



# CITY OF MEMPHIS

## COUNCIL AGENDA

August 1, 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 (July 25, 2006)**

## **CONSENT AGENDA**

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

### **GENERAL ORDINANCE - SECOND READING**

1. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as it relates to Establishing an Audit Committee to request, receive, review, analyze and evaluate investigations, examinations, reports and/or audits, and as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held on November 7, 2006, up for S E C O N D reading.

Brittenum

Ordinance No. 5180

ACTION REQUESTED: Adopt the ordinance on Second reading

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

2. **ORDINANCE** rezoning the northwest corner of Winchester Road and Avenue of Commerce, containing 13.06 acres in the Light Industrial (I-L) & Single Family Residential (R-S15) Districts, up for F I R S T reading.

Peete

Ordinance No. 5181

Case No. Z 06-111

Applicant: FedEx Express Corporation  
Jeff Hedgepeth – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

### **ZONING ORDINANCES - SECOND READING**

3. **ORDINANCE** rezoning the south side of E. Raines Road; +/-404 feet west of Elvis Presley Boulevard, containing 0.48 acre in the Single Family Residential (R-S10) District, up for S E C O N D reading.

Peete

Ordinance No. 5178

Case No. Z 06-112

Applicant: Lizzie B. Milan

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL, of Local Commercial (C-L) District

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** rezoning the southeast corner of McKellar Avenue and Hernando Road, containing 0.17 acre in the Heavy Industrial (I-H) District, up for S E C O N D reading.  
Peete Ordinance No. 5179  
Case No. Z 06-113

Applicant: CEBU Investments, LLC

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL, of a Single Family Residential (R-S6) District

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING** (None)

**NOTATIONS FROM OPD**

5. **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 06-317 – WHITE STATION OFFICE PARK PLANNED DEVELOPMENT (AMENDED)

Located on the west side of White Station Road; +215.07 feet south of Wheelis Drive, containing 1.56 acres and is governed by the conditions of P.D. 02-327 – White Station Office Park Planned Development

Applicant: Memphis Area Teachers Credit Union  
S R Consulting – Cindy Reaves – Representative

Request: Amend the existing P.D. conditions to permit a bank with a drive-thru service and an ATM

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

- B. Case No. PD 06-320

Located on the northwest corner of Midland Avenue and Highland Street, containing 10.62 acres in the Single Family Residential (R-S6) District

Applicant: Poag & McEwen Lifestyle Centers – Memphis, LLC (Mark Granbergs)  
Ronald Harkavy – Representative

Request: A mixed use planned development consisting of retail and residential uses

LUCB and OPD recommendation: APPROVAL, with conditions

- C. Case No. PD 06-325 – KIRBY-WHITTEN CROSSING PLANNED DEVELOPMENT

Located on the northeast corner of Kirby-Whitten Parkway and Reese Road, containing 4.23 acres in the Local Commercial (C-L) District



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## MLGW FISCAL CONSENT

6. RESOLUTION approving Change No. 7 to Contract No. 10840, Temporary Personnel Services, with Kelly Services, Inc. in the amount of \$2,100,000.00, for the period 9/5/06 to 6/4/07. (This change was approved by the MLGW Board at meeting held 4/20/06 in the amount of \$2,800,000.00, renewing the contract for the fourth term of four renewal terms, 6/5/06 to 6/4/07. On 5/16/06, the Council of the City of Memphis revised the resolution and extended the contract for a period of 90 days, 6/5/06 to 9/4/06, in the prorated amount of \$700,000.00).(Held from 7/25).
7. RESOLUTION awarding Contract No. 11112, Generator Preventative Maintenance Agreement, to Cummins Mid-South, LLC, in the funded amount of \$56,986.00.
8. RESOLUTION awarding Contract No. 11131, Transmission Line Construction Sub. 79 – Sub. 86: Sections A and B, to Dillard Smith Construction Company, in the funded amount of \$2,298,201.79.
9. RESOLUTION awarding Contract No. 11134, Integration Service for Arlington and Capleville LNG Plants, to Logical Systems, Inc. (LSI), in the funded amount of \$26,550.00.
10. RESOLUTION awarding Contract No. 11142, Upgrade MLGW DS3 Microwave Ring with OC3 Ring, to Harris Corporation, in the funded amount of \$496,958.00.
11. RESOLUTION awarding contract for gas meter proving systems to Measurement Systems in the amount of \$64,983.00.
12. RESOLUTION awarding contract for excavatable flowable fill to Metro Materials, Inc. in the approximate amount of \$1,380,760.00.
13. RESOLUTION approving amendment to Purchase Order No. 123971 for concrete standards with Southern Sales and Service Company in the amount of \$656,608.00 for a total amount of \$1,035,517.00.
14. RESOLUTION awarding Contract No. 11133, Variable Frequency Drive Replacement Shaw Station HSP No. 5, to Tri-State Armature & Electrical Works, Inc., in the funded amount of \$154,914.00.
15. RESOLUTION awarding Expedited Procurement Request for Contract No. 11158, PCB Assessment of Transformer Fire, to Shaw Environmental & Infrastructure, Inc., in the funded amount of \$55,842.00.

Applicant: Double A Oil Company  
Prime Development Group - Representative

Request: Planned development to allow a convenience store/gasoline sales,  
including retail shops within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. UV 06-08

Located on the southeast corner of Goodlett Street and Poplar Avenue, containing  
1.30 acres in the Single Family Residential (R-S10) District

Applicant: Second Presbyterian Church  
Ronald Harkavy – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: August 15, 2006**



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Memphis, TN 38103-2017

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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

16. APPOINTMENTS

Marshall

Memphis City Beautiful Commission

Appointments

Virginia "Ginger" Acuff  
Cecily E. Brooks  
Yvonne Nelson  
Sandeep Pednekar  
Elbert Rich, Jr.  
James S. Story

Reappointments

Jake Allen, Jr.  
Greg Campbell  
Barbara E. Jones  
Sharon Mahaffey  
Cynthia Magallon  
Reginald Milton

GENERAL ORDINANCE - THIRD AND FINAL READING

17. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as it relates to Term Limits and as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held November 7, 2006, up for T H I R D and F I N A L reading.

Sammons

Ordinance No. 5174

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION

18. RESOLUTION requesting the City Council to amend the Fiscal Year 2007 Capital Improvement Budget by transferring allocations of various projects funded by G.O. Bonds General and appropriate \$6,550,000.00 to fund MATA's preventive maintenance costs during FY 2007 and the City's 10% local share for costs associated with maintenance of capital assets.

Jones

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION requesting the City Council to appropriate \$41,000.00 funded by G.O. Bonds General in CIP Project #GA03010, Computer Hardware and Software, to fund the 10% local share of costs as part of Fiscal Year 2007 Capital Improvement Budget, for the Memphis Area Transit Authority.

Jones

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ACTION REQUESTED: Adopt the resolution

20. RESOLUTION appropriating \$20,000.00 funded by G.O. Bonds General in CIP Project #GA03001, Service Vehicles, to fund the 10% local share of costs as part of the Fiscal Year 2007 Capital Improvement Budget.

Jones

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION requesting the City Council to appropriate \$56,000.00 funded by G.O. Bonds General in CIP Project #GA03013, Repave Parking Lot, to fund the 10% local share of costs as part of the Fiscal Year 2007 Capital Improvement Budget, for the Memphis Area Transit Authority.

Jones

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION appropriating \$198,000.00 funded by G.O. Bonds General in CIP Project #GA03011, Paratransit Buses, to fund the 11.5% local share of costs as part of the Fiscal Year 2007 Capital Improvement Budget.

Jones

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION requesting the City Council to appropriate \$58,000.00 funded by G.O. Bonds General in CIP Project #GA0302, MATA Facility Improvements, to fund the 10% local share of costs as part of the Fiscal Year 2007 Capital Improvement Budget, for the Memphis Area Transit Authority.

Jones

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION requesting the City Council to appropriate \$45,000.00 funded by G.O. Bonds General in CIP Project #GA03005, Rail Facility Improvements, to fund the 10% local share of costs as part of the Fiscal Year 2007 Capital Improvement Budget, for the Memphis Area Transit Authority.

Jones

ACTION REQUESTED: Adopt the resolution

#### **FINANCE & ADMINISTRATION**

25. RESOLUTION reaffirming the Fiscal Year 2007 Tax Rate of \$3.4332 per one hundred dollars of assessed valuation.

McCormick

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION authorizing the issuance, sale and delivery of Sanitary Sewerage System Revenue Refunding Bonds, Series 2006, of the City of Memphis, Tennessee for the purpose of refunding certain outstanding sanitary sewerage system revenue bonds of the City.

McCormick

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating Capital Funds for the Settlement of Hunt Construction Group, Plaintiff, vs. City of Memphis, Defendant. This is the settlement of construction claims related to the Main Library. The settlement was finalized in November 2005 but payment of the funds were delayed.

Lowery

ACTION REQUESTED: Adopt the resolution

#### **DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES**

28. RESOLUTION accepting an offer to purchase City owned property in the amount of \$200,000.00, located on the east side of Barton and north of Raines Road. The property has no further city use and has been deemed surplus. The property is 140' x 165' (approximate .53 acre) with improvements. Formally the old Whitehaven Library.

2<sup>nd</sup> & Final  
Reading  
Ford

Resolution accepts an offer from Charles McBride to purchase City owned property located on the east side of Barton and north of Raines Road. Per ordinance, the sale of the subject property is subject to the offer laying over for a subsequent council meeting for a second and final reading. At the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Offer to Purchase Agreement.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

29. RESOLUTION amending the FY 2007 Capital Improvement Budget by appropriating \$1,000,000.00 funded by G. O. Bonds – General in contract construction within MHA-Uptown Hurt Village, project CD01014.

Holt

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the FY 2007 Capital Improvement Budget by appropriating \$2,025,000.00 funded by G.O. Bonds – General in contract construction within MHA-Lamar Terrace/University Place, project CD01015.

Holt

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION establishing the use of \$345,055.00 in FY 2007 CDBG Entitlement/Program Income funds that will be used by the Division of Housing and Community Development for planned project activities.

Holt

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring various allocations & appropriations funded by G.O. Bonds – General totaling \$1,169,118.00 to contract construction within MHA – Uptown Hurt Village and appropriating said amount.

Holt

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**DIVISION OF PARK SERVICES**

33. RESOLUTION including M.L. King Park, CIP Project Number PK07002, as part of the 2007 Capital Improvement Budget. Resolution seeks approval to accept and transfer \$22,000.00 in Architect-Engineering and \$183,000.00 in Construction totaling \$205,000.00 from M.L. King Park Improvement Fund to CIP Project Number PK07002, M.L. King Park funded as Operating Transfer In – MLK to pay the cost to design and build a new restroom facility. The resolution also requires the Administration to prepare and present a schematic design for City Council approval prior to continuation of the design and the taking of bids on the project.

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION including Zoo N.W. Passage, CIP Project Number PK09003 as part of the FY 2007 Capital Improvement Program. The City of Memphis has entered into a construction agreement with the Memphis Zoological Society for the design and construction of the N.W. Passage Exhibit. Council has allocated \$1,000,000.00 for PK09003, Zoo N.W. Passage. Resolution also seeks to appropriate \$1,000,000.00 in construction funds.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

35. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring previous allocations and appropriating \$13,641,375.00 funded by Sewer Revenue Bonds in Wolf River Interceptor, project number SW04004 for a contract with Eutaw Construction Co., Inc. for the construction of Wolf River interceptor relief sewer, phase 3C.

Jones

Resolution amending the FY 2007 Capital Improvement Budget by transferring previous allocations of \$1,382,000.00 from Architectural and Engineering and \$4,488,179.00 from Land Acquisition funded by Sewer Revenue Bonds to Construction in Wolf River Interceptor, project number SW04004.

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring previous allocations and appropriating \$2,075,581.00 funded by GO Bonds – General for Resurfacing 2007 Group 1, project number PW01175 for a construction contract with Lehman Roberts, Co.

Jones

Resolution amending the FY 2007 Capital Improvement Budget by transferring a previous allocation of \$1,978,250.00 funded by GO Bonds – General from Asphalt Paving, project number PW01040 and \$97,331.00 from ADA Curb Ramps to Resurfacing 2007 Group 1, project number PW01175.

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating \$145,311.00 funded by GO Bonds – General to be deposited in the Local Government Investment Pool account for Kirby Parkway/Split Oak to 64, project number PW01001 State Project IXA-STP-2871(6).

Jones

Director of Public Works and City Engineers recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION amending the Fiscal Year 2007 Capital Improvement Budget by transferring a previous allocation and appropriating of \$338,648.00 funded by GO Bonds General from Drainage, CIP Project number ST03006 to Black Bayou Detention, Project number ST03070., for a construction contract with Ferrell Construction, Inc. for drainage repair.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring allocations and appropriating \$22,654.00 funded by Sewer Funds from Rehab Existing Sewers, project number SW02001 to Raleigh Millington Sewer Repair, project number SW02064. for expanded construction.

Jones

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE - THIRD AND FINAL READING** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

40. RESOLUTION approving a hotel waiver for Scottish Inn and Suites at Lamar and Dunn. (Held from 7/25).

Peete

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION approving a hotel waiver for Hampton Inn at 2700 Perkins Road South, Memphis, TN. 38118.

Peete

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION accepting grant funds in the amount of \$2,500.00 from the State of Tennessee – Tennessee Historical Commission for the Memphis Landmarks Training Grant to send four or more commissioners or staff to the national conference. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$1,667.00.

Peete

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**GENERAL ITEMS**

43. 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.(Held from 5/16; 6/6;6/20).

Brittenum

ACTION REQUESTED: Adopt the resolution

44. 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. ( Held from 5/16;6/6;6/20).

Brittenum

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION amending the incorporation resolution of the Health, Education and Housing Facilities Board. ( Held from 5/16;6/6;6/20).

Brittenum

ACTION REQUESTED: Adopt the resolution

**PRESENTATIONS AND RECOGNITION OF VISITORS**

**ADJOURNMENT**

ADD-ONS

46. RESOLUTION accepting AVANTI PD, PHASE 4, and authorizing release of bond.  
Consent Case No. PD 04-309  
(Contract No. CR-4917)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of North Germantown Parkway and Club Parkway. The standard improvement contract was approved on January 4, 2005. Resolution also authorizes the release of the Letter of Credit (No. 024) in the amount of \$38,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION approving final plat of THE COLEMAN SUBDIVISION.  
Consent Case No. S 05-044  
Contract No. CR-5023

Resolution approves the final plat located on the northside of Union Ave., south of Monroe Ave. 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

48. RESOLUTION approving final plat of HOMEWOOD COMMERCIAL-MINOR  
SUBDIVISION.  
Consent Case No. S 04-012

Resolution approves the final plat located on Homewood Road, north of Raines Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION approving engineering plans of THE WOODLANDS OF CORDOVA PD.  
Consent Contract No. CR-5024

Resolution approves the engineering plans located on the east side of Dexter Lane, north of Macon 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

50. RESOLUTION approving final plat of THE WOODLANDS OF CORDOVA PD.  
Consent Case No. PD 04-357cc  
Contract No. CR-5025

Resolution approves the final plat located on the east side of Dexter Lane, north of Macon 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.

ADD-ONS

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION approving final plat of BUMPUS MCS MANASSAS SUBDIVISION.

Consent

Case No. S 04-040

Contract No. CR-5026

Resolution approves the final plat located at the terminus of Marble and Manassas. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION designating depositories.

Brittenum

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 4 – Approved
- 5. A, C & D – Public Hearing set for August 15, 2006  
B – Dropped
- 6. and 7 – Approved
- 8. Back to Committee on August 15, 2006
- 9. Through 16 – Approved
- 17. Failed
- 18. Through 39 – Approved
- 40. Failed
- 41. and 42 – Approved
- 43. Through 45 – Held to August 15, 2006
- 46. Through 52 – Approved

ACTION TAKEN ON THE MINUTES OF JULY 25, 2006 WITH THE FOLLOWING MOTION:

Huck stated that during the Committee Meeting they wanted to pull SAC 06-608 from the Minutes of July 25, 2006 and put on the Minutes of August 1, 2006 for approval August 15, 2006

MOTION: Holt

SECOND: Brown

AYES: Brown, Chumney, Ford, Holt, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

Brittenum and Jones did not cast a vote

Marshall was absent

APPROVED, as amended

ACTION TAKEN ON THE MINUTES OF AUGUST 1, 2006 FOR ITEMS #41 & #51 ONLY

Approved