



CITY OF MEMPHIS

COUNCIL AGENDA

June 19, 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 (June 5, 2007)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the southeast corner of Whitebrook Dr. and Old Getwell Rd., containing 3.87 acres in the Highway Commercial (C-H) District, up for F I R S T reading.

Lowery

Ordinance No. 5211
Case No. Z 07-104

Applicant: Najib H. Makarem
Larry Fleming - Representative

Request: Multiple-Dwelling Residential (R-MM) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning the east side of Elvis Presley Boulevard; +/-290 feet north of Laudeen Drive, containing .27 acre {11,760 Sq. Ft.} in the Single Family Residential (R-S10) District, up for F I R S T reading.

Lowery

Ordinance No. 5212
Case No. Z 07-105

Applicant: William C. Pilot
Royston Construction Consultants - Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL, of Light Industrial Flood

Plain

(I-L[FP]) District

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

NOTATIONS FROM OPD (None)

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

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

SUGGESTED DATE:

GENERAL ITEM

3. RESOLUTION approving temporary structures on the streets, July 3, 2007, from 7:00 p.m. until 8:00 p.m., for the Firecracker 5K.

Sammons

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

4. Resolution awarding Contract No. 11180, South Front Street Excavation, Shoring and Bedding, to Barnes and Brower, Inc., in the funded amount of \$68,300.00.
5. Resolution awarding Contract No. 11208, Water Production Wells, to Layne-Central, a Division of Layne Christensen, in an estimated funded amount of \$1,835,000.00.
6. Resolution awarding Contract No. 11215, Engineering Services-Sheahan Water Pumping Station Seismic Retrofit, to SSR Eller Consulting Engineers, in the funded amount of \$598,000.00.
7. Resolution approving Change No. 5 to Contract No. 10924, Professional Investigating Services, with CDA, Inc., in the funded amount of \$310,227.72. (This renews the contract for the fourth term, August 1, 2007 to July 31, 2008.)
8. Resolution approving Change No. 3 to Contract No. 10968, Elevator Upgrades, with Kone, Inc., in an estimated funded amount of \$26,872.08. (This renews the contract for the third term of four renewal terms, July 1, 2007 to June 30, 2008, and includes an increase in present maintenance and hourly rates.)
9. Resolution requesting ratification of Expedited Procurement Request for Change No. 1 to Contract No. 11092, Over-the-Phone Interpreter Service, with Language Line Services, Inc., in an estimated funded amount of \$46,000.00. (This allocates additional funds and renews the contract for the first term of four renewal terms, August 1, 2007 to July 31, 2008.)
10. Resolution awarding contract for three-phase power system simulator to Doble Engineering Company, in the amount of \$49,650.00.
11. Resolution awarding contract for SONET multiplexer expansion to Coleman Technologies, Inc., in the amount of \$98,483.00.
12. Resolution awarding contract for combustible gas indicators to Tri-State Meter and Regulator Service, Inc., in the amount of \$66,220.00.
13. Resolution awarding contract for SCADA security upgrade to Venture Technologies, in the amount of \$145,789.00.
14. Resolution approving Change No. 2 to Contract No. 11040, Surveying Services, with Ollar Surveying Company, in an estimated funded amount of \$189,300.00. (This renews the contract for the second term of four renewal terms, July 19, 2007 to July 18, 2008.)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

15. APPOINTMENTS

Taylor

Memphis and Shelby County Airport Authority

Reappointment

Jon K. Thompson

Memphis and Shelby County Electrical Code Board

Reappointment

Morris Joy

Memphis and Shelby County Music Commission

Reappointment

Mance Aytchan

Memphis Youth Guidance Commission

Appointments

Ken Bennett

Marla Smith Brown

Dr. John Delk, Jr.

James Edward Moore, Jr.

Deborah Northcross

Ernest M. Owens

Frances M. Riley

Tommy Sullivan

Gilda J. Williams

GENERAL ORDINANCES - THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

16. RESOLUTION accepting grant funds in the amount of \$106,000.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Administration Services Grant. Resolution also amends FY 2007-2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION accepting grant funds in the amount of \$954,004.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Youth Services Grant. Resolution also amends FY 2007-2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

18. RESOLUTION accepting an offer from Robert D. Pelts and wife, Eleanor M. Pelts, to purchase City of Memphis and County of Shelby unimproved land, containing approximately 0.807 acres, located on the north side of Levee Road west of I-240/240 in Memphis, Shelby County, Tennessee.(Held from 6/5)

McCormick

Resolution accepts an offer from Robert D. Pelts and wife, Eleanor M. Pelts to purchase property located on the north side of Levee Road, west of I-40/240 in City of Memphis, County of Shelby and State of Tennessee. The Public Works Division has determined that the subject property is surplus. The consideration is Purchasers granting the City and County rights of encroachment and ingress/egress, which legitimatizes the continued use of Purchasers' property as an Environmental Maintenance Facility for the staging of bulk materials and the continued regular access across Purchasers' property to a sanitary sewer collector and siphon line at the Wolf River.

Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading will be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale. The offer is subject to both City and County approval.

Director of General Services and Public Works recommend approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES

19. RESOLUTION amending the FY 2008 Operating Budget to establish and appropriate State funds of \$35,000.00.

Sammons

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION accepting grant funds in the amount of \$1,142,400.00 from the State of Tennessee for the In-Service Training Program for training for 1,904 commissioned officers. Resolution also amends FY 2008 Operating Budget to establish and appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

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DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

(None)

ZONING ORDINANCE - THIRD AND FINAL READING

(None)

DIVISION OF PLANNING & DEVELOPMENT

21. RESOLUTION submitting a grant application, not to exceed \$750,000.00, to the State of Tennessee Department of Transportation State Fast Track Infrastructure Development Program for costs related to the construction of a distribution facility by Nike, Inc. at Allen Road and Frayser Boulevard.

New
Sammons

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION submitting a grant application, not to exceed \$3,000,000.00, to the State of Tennessee Department of Transportation State Fast Track Infrastructure Development Program for costs related to the infrastructure and utility improvements by Nucor Steel at 3601 Riverport Road in the Frank C. Pidgeon Industrial Park.

Sammons

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION approving a use variance located on the northwest corner of Collierville-Arlington Road and Monterey Road, containing 2.03 acres in the Agricultural (AG) District.

Lowery

Case No. UV 07-02cc

Applicants: JVB Family LP
Solomito Land Planning - Representative

Request: Use variation to allow an Art Gallery with a Sign and a Farm Management Office, including a Barn Expansion

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

24. RESOLUTION approving a planned development located on the north side of Manslick Road @ western terminus of Presmond Road, containing 6.53 acres in the Single Family Residential (R-S6) District. (Held from 4/24; 5/15)

Lowery

Case No. PD 07-304cc

Applicant: Land Development Group
Daryl J. Lanksy - Representative

Request: A residential planned development consisting of 26 single family detached lots (minimum lot size = \pm 4,094 square feet)

OPD recommendation: REJECTION

LUCB recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

192 NOTICES MAILED ON APRIL 13, 2007

25. RESOLUTION approving a planned development located on the west side of Windover Cove; +143.20 feet south of Joffre Avenue, containing .35 acre in the Single Family Residential (R-S6) & Local Commercial (C-L) Districts.

Lowery

Case No. PD 07-302

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Applicant: Pete Rosato

Request: Two Single Family Lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

71 NOTICES MAILED ON JUNE 8, 2007

26. RESOLUTION approving a planned development located on the north side of Macon Road @ Town Centre Circle, containing .39 acre in the Light Commercial (C-L) District.
Lowery Case No. PD 07-308

Applicant: Gill Properties
Brown Gill - Representative

Request: Restaurant with Alcoholic Beverages

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

47 NOTICES MAILED ON JUNE 8, 2007

27. RESOLUTION located on the southeast corner of Island Drive and Auction Avenue, containing 2.80 acres in the Multiple Dwelling Residential (R-MM) and Agricultural Floodplain (AG [FP]) District.
Lowery Case No. PD 07-309

Applicant: Island Properties Associates
Ronald Harkavy - Representative

Request: A maximum of 17 lots for single family detached units

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

38 NOTICES MAILED ON JUNE 8, 2007

28. RESOLUTION approving a planned development located on the east side of N. Thomas St., bordering the southeast side of Canadian National Railway, containing ±24.2 acres in the Highway Commercial (C-H) and Single Family Residential (R-S6) Districts.
Lowery Case No. PD 07-310

Applicant: Steven L. Williamson (dba. Memphis Wrecking Company)
Homer Branan - Representative

Request: Phase I : Class IV Landfill; Phase II: Redevelopment with commercial/industrial uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

36 NOTICES MAILED ON JUNE 8, 2007

29. RESOLUTION approving a subdivision appeal located on the northside of Grove Park Circle; beginning 370 feet west of Grove Park, containing 1.01 acres in the Single Family Residential (R-S10) District. (Held from 1/17; 3/21; 4/11; 10/3; 1/16/07)
Lowery Case No. S 05-032

Appellant: David M. Dunlap

Request: Appeal to overturn the action of the Land Use Control Board approving the 2 Lot Preliminary Plat for the Resubdivision of Lot 127, Laurelwood Subdivision

LUCB and OPD recommendation: APPROVAL, with three (3) conditions and one (1) design modification

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES MAILED ON JANUARY 6, 2006

30. RESOLUTION approving a street/alley closure location extending north and south; between W. Carolina Avenue and Railroad Avenue, containing 10,800 square feet (Area of R.O.W.) and 30' x 360' (Length x Width), in the Bluffview Residential (R-B) District.
Lowery Case No. SAC 07-603

Applicant: Newsom Enterprises, LLC
Homer Branan, III - Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES MAILED ON JUNE 8, 2007

PRESENTATIONS AND RECOGNITION OF VISITOR (None)

GENERAL ITEMS

31. RESOLUTION requesting the Administration to limit the number of boards upon which one person may serve and to ensure that the geographic, socio-economic, gender and racial diversity of the City of Memphis is reflected on each board.
Lowery

ACTION REQUESTED: Adopt the resolution

32. ELECTION of the Interim Council Member for District 8, Position 2.
Marshall

ADJOURNMENT

ADD-ONS

33. RESOLUTION approving final plat of BEACON RIDGE PD, PHASE 1.

Consent

Case No. PD 06-350cc
Contract No. CR-5077

Resolution approves the final plat located on the east side of Hacks Cross Road, south of Holmes 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

34. RESOLUTION approving final plat of WOODLAND TRAILS PD, PHASE 4.

Consent

Case No. PD 97-356cc
Contract No. CR-5078

Resolution approves the final plat located on the northwest corner of Pisgah Road and Macon Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached statement improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

35. CONSIDERATION of Craftsman Association Impasse Committee recommendation.

Sammons

36. RESOLUTION declaring Tuesday, June 19, 2007, as "Patient Advocacy Day".

Lowery

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION extending the moratorium on the issuance of billboard construction permits by the Memphis and Shelby County Officer of Code Enforcement until September 18, 2007 or until an amended ordinance regulating billboard construction can be adopted.

Marshall

ACTION REQUESTED: Adopt the resolution

38. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

Consent

A. Case No. SAC 03-611 - (SAC 07-601)

Located on Riverbrook Drive & Pinebrook Drive @ Millbranch Road, containing 166,198 square feet/3.8 acres and 68'/148' x approximately 3,380' (0.64 mile) -Width x Length of R.O.W., in the Street right-of-way ~ Highway Commercial (C-H) District

Applicant: Southland Development Partners of Memphis
W. H. Porter Consultants PLLC - Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ADD-ONS

ACTION RQUESTED: Set a date of public hearing

SUGGESTED DATE: July 10, 2007

39. RESOLUTION approving final plat of SAVE-A-LOT SUBDIVISION.

Consent

Case No. S 06-029

Contract No. CR-5079

Resolution approves the final plat located on the southeast corner of Delta Road and Third 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 to delay the sale of Memphis Light Gas and Water agency's investment, Memphis Networx, until full disclosure of facts has been made to the Memphis City Council.

Chumney

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 17 – Approved
- 18. Held to July 10, 2007
- 19. Through 23 – Approved
- 24. Dropped
- 25. and 26 – Approved
- 27. Approved, as amended
- 28. Approved
- 29. Held for 6 months
- 30. and 31 – Approved
- 32. Approved – Henry Hooper
- 33. and 34 - Approved
- 35. Failed
- 36. and 37 – Approved
- 38. Public Hearing set for July 10, 2007
- 39. and 40 Approved

ACTION TAKEN ON THE MINUTES OF JUNE 5, 2007

Approved