T reading.

Marshall

Ordinance No. 5169

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND 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 S E C O N D reading.

Marshall

Ordinance No. 5165

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** establishing the Fiscal 2007 Operating Budget for the City of Memphis, up for S E C O N D reading.

Sammons

Ordinance No. 5166

**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, 2006, through June 30, 2007, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earning, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2006 through June 30, 2007, 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 Second reading

- 5. **ORDINANCE** to fix the tax rate of the City of Memphis for Fiscal Year 2007, up for S E C O N D reading.

Sammons

Ordinance No. 5167

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING**

- 6. **ORDINANCE** rezoning the northwest corner of Macon Road and Houston Levee Road, containing 2.0 acres in the Agricultural (AG) District, up for F I R S T reading.

Peete

Ordinance No. 5170

Case No. Z 06-108cc

Applicant: Trustmark National Bank  
Davis Engineering – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCES - SECOND READING** (none)

**ENGINEERING**

- 7. **RESOLUTION** approving engineering plans of BARRY FARMS P.D., SECOND AMENDMENT, PHASE 9 SEWER EXTENSION.

Contract No. CR-5010

Resolution approves the engineering plans located on the south side of Lowrance Road, 714 feet west of Hacks Cross 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

**NOTATIONS FROM OPD**

- 8. **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 06-306 – McLean P.D.

Located on the west side of McLean Avenue; +795 feet south of Overton Park Avenue, containing 0.875 acre in the Single Family Residential (R-S6) District

Applicant: Gilbert & Rebecca Callaway  
SR Consulting, LLC – Cindy Reaves - Representative

Request: Planned development to create four (4) single family lots (minimum lot size 6,886 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. SAC 06-602 – Woodward Street Closure

Located on Woodward Street, beginning on the north side of Central Avenue and extending to I-240

Applicant: Memphis Housing Authority  
Rick Kershaw – Representative

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

LUCB and OPD recommendation: APPROVAL

C. Case No. SAC 06-603 – Minna Street Alley Closure

Located on the east side of Woodward Street and I-240

Applicant: Memphis Housing Authority  
Rick Kershaw – Representative

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

LUCB and OPD recommendation: APPROVAL

D. Case No. SAC 06-604 – Dorothy Place Closure

Located on the east side of Woodward Street, +320 feet north of Central Avenue

Applicant: Memphis Housing Authority  
Rick Kershaw – Representative

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

LUCB and OPD recommendation: APPROVAL

E. Case No. SAC 06-605 – Dorothy Place South Alley Closure

Located on the east side of Woodward Street; +50 feet north of Central Avenue

Applicant: Memphis Housing Authority  
Rick Kershaw – Representative

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

LUCB and OPD recommendation: APPROVAL

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

**SUGGESTED DATE: June 6, 2006**



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## MLGW FISCAL CONSENT

9. RESOLUTION approving Change No. 7 to Contract N. 10840, Temporary Personnel Services, with Kelly Services, Inc., in an estimated funded amount of \$2,800,000.00. (This renews the contract for the fourth term, 6/5/06 to 6/4/07). (Held from 5/2/06).
10. RESOLUTION awarding Contract No. 11103, Fire Protection System for Shaw Pumping Stations, to Simplex/Grinnell, LP, in the funded amount of \$47,049.00.
11. RESOLUTION awarding Contract No. 11105, Aerator Maintenance, to R. P. Services, in the funded amount of \$192,996.25.
12. RESOLUTION approving Change No. 6 to Contract No. 10783, Emergency Aid Agreement, with Dillard Smith Construction Company, in the funded amount of \$48,786.15. (This covers the reimbursement of costs for emergency aid for the storm on February 17 & 18, 2006.)
13. RESOLUTION approving Change No. 2 to Contract No. 10948, Repair of Residential Gas Meters, with Tri-State Meter and Regulator Service, in an estimated funded amount of \$246,866.95. (This renews the contract for the second renewal term of four renewal terms covering the period 7/1/06 to 6/30/07.)
14. RESOLUTION approving Change No. 2 to Contract No. 10977, Tires and Tire Service, with Southern Tire Mart, LLC, in an estimated funded amount of \$554,407.34. (This renews the contract for the second renewal term of four renewal terms beginning 6/12/06 to 6/11/07.)
15. RESOLUTION approving Change No. 5 to Contract No. 10979, Network Maintenance, with Venture Technologies, in the funded amount of \$440,234.00. (This renews the contract for a second renewal term of four renewal terms covering the period 7/1/06 to 6/30/07.)
16. RESOLUTION approving Change No. 2 to Contract No. 10987, Helicopter Herbicide Spraying, with Helicopter Applicators, Inc., in an estimated funded amount of \$156,351.00. (This renews the contract for the first renewal term of four renewal terms beginning 6/20/06 to 6/19/07.)
17. RESOLUTION approving Change No. 1 to Contract No. 11039, MLGW Gas/Water Leak Surveys, with Heath Consultants, Inc., in an estimated funded amount of \$386,505.01. (This renews the contract for the first renewal term of four renewal terms beginning 7/1/06 to 6/30/07.)
18. RESOLUTION approving Change No. 1 to Contract No. 11041, Right-of-Way Mowing, with Bean & Prince Contractors, Inc., in an estimated funded amount of \$136,500.00. (This renews the contract for the first renewal term of four renewal terms beginning 7/3/06 to 7/2/07.)
19. RESOLUTION awarding contract for trucks, vans and sedans as follows:

|                            |                   |
|----------------------------|-------------------|
| Gossett Motor Cars.....    | \$ 1,246,252.00   |
| Homer Skelton Ford.....    | 192,920.00        |
| Golden Circle Ford.....    | 119,510.40        |
| Cross Roads Ford, Inc..... | <u>248,297.40</u> |
| Total.....                 | \$ 1,806,979.80   |

- 20. RESOLUTION awarding contract for pneumatic tamping rammers to Chris Georges Sales Company, Inc., in the amount of \$36,430.00.
- 21. RESOLUTION awarding contract for aluminum trench shields to Trench Safety in the amount of \$41,365.36.
- 22. RESOLUTION awarding contract for air disconnect switches to USCO Power Equipment Co. c/o Curtis H. Stout of TN in the amount of \$77,254.00.
- 23. RESOLUTION awarding contract for mobile crane to H & E Equipment Services, Inc., in the amount of \$255,150.00.
- 24. RESOLUTION awarding contract for Cab and Chassis as follows:
  - Cross Roads Ford..... \$ 488,797.70
  - Golden Circle Ford..... 31,799.60
  - Total..... \$ 520,597.05
- 25. RESOLUTION awarding contract for molecular sieve material to UOP, LLC in the amount of \$134,641.00.
- 26. RESOLUTION awarding contract for combustible gas indicators to Tri-State Meter and Regulator Service in the amount of \$59,718.90.
- 27. RESOLUTION approving amendment to Purchase Order Number 126300 for ductile iron pipe to United States Pipe and Foundry in the amount of \$727,832.00.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

28. APPOINTMENTS

Marshall

Civil Service Commission

Re-appointment

Cholee K. Poag

Healthcare Committee

Appointment

William M. Larsha, Jr.

GENERAL ORDINANCE - THIRD AND FINAL READING (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

29. RESOLUTION transferring funds from the Debt Service Fund to the General Fund.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

30. RESOLUTION authorizes the Division of Housing and Community Development to award \$280,000.00 in funding to designated 501(c) 3 organizations for the purpose of supporting the City's businesses/economic development programs and services for SBEs, MBEs and WBEs (loan fund program/technical assistance).

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

**DIVISION OF PUBLIC SERVICES** (none)

31. RESOLUTION appropriating \$194,000.00 for CIP Project Number PS02018, Convention Center Upgrade. Appropriation funds new cooling tower at the Memphis Cook Convention Center. The current tower is over 30 years old.

Marshall

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS** (none)

**ZONING ORDINANCES - THIRD AND FINAL READING** (none)

**DIVISION OF PLANNING & DEVELOPMENT**

32. RESOLUTION approving a use variance located on the east side of Barton Drive; +/-120 feet north of E. Raines Road, containing 0.27 acre in the Multiple Dwelling Residential (R-MM) District.

Peete

Case No. UV 06-04

Applicant: Charles E. McBride  
Charles E. McBride - Representative

Request: Use variation to allow a vascular access clinic

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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

33. RESOLUTION extending a moratorium on the issuance of permits for adult-oriented businesses and compensated dance permits related to adult oriented businesses.

Peete

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

34. RESOLUTION approving an appeal located on the east side of Germantown Parkway, 228 feet south of Rockcreek Parkway.(Held from 3/21; 4/11; 5/2)

Peete

Case No. PD 02-314  
(Companion Case: Z 1692)

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved on the request of Family Value Property, LLC to construct a private drive to tie into the adjoining Village Green Shopping Center along the planned development north boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

**23 NOTICES MAILED ON MARCH 10, 2006**

35. RESOLUTION approving an appeal located on the south side of Rockcreek Parkway, 800 feet east of Germantown Parkway.(Held from 3/21; 4/11; 5/2)

Peete

Case No. Z 1692  
(Companion Case: PD 02-314)

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved the request of Family Values Property, LLC to construct a private drive to tie into the adjoining First Assembly of God Planned Development along the shopping center south boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

ACTION REQUESTED: Take whatever action Council deems advisable

**23 NOTICES MAILED ON MARCH 10, 2006**

36. RESOLUTION approving a planned development Located on the south side of Steve Road; +/-230 feet west of Ellsworth Street, containing 8.18 acres in the Multiple Dwelling Residential (R-ML) and Multiple Dwelling Residential (R-MM) and Flood Plain (FP) Districts.

Peete

Case No. PD 05-367

Applicant: William H. Thomas, Jr.  
Joe Cooper – Representative

Request: Planned development to allow Single Family Residential (R-S6) District uses, including a day care center, limited Highway Commercial (C-H) District uses, including mini-storage warehouses with outdoor storage and an off-premise advertising (billboard) sign within the Outline Plan

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**69 NOTICES MAILED ON MAY 5, 2006**

37. RESOLUTION approving a planned development located on the west side of Rembert Street ± 308 feet north of Jefferson Avenue, containing 0.155 acre in the Multiple Family Residential (R-MM) District.

Peete

Case No. PD 06-307

Applicant: Charles Montgomery Foster  
David W. Milem – Representative

Request: One single family residential lot in addition to the current residence on this site

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action deems advisable

**98 NOTICES MAILED ON MAY 5, 2006**

38. RESOLUTION approving a planned development Located on the northwest and southwest corners of Lakeview Road and I.C. Railroad, containing 23.92 acres in the Industrial (I-L) and Single Family Residential (R-S10) Districts.

Peete

Case No. PD 06-309

Applicant: Don Tillilie Development  
W. H. Porter Consultants, PLLC – Representative

Request: A residential planned development to create 85 single family detached lots (minimum lot size = 6,000)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**78 NOTICES MAILED ON MAY 5, 2006**

- 39. RESOLUTION approving an appeal Located on the west side of Grandview Street; +366 feet north of Grandview Avenue, containing 1.2 acres in the Single Family Residential (R-S10) District.

Peete

Case No. S 05-070

Appellant: Holley and Lucius McGehee, Bob and Miriam Smith, Frances Kaufman and Mason and Jill Kaufman

Request: Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision located at 411 Grandview Street, (S 05-070 Leftwhich Subdivision, Re-subdivision of Lot 2)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**24 NOTICES MAILED ON MAY 5, 2006**

**GENERAL ITEMS**

- 40. RESOLUTION instructing the Industrial Development Board to immediately amend their Charter of Incorporation with the State of Tennessee to require approval from the Memphis City Council before granting any payments in lieu of taxes, effective September 1, 2006.

Brittenum

ACTION REQUESTED: Adopt the resolution

- 41. RESOLUTION instructing the Memphis Center City Revenue Finance Corporation to immediately amend their Charter of Incorporation with the State of Tennessee to require approval from the Memphis City Council before granting any payments in lieu of taxes, effective September 1, 2006.

Brittenum

ACTION REQUESTED: Adopt the resolution

- 42. RESOLUTION amending the incorporation resolution of the Health, Education and Housing Facilities Board.

Brittenum

ACTION REQUESTED: Adopt the resolution

- 43. CONSIDERATION of Police Impasse Committee recommendation.

Mitchell

- 44. CONSIDERATION of Operating Engineers-Treatment Plant Operators Impasse Committee recommendation.

Brown

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

**ADJOURNMENT**

ADD-ONS

45. RESOLUTION approving final plat of STONEBRIAR PD, PHASE 5.

Consent

Case No. PD 03-335cc

Contract No. CR-5011

Resolution approves the final plat located on the west side of Shades Valley Place, south of East Holmes. Cost of the required improvements to be borne by the developer. Resolution 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

46. RESOLUTION approving final plat of MIDTOWN CORRIDOR WEST C-P, PARCEL 2.

Consent

Case No. Z 89-150

Contract No. CR-5012

Resolution approves the final plat located at the southeast corner of Overton Park Avenue Park Avenue and North Cleveland 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

47. RESOLUTION approving final plat of PARTEE FLEMING SUBDIVISION.

Consent

Case No. S 02-007

Resolution approves the final plat located at the terminus of Partee Cove, north of Kimball Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION accepting CHANNEL 3 DRIVE ROAD IMPROVEMENTS and authorizing release of bond.

Consent

(Contract No. CR-4977)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of Carolina Avenue. The standard improvement contract was approved on October 11, 2005. Resolution also authorizes the release of the Letter of Credit No. 2691 in the amount of \$276,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

49. CONSIDERATION of Operating Engineers-Animal Shelter Impasse Committee recommendation.

Mitchell

50. CONSIDERATION of Operating Engineers-Zone Construction Inspectors Impasse Committee recommendation.

Mitchell

ADD-ONS

51. RESOLUTION approving amendments to the MLGW Retirement and Pension Plan to enhance minimum benefits and cost-of-living adjustments.

Ford

ACTION REQUESTED: Adopt the resolution

52. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCE, CITY OF MEMPHIS, BY AMENDING SECTION 2-331(a) (SUNSET CLAUSE) up for F I R S T reading.**

Consent

Ordinance No. 5171

ACTION REQUESTED: Adopt the ordinance on First reading

53. RESOLUTION recognizing Youth in the Operation Hope 12-Step Urban Youth Program.

Brown  
& Peete

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 7 – Approved
8. Public Hearing Set for June 6, 2006
9. Approved, as amended
10. Through 35 – Approved
36. Approved, as amended
37. Through 39 – Approved
40. Through 42 – Held until June 6, 2006
43. Failed – Sided with City
44. Passed – Sided with City
45. Through 48 – Approved
49. & 50 – Held until June 6, 2006
51. Through 53 – Approved

**ACTION TAKEN ON THE MINUTES OF MAY 2, 2006**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEM# 33, #34 & #35, FROM MAY 16, 2006 MEETING**

Approved