



CITY OF MEMPHIS

COUNCIL AGENDA

April 24, 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 (April 10, 2007)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** approving a new Code of Ethics pursuant to legislation enacted by the General Assembly requiring all municipalities in Tennessee to adopt a policy for all municipal and elected officials, employees, boards, commissions, authorities, corporations and other instrumentalities, up for S E C O N D reading.

Lowery &
Sammons

Ordinance No. 5206

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** repealing Ordinance No. 4709, which established an aspirational Code of Ethics for all elected and appointed officials of the city and replacing with a more comprehensive ethics policy, up for S E C O N D reading.

Lowery &
Sammons

Ordinance No. 5207

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

3. **RESOLUTION** approving final plat of BIG ORANGE SUBDIVISION.

Case No. S 02-056cc

Contract No. CR-5072

Resolution approves the final plat located on the northwest corner of Cordova Park Road and Big Orange 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

- 4. RESOLUTION approving final plat of CAZASSA ROAD, PD.
Case No. PD 06-329

Resolution approves the final plat located on Cazassa Rd and September Ave. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 5. RESOLUTION approving final plat of FIRE STATION 54 SUBDIVISION.
Case No. S 02-038

Resolution approves the final plat located south of Trinity Road and west of Sanga Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION accepting STONEBRIAR PD, PHASE 5 and authorizing release of bond.

Case No. PD 03-335cc
(Contract No. CR-5011)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Shades Valley Place, south of East Holmes. The standard improvement was approved on May 16, 2006. Resolution also authorizes the release of bond in the amount of \$37,000.00. This action is subject to County

contract
the cash
approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 7. RESOLUTION accepting GALLERIA OF MEMPHIS PD DRAINAGE IMPROVEMENTS (BOX CULVERT EXTENSION), and authorizing release of bond.
(Contract No. CR-5036)

Resolution accepts completion of the improvements and dedication of public streets and easements as shown on the final plat located on the west side of Germantown Parkway, south of Belleview Parkway. The standard improvement contract was approved on September 19, 2006. Resolution also authorizes the release of the certificates of deposit in the amount of \$400,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)

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



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11190, Mowing/Grounds Maintenance Well Lots, to Bean & Prince Contractors, Inc., in the funded amount of \$57,316.00.
9. RESOLUTION approving Change No. 8 to Contract No. 10840, Temporary Personnel Services, with Kelly Services, Inc., in an estimated funded amount of \$540,000.00. (This change covers ratification in the amount of \$52,000.00 to cover services performed through March 23, 2007, and approval of award in the amount of \$488,000.00 to cover projected cost of services until the end of the contract term, June 4, 2007.)
10. RESOLUTION approving Change No. 4 to Contract No. 11016, Drug and Alcohol Collection Provider, with True Test Collection, in an estimated funded amount of \$30,026.00. (This renews the contract for the first term, May 6, 2007 to May 5, 2008.)
11. RESOLUTION awarding contract for software licenses and maintenance service to Doble Engineering Company, in the amount of \$59,020.00.
12. RESOLUTION requesting authorization to enter into an Interdivisional Cooperative Agreement with the City of Memphis for the purchase of mechanics' uniform rental and shop towel laundering services from AmeriPride Linen and Apparel Services, in the amount of \$562,580.00.
13. RESOLUTION awarding contract for electric meter pedestals to The Durham Company, Inc., in the amount of \$992,026.74.
14. RESOLUTION awarding contract for porcelain insulators to HD Supply Utilities, in the amount of \$125,838.48.
15. RESOLUTION awarding contract for 90-degree steel pipe bends to American Pipe Bending, in the amount of \$32,322.00.
16. RESOLUTION requesting authorization to extend the contract for polyethylene gas fittings with Continental Industries, in the amount of \$189,721.50.
17. RESOLUTION awarding contract for software maintenance for Bindview compliance reporting software to Venture Technologies, in the amount of \$35,702.38.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

18. APPOINTMENTS

Taylor

Memphis and Shelby County Building Code Board

Reappointment

Chandrika Reed Winston

Memphis and Shelby County Industrial Development Board

Appointments

Mary Singer
Clifford Stockton, Sr.
Mark Yates

Reappointment

Jill Iglehart

Memphis and Shelby County Plumbing Code Board

Appointments

James R. Boatwright, Jr.
Thomas Boyd, Jr.
Jimmy D. Hardin
Harold McDonald
Lloyd Rainey

Memphis and Shelby County Sports Authority

Reappointment

Valerie Bryant Morris

Prevailing Wage Commission

Appointment

Mark S. LaGasse

GENERAL ORDINANCE - THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

- 19. RESOLUTION amending the FY 2007 Operating Budget to reflect expenditure shifts, enhanced revenue and reprioritization of spending by transferring and appropriating funds between legal levels in Unallocated, Park Services, Debt Service, City Court Clerk, Grants & Agencies and Special Revenue Fund.

Chumney

ACTION REQUESTED: Adopt the resolution

- 20. RESOLUTION approving the Purchasing Agent to dispose of all surplus materials of any nature including motor vehicles (except building structures) that have been declared surplus and unfit by the various City Divisions.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 21. RESOLUTION adopting Dixie Homes/Legends Park Urban Renewal Plan. (Held from 3/06).

Ware

ACTION REQUESTED: Adopt the resolution

- 22. RESOLUTION accepting the transfer of tax delinquent parcel 032 0310 00010 from Shelby County, Tennessee for further transfer to the Memphis Housing Authority for the University Place Redevelopment Project.

Ware

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

- 23. RESOLUTION appropriating \$63,790.22, funded by GO Bonds General, used to purchase three service vehicles for the Memphis Public Library, CIP Project L101011, Service Vehicle Replacement.

Brown

ACTION REQUESTED: Adopt the resolution

- 24. RESOLUTION authorizing the execution of a lease agreement with Wepfer Marine, Inc. for certain mooring rights located in McKellar Lake, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on November 16, 2006.

Brown

Contract No. CR-5071

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

- 25. RESOLUTION accepting Surface Transportation Program funds in the amount of \$8,910,000.00 from the State of Tennessee Department of Transportation for Holmes/Tchulahoma/Getwell from Malone to Lamar, project number PW01123.

Sammons

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

- 26. RESOLUTION amending the Fiscal Year 2007 Capital Improvement Budget by transferring a previous allocation and appropriating \$1,023,516.00 funded by GO Bonds-General (Storm Water) from Drainage, CIP Project number ST03006 to Lick Drainage Channel Repair Project number ST03094 and for a construction contract with Proshot Concrete, Inc.

Sammons

Director of Public Works/City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

- 27. RESOLUTION approving a hotel waiver for the Hilton, located at 939 Ridge Lake Blvd., Memphis, TN. 38120.

Lowery

ACTION REQUESTED: Adopt the resolution

- 28. RESOLUTION approving a special use permit located on the northwest corner of Poplar Avenue and Tillman Street, containing 0.55 acre(23,958 sq. ft.) in the Local Commercial (C-L) District.

Lowery

Case No. SUP 07-201

Applicant: Enterprise Rent-A-Car

Request: Special use permit to allow a car rental agency

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

- 29. RESOLUTION approving a planned development located on the east side of N. Germantown Parkway; +/-315 feet south of Timber Creek Road, containing 4.0 acres in the General Office (O-G) District.

Lowery

Case No. PD 06-369

Applicants: B & H Hospitality, LLC
Bray-Davis Firm, LLC - Representative

Request: Planned development to allow a four (4)-story hotel and restaurant building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

65 NOTICES MAILED ON APRIL 13, 2007

30. RESOLUTION approving a planned development located on the west of Jackson Avenue; south of Wales Avenue, containing 28.90 acres in the Multiple Dwelling Residential (R-MM) & Multiple Dwelling Residential Flood Plain (R-ML {FP}) Districts.

Lowery

Case No. PD 07-301

Applicant: Wilma Costa
Homer Branam - Representative

would

Request: A planned development for commercial uses consisting of mini storage warehouse and an open air community market which include both a flea market and a farmer's market

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

60 NOTICES MAILED ON APRIL 13, 2007

31. RESOLUTION approving a planned development located on the north side of Manslick Road @ western terminus of Presmond Road, containing 6.53 acres in the Single Family Residential (R-S6) District.

Lowery

Case No. PD 07-304cc

Applicant: Land Development Group
Daryl J. Lanksy - Representative

Request: A residential planned development consisting of 26 single family detached lots (minimum lot size = ± 4,094 square feet)

OPD recommendation: REJECTION

LUCB recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

192 NOTICES MAILED ON APRIL 13, 2007

32. RESOLUTION approving a planned development located on the west side of Hernando Road; +/-40 feet north of Ferguson Road, containing 4.88 acres in the Multiple Dwelling Residential (R-MM) District.

Lowery

Case No. PD 07-305

Applicant: Outdoor Management, LLC
Fisher & Arnold, Inc. - Representative

Request: Planned development to allow one half (1/2) acre lots for Light Industrial(I-L) District Business Park development within the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD for Thirty (30) Days

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON APRIL 13, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

33. RESOLUTION congratulating Felicia Suzanne's restaurant on its fifth anniversary. (Held from 4/10).

Marshall

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION congratulating the University of Memphis Tigers on their outstanding basketball season.

Ware

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

35. RESOLUTION requesting related and jointly governed organizations excluded from the City's financial statements, to present their 2006 audit at the second meeting in July and thereafter, shall present their annual audit at the first meeting in March.

Brittenum

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION encouraging the General Assembly to take action affirming its support of HB 2132 and SB 1584 Title Lending.

Taylor

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving rewards for the apprehension and conviction of any person or persons who have committed unsolved heinous offenses.

Brittenum

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

38. RESOLUTION appropriating \$99,523.00 in G.O. Bonds General in CIP Project FS04003 MDTs and Motorola Radio Repeaters for the purchase of software and peripherals to enhance the functionality of the Mobile Data Terminals (MDTs).(Held from 4/10)

Sammons

ACTION REQUESTED: Adopt the resolution

39. **APPOINTMENTS**

Taylor

City Attorney

Appointment

Elbert Jefferson Jr.

40. RESOLUTION honoring Kaitlin Bahn.

Brittenum

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 8 – Approved
9. Back to Committee on May 1, 2007
10. Through 27 – Approved
28. Approved, as amended
29. Failed
30. Approved
31. Held to May 15, 2007
32. Through 40 – Approved

ACTION TAKEN ON THE MINUTES OF APRIL 10, 2007

Approved