



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 1, 2011

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 (February 15, 2011)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION approving an honorary street name change of Kimball Avenue for Pastor Dwight Montgomery.

Ford

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change of Highland Street for Alvin and Beth Lansky.

Strickland

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

3. RESOLUTION approving a use variance located on the east side of Bender Road; +/-304 feet east of Millbranch Road, containing 4.187 acres in the Single Family Residential (R-S10) District. (Held from 2/15)

Ford

Case No. UV 10-14

Applicant: Joe E. & Elise F. Scott  
SR Consulting, LLC – Cindy Reaves – Representative

Request: A use variance to permit the operation of an appliance repair and sales shop

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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

4. RESOLUTION approving a hotel waiver for Courtyard by Marriott located at 3076 Kirby Road.

Ford

Case No. HMW 11-08

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a hotel waiver for Sleep Inn located at 2885 Old Austin Peay Highway.

Ford

Case No. HMW 11-09

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES – THIRD AND FINAL READING**

6. **ORDINANCE** rezoning the southwest corner of Jackson Avenue and Hemingway Street, containing 0.3070 acre in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-114  
Ordinance No. 5392

Applicant: David Throng

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**94 NOTICES MAILED ON FEBRUARY 18, 2011**

7. **ORDINANCE** rezoning the south side of E. Raines Road; +/-617 feet west of Marlin Road, containing 0.27 acre in the Multiple Dwelling Residential (R-ML) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-118  
Ordinance No. 5393

Applicant: Bryan Williams  
Tim McCaskill – Representative

Request: Change the zoning to General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**34 NOTICES MAILED ON FEBRUARY 18, 2011**



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## CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING (None)

### ENGINEERING

8. RESOLUTION approving final plat of PLANNED WHOLESALE DISTRIBUTION PARK M-L, PHASE 11.

Case No. Z-2762

Contract No. CR-5167

Resolution approves the final plat located on the southwest corner of Whitten Road and Raleigh LaGrange 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

### NOTATIONS FROM OPD

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

A. Case No. SUP 10-230

Located on the south side of Yale Road; +/-335.87 feet east of Covington Pike, containing 0.79 acre in the Planned Commercial (C-P) District

Applicant: Arnett-Maddox Ice, LLC  
Prime Development Group – Michael Fahy – Representative

Request: Retail Ice Vending Machine

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 10-603

Beginning 300 feet south of Key Avenue between Neil Street and Scott Street, containing 6,012 square feet

Applicant: John Powell

Request: Close an existing alley

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: March 15, 2011**



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## FISCAL CONSENT

10. RESOLUTION accepting grant funds in the amount of One Hundred Thirty One Thousand, Two Hundred Fifty Dollars (\$131,250.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Incumbent Worker Funds.

Conrad

ACTION REQUESTED: Adopt the resolution



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### MLGW FISCAL CONSENT

11. RESOLUTION approving Contract No. 11488, EPRI Project Funding and License Agreement, with Electric Power Research Institute, Inc., a non-profit corporation, in the funded amount of \$100,000.00.

12. RESOLUTION awarding 24-month blanket contract for instrument transformers, as follows:

HD Supply Utilities.....	\$2,645.23
ABB, Inc.....	80,645.19
GEC Durham Industries.....	<u>59,986.50</u>
Total:	<u>\$143,276.92</u>

13. RESOLUTION awarding 24-month blanket contract for electric meter sockets, as follows:

HD Supply Utilities.....	\$182,580.00
The Durham Company.....	<u>142,360.09</u>
Total:	<u>\$324,940.09</u>

14. RESOLUTION approving Change No. 4 to Contract No. 11178, Internet Services, with Paetec Business Services, in the funded amount of \$30,000.00, for a new contract value of \$121,930.00. (This renews the contract for the fourth and final renewal term, May 7, 2011 to May 6, 2012, at a monthly cost of \$2,465.00 with no increase from the previous year).

15. RESOLUTION approving an amendment to the contract between MLGW and GDS Associates, Inc. for professional consulting services to assist MLGW with preparation for NERC registration, process and procedure implementation, technical studies and evaluations, and readiness assessment. This amendment expands the scope of work and raises the cap on expenditures by an additional \$129,000.00, for a total not to exceed \$249,000.00.

16. RESOLUTION awarding contract to Waukesha Electric Systems, Inc. for nitrogen generator systems in the amount of \$58,445.00.

17. RESOLUTION approving payment of annual membership dues to the American Gas Association in the amount of \$52,555.00.

18. RESOLUTION awarding Contract No. 11456, MLGW Employee Assistance Program, to Methodist LeBonheur Healthcare in the funded amount of \$140,000.00.

19. RESOLUTION approving Change No. 4 to Contract No. 11261, Commercial Auto Insurance, with Pete Mitchell & Associates, Inc., in the funded amount of \$104,764.00. (This change renews the contract for the third of four renewal terms, March 14, 2011 to March 13, 2012, with a 12.63% increase due to the number of insured vehicles increasing from 68 to 76).
20. RESOLUTION approving Change No. 3 to Contract No. 10813, Hewlett Packard Combined Support Agreement, with Hewlett Packard, Inc. in the funded amount of \$177,154.64. (This change increases the current contract amount for software maintenance, licenses and support of renewal fees).
21. RESOLUTION approving an amendment to Purchase Order No. 138554 with RJ Young Company for the rental of copy machines. This amendment adds four Cannon ImageRunner Model 3225 copy machines at 5971 Summer Trees in the amount of \$22,680.00, for a new contract value of \$243,840.00.



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## REGULAR AGENDA

22. APPOINTMENT  
Collins

Memphis Landmarks Commission

Appointment

Joyce A. Cox

GENERAL ORDINANCE -THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

23. RESOLUTION amending the FY 2011 Budget to approve additional funding from reserves as a result of unanticipated circumstances.

Flinn

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

24. RESOLUTION to amend Fire Service's Capital Improvement Budget request to replace the original request (in part) with eight alternative response vehicles at a cost of \$500,000.00. (Held from 2/15)

Strickland

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION appropriating \$1,500,000.00 funded by G.O. Bonds General, chargeable to the FY 2011 Capital Improvement Budget for Southwind Fire Station, CIP Project Number FS02020.

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

26. RESOLUTION authorizing the sale of City owned parcel located at 0 Elvis Presley Blvd., Memphis, TN 38116 (vacant land), Parcel ID Number 079-061-00193 to Taylor/Waller Development, LLC; awardees of the Diversity Developer Incubator Initiative.

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

27. RESOLUTION appropriating \$250,000.00 funded by G.O. Bonds General, in construction funds for Zoo Major Maintenance, CIP Project Number PK09002.

Boyd

Council did include Zoo Major Maintenance, CIP Project Number PK09002 as part of the FY 2011 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation.

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION requesting approval for completion of plans and specifications and taking of bids for Mallory Neely House, Project Number PK08027, at an estimated construction cost of \$240,000.00 funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

29. RESOLUTION amending the FY2011 Capital Improvement Budget by transferring an allocation of \$694,218.00 funded by G.O. Bonds General (Storm Water) from Drainage-ST, Project Number ST03006 to Black Bayou, University of Memphis Detention, Project Number ST03125. Resolution also appropriates \$694,218.00 funded by G.O. Bonds General (Storm Water) in Black Bayou, University of Memphis Detention, Project Number ST03125 for a drainage improvement contract with Ensco, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION transferring an allocation of \$565,796.00 funded by Sewer Revenue Bonds from Miscellaneous Subdivision Outfalls, Project Number SW01001 to Peterson Ridge Sewer Extension, Project Number SW01024. Resolution also appropriates \$565,796.00 funded by Sewer Revenue Bonds to Peterson Ridge Sewer Extension, Project Number SW01024 for a construction contract with Encor, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

31. RESOLUTION amending the permanent Rules of Procedure of the Memphis City Council by providing for guidelines for speaker decorum when addressing the Memphis City Council.

Halbert

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ON**

32. RESOLUTION establishing a Moratorium on the issuance of compensated dance permits by the Memphis Alcohol Commission and Permits Office, until May 1, 2011, applicable to all pending applications and all permits applied for from and after the date of this resolution.

Boyd

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 3 – Approved
4. Held until March 15, 2011
5. Through 8 – Approved
9. Public Hearing Set for March 15, 2011
10. Through 23 – Approved
24. Held until March 15, 2011
25. Through 30 – Approved
31. Dropped
32. Approved

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 15, 2011 MEETING**

Approved, as amended

**ACTION TAKEN ON THE MINUTES OF ITEMS #5, #19, & #32 FROM TONIGHT'S MEETING**

Approved