



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 19, 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 (April 5, 2011)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. Mayor Wharton's presentation of the Fiscal Year 2012 Budgets.

2. RESOLUTION honoring Randy Wade for his heroic actions.

Halbert

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARING** (None)

**DIVISION OF PLANNING & DEVELOPMENT** (None)

**ZONING ORDINANCES – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

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

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

**ZONING ORDINANCE - FIRST READING**

3. **ORDINANCE** rezoning the east side of Airways Boulevard; +/-250 feet south of Kilarney Avenue, containing 58.74 acres in the Residential Single Family-15 (R-15) District, up for F I R S T reading.

Ford

Case No. Z 11-101  
Ordinance No. 5397

Applicant: William H. Thomas, Jr.  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Warehouse & Distribution (WD) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING**

4. **ORDINANCE** rezoning the west side of Hollywood Street; +/-176.52 feet north of Chelsea Avenue, containing 0.21 acre in the Duplex Residential (R-D) District, up for S E C O N D reading.

Ford

Case No. Z 10-117  
Ordinance No. 5396

Applicant: Market Place Development, LLC

Request: Change the zoning from Duplex Residential (R-D) to Commercial Mixed Use (CMU-3)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

5. RESOLUTION approving final plat of RE-SUBDIVISION of ST.CHARLES PLACE SUBDIVISION.

Case No. S 10-019

Resolution approves final plat located on the north side of I-40, south of Highway 64. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting WHITTEN I-40 PLANNED DEVELOPMENT, PH. 20, and authorizing release of bond.

Case No. PD 05-320  
(Contract No. CR-5154)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Century Center Pkwy., west of Whitten Rd. The standard improvement contract was approved on March 9, 2010. Resolution also authorizes the release of the performance bond in the amount of \$358,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

7. 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 03-303 – CORDOVA GROVE PLANNED DEVELOPMENT, AMENDED LOT 7

Located on the west side of Macon Road; +/-180.97 feet south of Macon Terrace, containing 0.98 acre (42,689 sq. ft.) and is currently governed by Cordova Grove Planned Development, Amended (P.D. 03-303)

Appellant: The Law Offices of Lawrence M. Magdovitz  
Lawrence 'Larry' M. Magdovitz, II – Representative

Request: Appeal Site Plan Condition 1 to dedicate and improve Macon Road in accordance with Subdivision Regulations as approved by the Land Use Control board on March 10, 2011

LUCB recommendation: Approval with three (3) conditions

OPD recommendation: Approval with four (4) conditions

B. Case No. PD 06-332 – STEVE ROAD PLANNED DEVELOPMENT, AMENDED

Located on the south side of Steve Road; +/-182.59 feet west of Ellsworth Street, containing 12.18 acres and is currently governed by Steve Road Planned Development, Amended (P.D.06-332)

Appellant: Thomas Investments (William H. Thomas, Jr.)  
SR Consulting, LLC – Representative

Request: Appeal to overturn decision of the Land Use Control Board on Thursday, March 10, 2011 denying a request for a five(5) year time extension and to remove phasing restrictions from Outline Plan Conditions

LUCB and OPD recommendation: REJECTION

C. Case No. SUP 10-231

Located on the north side of Knight Arnold Road; +/-120 feet west of Danville Road, containing 3,025 sq. ft. of 4.00 acres, in the Single Family Residential (R-6) District

Applicants: Tower Ventures V, LLC & TV6-W, LLC  
The Prime Development Group, Inc. - Representative

Request: Special use permit to allow a cellular communications tower one-hundred thirty(130) feet in height of concealed canister monopole design with the capacity to accommodate a minimum of three(3) antennae

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

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

**SUGGESTED DATE: May 3, 2011**



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## FISCAL CONSENT

8. RESOLUTION accepting grant funds in the amount of (\$600,000.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Adult Program. Resolution also amends FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution



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## MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11486, Grounds Maintenance Landscaping Services, to The Roberts Company Ltd. of Tennessee d/b/a Environmental Landscape Services, in the funded amount of \$67,566.50.
10. RESOLUTION approving Change No. 8 to Contract No. 10332, ABB Software Maintenance, with ABB Power Training & Development Company, Inc., in the funded amount of \$128,145.00. (This change covers payment of software maintenance, licenses, and support renewal fees for the period January 1, 2011 to December 31, 2011).
11. RESOLUTION awarding Contract No. 11434, Horn Lake Creek Bore and In-Line Inspection, to Memphis Road Boring Company, Inc., in the funded amount of \$179,850.00.
12. RESOLUTION awarding Contract No. 11468, Filter Media and Surface Wash Piping and Appurtenances Replacement for Palmer Pumping Station, to Chris-Hill Construction Company, LLC, in the funded amount of \$360,150.00.
13. RESOLUTION approving exercise of option to extend the contract with Pencco, Inc., for fluorosilicic acid for a third 12-month period, May 20, 2011 to May 19, 2012, in the funded amount of \$710,400.00.
14. RESOLUTION approving the selection of RREEF America REIT II (open-end core real estate fund) to manage approximately \$45,000,000.00 for benefit of the Retirement and Pension Fund, as part of a reallocation.



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## REGULAR AGENDA

15. APPOINTMENT

Collins

Public Art Oversight Committee

Appointment

Peter H. Warren

GENERAL ORDINANCES -THIRD AND FINAL READING

16. **ORDINANCE** to amend Chapter 16, Article V, of the City of Memphis Code of Ordinances, so as to allow Self-Contained Mobile Food Preparation Vehicles to operate in the City of Memphis, up for T H I R D and F I N A L reading.

Ford

Ordinance No. 5394

ACTION REQUESTED: Take whatever action Council deems advisable

17. **ORDINANCE** to redistrict all Council Districts and to assign newly annexed areas, if any, to Council Districts so that all such districts will remain as equal as practicable and all such districts will comply with the injunction decree issued by United States District Judge Jerome Turner, pertaining to Voting Rights Acts Remedies, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5395

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

18. **RESOLUTION** appropriating funds in the amount of \$88,677.65, CIP Project GA01010, which was included in the FY11 CIP Budget for the replacement of 4 Outdoor Warning Sirens.

Strickland

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION**

19. RESOLUTION approving the City’s plan to hold a referendum for eligible employees who are not currently covered by Medicare to now obtain Hospital Insurance-Medicare Only Coverage through the City’s Medicare Buyback Strategy.

Collins

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES**

20. RESOLUTION for Fire Station Repair, CIP Project Number FS02001, as part of the FY2011 Capital Improvement Program, requests approval of \$101,200.00 for Contract Construction, funded by G.O. Bonds General, with lowest and best complying bid out of 6 bids submitted by Wagner General Contractors, Inc.

Strickland

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION to transfer an allocation and appropriation of \$154,437.00 in G.O. Bonds from Countrywood Fire Station, an allocation of \$162,514.00 and appropriation of \$28,514.00 in G.O. Bonds from Relocate Fire Station #22, and an allocation of \$157,721.00 and an appropriation of \$73,721.00 in G.O. Bonds from Fire Station #57 to Fire Station Repair FS02001.

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES**

22. RESOLUTION to amend the FY 2011 Operating Budget by transferring an allocation and appropriation of \$450,000.00 of the Human Resources’ Division Operating Budget to cover a Request for Proposal for pre-employment medicals.

Collins

ACTION REQUESTED: Adopt the resolution

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

23. RESOLUTION seeks approval for completion of plans and specifications and taking of bids for Gaston Community Center Repairs, CIP Project Number PK01026, at an estimated construction cost of \$350,000.00 funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION seeks approval for completion of plans and specifications for Pink Palace Planetarium Rehab, CIP Project Number PK08016, at an estimated total cost of \$1,400,000.00, \$700,000.00 funded by G.O. Bonds General and \$700,000.00 funded by Local Other Funding.

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES**

25. RESOLUTION to accept and appropriate \$10,000.00 in grant funds from PETCO Foundation to be used to provide affordable and available spay/neuter opportunities to the community.

Morrison

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

26. RESOLUTION appropriating \$381,701.00 funded by Sewer Revenue Bonds from South Plant Expansion, project number SW02033 for a construction contract with Tri-State Armature & Electrical Works, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

27. RESOLUTION approving an appeal of CCC Decision, Family Dollar, 831 Thomas.  
Ford Case No. 11-07

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION encouraging all citizens in the Memphis metropolitan area, to vote for Booker T. Washington High School, in its bid to have President Barack Obama speak at the 2011 commencement ceremony.

Halbert

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION encouraging Memphis Grizzlies fans to “Paint the Town Blue” to show support for the team.

Halbert

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. No action was required
2. and 3 - Held to May 3, 2011
4. Through 6 – Approved
7. A and C – Public Hearing set for May 3, 2011  
B – Held to May 3, 2011 - **Notation**
8. Through 16 – Approved
17. Held to May 17, 2011
18. Through 26 – Approved
27. Family Dollar agreed to withdraw the appeal. No vote needed. Issue is moot.
28. and 29 – Approved

ACTION TAKEN ON THE MINUTES OF APRIL 5, 2011

Approved, as amended