



# CITY OF MEMPHIS

## COUNCIL AGENDA

August 15, 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 (August 1, 2006)**

## CONSENT AGENDA

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

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

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

**ZONING ORDINANCES - SECOND READING**

1. **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 S E C O N D reading.

Peete

Ordinance No. 5181

Case No. Z 06-111

Applicant: FedEx Express Corporation  
Jeff Hedgepeth – Representative

Request: General Office (O-G) District

ACTION REQUESTED: Adopt the ordinance on Second reading

### **ENGINEERING**

2. RESOLUTION approving final plat of FERRELL PD, PHASE 3.

Case No. PD 04-328

Contract No. CR-5027

Resolution approves the final plat located on the south side of Highway 70, southwest of Elmore 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

3. RESOLUTION approving final plat of TERRACE PLACE SUBDIVISION, SECTION A.

Case No. S 05-072

Contract No. CR-5028

Resolution approves the final plat located at the terminus of Mountain Terrace and Terrace Park. 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 accepting KATE BOND PLANNED DEVELOPMENT, AMENDED, PHASE 2, AREA A, and authorizing release of bond.

Case No. PD 04-380  
(Contract No. CR-4980)

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 Kate Bond Road south of Bland Lane. The standard improvement contract was approved on October 11, 2005. Resolution also authorizes the release of the Letter of Credit (No.L061279) in the amount of \$39,800.00.

City Engineer recommends approval

**ACTION REQUESTED:** Adopt the resolution

**NOTATION FROM OPD**

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

A. Case No. S 06-027 – CORO VISTA SUBDIVISION

Located on the west side of Coro Road, opposite High Point Cove, containing 6 acres in the Single Family Residential (R-S10) and (R-S6) Districts

Owner of Record: Coro Vista, L.L.C.

Applicant: Gerald Robinson

Appellant: City Engineer

Request: Appeal to overturn action of the Land Use Control Board which granted a variance to permit a rural cross-section along Coro Road, omitting curb and gutter, as a part of their approval of the fourteen lot preliminary plat for the proposed Coro Road Subdivision (S 06-027)

LUCB recommendation: Approval, with 1 variation and 1 condition

OPD recommendation: Approval, with 2 variations and 1 condition

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

**SUGGESTED DATE:** September 5, 2006

**GENERAL ITEM**

6. RESOLUTION approving temporary structures on the street September 1, 2006 at 6:00 a.m. until September 3, 2006 Noon, for the “WLOK Stone Soul Picnic”.

Chumney

**ACTION REQUESTED:** Adopt the resolution



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## MLGW FISCAL CONSENT

7. 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. (Held from 8/1)
8. RESOLUTION awarding Contract No. 11130, Filter Media Replacement for McCord & Arlington LNG Pumping Stations, to Grinder Building Corporation, in the funded amount of \$212,600.00.
9. RESOLUTION awarding Contract No. 11147, Self-Supported Microwave Towers, to Sabre Communications Corporation, in the funded amount of \$250,375.00.
10. RESOLUTION approving Change No. 4 to Contract No. 10878, Information Support Services, with KC Management Group, in an estimated funded amount of \$460,000.00. (This renews the contract for a fourth and final term covering the period October 4, 2006 to October 4, 2007.)
11. RESOLUTION approving Change No. 4 to Contract No. 10879, Information Services Support, with Computer Horizons Corporation, in an estimated funded amount of \$490,000.00. (This renews the contract for a fourth and final term covering the period October 4, 2006 to October 4, 2007.)
12. RESOLUTION approving Change No. 4 to Contract No. 10881, Information Support Services, with Cook Systems International Corporation, in an estimated funded amount of \$525,360.00. (This renews the contract for a fourth and final term covering the period October 4, 2006 to October 4, 2007.)
13. RESOLUTION approving Change No. 4 to Contract No. 10883, Information Support Services, with Ciber, Inc., in an estimated funded amount of \$734,400.00. (This renews the contract for a fourth and final term covering the period October 4, 2006 to October 4, 2007.)
14. RESOLUTION approving Change No. 1 to Contract No. 11141, Information Services Support, with ViaSys Technology, Inc., in an estimated funded amount of \$505,600.00. (This renews the contract for a first and final term covering the period October 4, 2006 to October 4, 2007.)
15. RESOLUTION awarding contract for low profile polycarbonate meter covers to Vincent Sales in the amount of \$33,000.00.
16. RESOLUTION awarding contract for paper-lead cable to The Okonite Company in the amount of \$63,864.00.
17. RESOLUTION awarding contract for utility bodies as follows:

Altec Industries, Inc.....	\$ 63,704.00
Scruggs Equipment Company, Inc.....	<u>109,378.00</u>
Total.....	\$173,082.00
18. RESOLUTION awarding contract for truck mounted hydraulic winches to Scruggs Equipment Company, Inc. in the amount of \$95,984.00.
19. RESOLUTION awarding contract for substation power transformers as follows:

Waukesha Electric Systems.....	\$ 11,538,857.00
Siemens Power Transformers.....	<u>13,080,976.00</u>
Total.....	\$ 24,619,833.00

20. RESOLUTION approving an Agreement by and between MLGW and the Memphis Regional Chamber of Commerce to provide funds in the amount of \$175,000.00 for the purpose of facilitating Economic Development in Memphis and Shelby County.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

21. APPOINTMENTS

Marshall

Appointments

Sutton Mora Hayes  
Virginia White

Reappointment

Wade Chillis

GENERAL ORDINANCE - THIRD AND FINAL READING

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

Brittenum

Ordinance No. 5180

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

23. RESOLUTION extending the \$2.00 tax fuel surcharge for 6 months.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

24. RESOLUTION amending the FY 2007 Operating budget by appropriating \$739,342.00 in funding the development and completion of the City of Memphis Efficiency Study.

Sammons

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION accepting and approving an allocation of \$739,342.00 from the Memphis Business Opportunity Fund to the City of Memphis' HCD.

Holt  
August 15, 2006

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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)

**DIVISION OF PUBLIC WORKS** (None)

**ZONING ORDINANCES - THIRD AND FINAL READING**

26. **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 T H I R D and F I N A L 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: Take whatever action Council deems advisable

**48 NOTICES MAILED ON AUGUST 4, 2006**

27. **ORDINANCE** rezoning the southeast corner of McKellar Avenue and Hernando Road, containing 0.17 acre in the Heavy Industrial (I-H) District, up for T H I R D and F I N A L 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: Take whatever action Council deems advisable

**11 NOTICES MAILED ON AUGUST 4, 2006**

**DIVISION OF PLANNING & DEVELOPMENT**

28. RESOLUTION approving an agreement by and between Memphis and Shelby County Government and the Memphis Regional Chamber of Commerce for the purpose of facilitating Economic Development in Memphis and Shelby County.

Brittenum

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving a special use permit located on the southeast corner of Park Avenue and Kelley Road, containing 0.23 acre (9,583 sq. ft.), in the Local Commercial (C-L) District.

Peete

Case No. SUP 06-208

Applicant: Chumps, LLC

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Request: Special use permit to allow automatic service, including associated retail sales for oil, tires and batteries

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**

30. RESOLUTION approving a street/alley closure located on Wesley Drive, between Pace Road and Faronia Road, containing 1.139 acres. (Held from 11/01; 1/17; 2/7; 3/7; 4/25)  
Peete Case No. SAC 05-610

Applicant: Methodist Healthcare – Tom Tollett  
Homer Branan, III – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**12 NOTICES RE-MAILED ON OCTOBER 24, 2005**

31. RESOLUTION approving a planned development 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.  
Peete Case No. PD 06-317

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

ACTION REQUESTED: Take whatever action Council deems advisable

**121 NOTICES MAILED ON AUGUST 4, 2006**

32. RESOLUTION approving a 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.  
Peete Case No. PD 06-325

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

ACTION REQUESTED: Take whatever action Council deems advisable

**21 NOTICES MAILED ON AUGUST 4, 2006**

33. RESOLUTION approving a use variance located on the southeast corner of Goodlett Street and Poplar Avenue, containing 1.30 acres in the Single Family Residential (R-S10) District.  
Peete Case No. UV 06-08

Applicant: Second Presbyterian Church  
Ronald Harkavy – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

**141 NOTICES MAILED ON AUGUST 4, 2006**

**GENERAL ITEMS**

34. 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;8/1).

Brittenum

ACTION REQUESTED: Adopt the resolution

35. 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;8/1).

Brittenum

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the incorporation resolution of the Health, Education and Housing Facilities Board. (Held from 5/16;6/6;6/20;8/1).

Brittenum

ACTION REQUESTED: Adopt the resolution

**PRESENTATIONS AND RECOGNITION OF VISITORS**

**ADJOURNMENT**

ADD-ONS

- 37. RESOLUTION accepting BARTLETT COMMERCIAL CENTER SUBDIVISION, and authorizing release of bond.

Consent

Case No. S 01-033  
(Contract No. CR-4715)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast side of Summer Avenue, 562.26 feet southwest of Elmore Road. The standard improvement contract was approved on April 16, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$52,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 38. RESOLUTION approving contract time extension for FLETCHER CREEK CENTER CP.

Consent

Case No. Z 88-154

Resolution approves the extension of time from February 3, 2004 to August 15, 2007 for the project called Fletcher Creek Center, located on the south side of U.S. Highway 64, 234 feet east of Dromedary Drive.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 39. RESOLUTION approving engineering plans of CEDAR CREEK PD, SANITARY SEWER EXTENSION.

Consent

Contract No. CR-5029

Resolution approves the engineering plans located on the south side of Latting Road, 2,476' east of Pisgah 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

- 40. RESOLUTION approving final plat of OAKLAWN ESTATES P.D. – PHASE 1 (AREA ‘B’ AND PART of AREA ‘A’).

Consent

Case No. PD 04-315cc  
Contract No. CR-5030

Resolution approves the final plat located on the north side of Latting Woods Drive at west of Latting Hills Cove. 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

- 41. RESOLUTION thanking Chris Cope for his courageous reaction and protecting residents who were in danger and for stopping a violent situation on July 21, 2006 at Schnucks Grocery Store on Highway 64.

Jones

ACTION REQUESTED: Adopt the resolution

- 42. RESOLUTION approving temporary structures on the street for Memphis Music and Heritage Festival at Main Street between Peabody and Gayoso at the corner of Peabody Place and Main Street at the Tower Garage Building near the alley connecting Main Street and Second Street.

Chumney

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 4 – Approved
- 5. Public Hearing set for September 5, 2006
- 6. Through 21 – Approved
- 22. Held to September 5, 2006
- 23. Through 29 – Approved
- 30. Held to February 20, 2007
- 31. Approved, as amended
- 32. and 33 – Approved
- 34. Through 36 – Held to September 19, 2006
- 37. Through 42 – Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF AUGUST 1, 2006**

**APPROVED**

MOTION: Chumney – Suspend the Rules for the purpose of adding Item #42  
SECOND: Sammons

**APPROVED**, Rules Suspended, by unanimous voice vote

- 42. RESOLUTION approving temporary structures on the street for Memphis Music and Heritage Festival at Main Street between Peabody and Gayoso at the corner of Peabody Place and Main Street at the Tower Garage Building near the alley connecting Main Street and Second Street.

MOTION: Chumney  
SECOND: Holt

**APPROVED**, by unanimous voice vote

For the purpose of approving the Minutes on #42 and #6 from August 15, 2006, set up as Special Item 2

**ACTION TAKEN ON THE MINUTES OF AUGUST 15, 2006 FOR ITEM #42 and #6 ONLY:**

MOTION: Chumney  
SECOND: Holt

**APPROVED**, by unanimous voice vote, Special Item #2