



CITY OF MEMPHIS

COUNCIL AGENDA

February 20, 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 (February 6, 2007)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

1. RESOLUTION approving final plat of COLONIAL OAKS PLANNED DEVELOPMENT.
Case No. PD 06-346
Contract No. CR-5053

Resolution approves the final plat located on the west side of Colonial Oaks, 410' north of Poplar 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

2. RESOLUTION accepting FOUNTAIN BROOK PD, PHASE 1 and authorizing release of bond.
Case No. PD 04-370cc
(Contract No. CR-4987)

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 Berryhill Road, opposite Berry Bush Lane. The standard improvement contract was approved on 11/15/2005. Resolution also authorizes the release of the Letters of Credit in the total amount of \$134,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION accepting FOUNTAIN BROOK PD, PHASE 2 and authorizing release of bond.
Case No. PD 04-370cc
(Contract No. CR-5000)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast side of Berryhill Road, 652.48' southeast of Berry Bush Lane. The standard improvement contract was approved on 3/7/2006. Resolution also authorizes the release of the Letters of Credit in the total amount of \$82,100.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 4. **RESOLUTION** accepting MEMPHIS INTERMODAL FACILITY PARKING IMPROVEMENTS, and authorizing release of bond.

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 US Hwy 78 at the intersection of Pleasant Hill Road. The standard improvement contract was approved on April 25, 2006. Resolution also authorizes the release of the performance bond in the amount of \$78,200.00.

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. SAC 06-635 – WASHINGTON AVENUE CLOSURE

Located between Dunlap Street and Pauline Avenue, containing 43,124 square feet and 50' X 848' - Length X Width of R.O.W., in the Hospital (H) District

Applicant: Methodist Le Bonheur

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 6, 2007

GENERAL ITEM

- 6. **RESOLUTION** approving a street/alley closure located on Miller Road @ Lamar Avenue, containing 34' X 598' (20,342 Square Feet) and 34' X 598' (23,738 Square Feet)-amended area, in the Single Family Residential (R-S6) District.

Lowery

Case No. SAC 06-615

Applicant: BNSF Railroad

Request: Amend the approved closure area to include an addition 3,396 square feet of street right of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

7. RESOLUTION approving Change No. 2 to Contract No. 9955, the 2006 payment to the Memphis and Shelby County Health Department, for the "Partial Funding of Pollution Control," in the funded amount of \$141,269.15.
8. RESOLUTION approving Change No. 10 to Contract No. 10569, Interactive Voice Response System (IVR), with Nortel Networks, Inc., in the funded amount of \$127,967.00. (This allows upgrade to MLGW's interactive voice response system.)
9. RESOLUTION approving Change No. 10 to Contract No. 10642, Grounds Maintenance, with Bean & Prince Contractors, Inc., to amend Change No. 9 dated February 16, 2006 to reflect the sixth renewal term only, and to renew this contract for the seventh and final term beginning March 16, 2007 to March 15, 2008, in an estimated funded amount of \$576,321.30.
10. RESOLUTION approving ratification of an Expedited Procurement Request for Contract No. 10718, Long and Short Term Disability, with UnumProvident Corporation, to extend the current contract term effective February 1, 2007 to December 31, 2007, in an estimated funded amount of \$1,576,537.00.
11. RESOLUTION approving Change No. 4 to Contract No. 11020, Janitorial Services, with Kimco Corporation, to amend Change No. 3 to reflect an Expedited Procurement Request to extend the Contract for 30 days for the first renewal term from January 21, 2006 until February 21, 2006, and to renew this Contract for the second term of four renewal terms beginning February 22, 2007 until February 21, 2008, in an estimated funded amount of \$646,788.50.
12. RESOLUTION awarding contract for radio equipment to Motorola, c/o Integrated Communications, in the amount of \$90,475.11.
13. RESOLUTION amending Purchase Order Nos. 124564 and 124565 with Danka for rental of two digital copier/printer systems in the amount of \$539,408.38.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

14. Taylor **APPOINTMENTS**

Prevailing Wage Commission

Appointment

Harold McDonald

Reappointments

Charles H. Dennis, Jr.

Ronnie T. Green

L. C. Vance

GENERAL ORDINANCE - THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

15. Chumney RESOLUTION waiving property taxes on Plough Towers located at 6580 Poplar Avenue.

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

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

- 16. RESOLUTION amending the Fiscal Year 2007 Capital Improvement Budget by transferring a previous allocation and appropriating \$471,469.00 funded by GO Bonds – General from Drainage, CIP Project number ST03006 to Leath Bayou CIP, project number ST03013, for a construction contract with Ferrell Paving, for drainage repair.

Sammons

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

- 17. ORDINANCE amending the text of the Subdivision Regulations, up for T H I R D and F I N A L reading. (Held from 2/6)

Lowery

Ordinance No. 5202
Case No. STA 06-001cc

Applicant: Office of Planning and Development

Request: Subdivision Text Amendment as follows: Amend Sections 300.2E: Names and Addresses and 404.3F: Adjacent Properties – to add requirements for interconnected streets

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT

- 18. RESOLUTION approving a special use permit located on the northwest corner of Lamar Avenue and Getwell Road, containing 2.49 acres in the Light Industrial (I-L) District.

Lowery

Case No. SUP 06-225

Applicant: CMRG Lamar, LLC
Cindy Reaves, SR Consulting - Representative

Request: Hotel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

- 19. RESOLUTION approving a use variance located on the south side of Bickford Avenue; +125 feet east of N. 5th Street, containing 1.04 acres in the Moderate Density (MDR) Residential.

Lowery

Case No. UV 06-14

Applicant: Bluff City CDC
Carl Mabry – Representative

Request: A revised use variance plan to permit a 4-story apartment building (Max 47 units)

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

20. RESOLUTION approving a planned development located on the northeast corner of Poplar Avenue and Perkins Road, containing 4.126 acres in the Single Family Residential (R-S10) & Highway Commercial (C-H) Districts.

Lowery

Case No. PD 06-364

Owner of Record: Eudora Baptist Church

Applicant: Newman-Tillman Properties
Homer Branam/Ronald Harkavy – Representative

Request: A planned development to create a mixed use development consisting of both commercial and institutional uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

57 NOTICES MAILED ON FEBRUARY 9, 2007

21. RESOLUTION approving an appeal located on the east side of Colonial Road; +545.6 feet south of Cole Road, containing 43,298 square feet (0.994 acre) in the Single Family Residential (R-S10) District.

Lowery

Case No. S 06-056

Applicant: Brad Rainey Homes, Inc.
SR Consulting, LLC – Cindy Reaves – Representative

Request: 3 Lot Preliminary Plat

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

14 NOTICES RE- MAILED ON FEBRUARY 9, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

22. RESOLUTION commending Taylor Kinard for her kindness and generosity.

Holt

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION congratulating Jasmine Holmes for being selected as a National Scholar and representing Tennessee at the 2007 National Young Leader Conference.

Sammons

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

24. RESOLUTION amending the Rules of Procedure regarding voting methods.
Taylor

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION approving final plat of CHRISTY MEADOWS SUBDIVISION.
Consent

Case No. S 06-041
Contract No. CR-5054

Resolution approves the final plat located on Springer Drive, 317.6' W of the intersection Walnut Trace Drive. 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

26. RESOLUTION approving final plat of LAGRANGE COMMONS PLANNED DEVELOPMENT.

Consent

Case No. PD 05-311cc
Contract No. CR-5055

Resolution approves the final plat located on Raleigh LaGrange south 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.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving sewer plan for RIVERTOWN SEWER IMPROVEMENT.
Consent

Contract No. CR-5056

Resolution approves the sewer plan located on the east side of Island Drive, south of Auction. Cost of the required improvements to be shared between City and the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION supporting the location of the new Toyota automotive plant in Marion, Arkansas.

Brittenum

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION congratulating the Airport Authority and Frontier Airlines for the expanded service from Memphis.

Marshall

ACTION REQUESTED: Adopt the resolution

ADD-ONS

30. APPOINTMENT
Taylor

Memphis and Shelby County Film and Television Commission

Appointment

Pat Kerr Tigrett

- 31. **ORDINANCE** rezoning the north side of Frayser Boulevard; +522.02 feet west of New Allen road, containing 34.8 acres in the Highway Commercial (C-H) & Single Family Residential (R-S6) Districts, up for F I R S T reading.

Consent

Ordinance No. 5204
Case No. Z 06-132

Applicant: Belz Investco c/o Ron Belz
Ronald Harkavy – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

- 32. RESOLUTION approving the MLGW Health Insurance Contract.
Chumney

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 4 – Approved
- 5. Public Hearing set for March 6, 2007
- 6. Through 8 – Approved
- 9. Back to Committee on March 6, 2007
- 10. Approved
- 11. Back to Committee on March 6, 2007
- 12. and 13 – Approved
- 14. Approved, with the exception of L.C. Vance whose name was removed
- 15. and 16 – Approved
- 17. Back to Committee on March 6, 2007
- 18. Approved, as amended
- 19. Approved
- 20. Approved, as amended
- 21. Through 31 – Approved
- 32. Approved, as amended

ACTION TAKEN ON THE MINUTES OF FEBRUARY 6, 2007

Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 20, 2007 FOR ITEM #32 ONLY:

MOTION: Sammons – Suspend the Rules for the purpose of approving the Minutes for Item #32 only
SECOND: Holt

February 20, 2007

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ADD-ONS

Without Objection, rules suspended

MAIN MOTION: Sammons
SECOND: Holt
AYES: Chumney, Cooper Taylor, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Marshall
Brittenum and Brown did not cast a vote

APPROVED, set up as Special Item #1