



# CITY OF MEMPHIS

## COUNCIL AGENDA

May 15, 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 (May 1, 2007)**

## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING (None)

### GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** establishing the Fiscal Year 2008 Operating Budget for the City of Memphis, up for S E C O N D reading.

Chumney

Ordinance No. 5208

**ORDINANCE** to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2007 through June 30, 2008, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2007 through June 30, 2008, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2008, up for S E C O N D reading.

Chumney

Ordinance No. 5209

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and 25-195, up for S E C O N D reading.

Taylor

Ordinance No. 5210

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

**ENGINEERING**

4. RESOLUTION approving final plat of KANSAS STREET IMPROVEMENTS.  
Contract No. CR-5073

Resolution approves the final plat located between Georgia Avenue and Carolina Avenue. 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

5. RESOLUTION accepting LOGAN'S RUN SUBDIVISION and authorizing release of bond.

Case No. S 04-114cc  
(Contract No. CR-4897)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on east Holmes Road, 514.33 feet north of Sunny Autumn Lane. The standard improvement contract was approved on October 19, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$44,400.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting BUCKINGHAM FARMS PD, PHASE 31 and authorizing release of bond.

Case No. PD 95-310cc  
(Contract No. CR-5004)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Nonconnah Parkway, east of Hacks Cross Road. The standard improvement contract was approved on April 11, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$361,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting BAPTIST MEMORIAL HOSPITAL BOX CULVERT, SOUTH OF WALNUT GROVE ROAD and authorizing release of bond.  
(Contract No. CR-5009)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Walnut Grove Road, east of Brierview Street. The standard improvement contract was approved on April 25, 2006. Resolution also authorizes the release of the performance bond in the amount of \$268,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD** (None)



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## MLGW FISCAL CONSENT

8. RESOLUTION approving Change No. 3 to Contract No. 10977, Tires and Tire Service, with Southern Tire Mart, LLC, in an estimated funded amount of \$570,377.92. (This renews the contract for the third term, June 12, 2007 to June 11, 2008.)
9. RESOLUTION approving Change No. 6 to Contract No. 10979, Network Maintenance, with Venture Technologies, in the funded amount of \$495,298.45. (This renews the contract for the third term, July 1, 2007 to June 30, 2008.)
10. RESOLUTION requesting ratification of Expedited Procurement Request for Change No. 2 to Contract No. 11061, Wireless Telephone Services, with AT&T (formerly Cingular Wireless) in an estimated funded amount of \$194,253.44. (This renews the contract for the first term, April 3, 2007 to April 2, 2008.)
11. RESOLUTION awarding 36-month blanket contract for utility bill envelopes to Tension Envelope Corporation, in the amount of \$544,282.76.
12. RESOLUTION requesting ratification of emergency Purchase Order No. 130755 issued to Siemens PT&D, c/o Utility Sales Agency, Inc., for a 40-kA power circuit breaker, in the amount of \$37,995.00.
13. RESOLUTION awarding contract for nine coupling capacitor voltage transformers to Trench Limited, c/o Jeanes Enterprises, in the amount of \$49,950.00.
14. RESOLUTION awarding Contract No. 11217, Temporary Services, to Manpower, Inc., in an estimated funded amount of \$160,000.00.
15. RESOLUTION awarding Contract No. 11220, Temporary Services, to Kelly Services, Inc., in an amount not to exceed \$220,000.00.
16. RESOLUTION awarding Contract No. 11221, Temporary Services, to NeMarc Professional Services, Inc., in an amount not to exceed \$180,000.00.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

#### 17. APPOINTMENTS

Taylor

#### Memphis & Shelby County Cross Connection Board

##### Appointments

Lloyd M. Rainey  
Chandrika R. Winston

#### GENERAL ORDINANCES - THIRD AND FINAL READING

18. **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 T H I R D and F I N A L reading. (Held from 5/1)

Lowery &  
Sammons

Ordinance No. 5206

ACTION REQUESTED: Take whatever action Council deems advisable

19. **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 T H I R D and F I N A L reading. (Held from 5/1)

Lowery &  
Sammons

Ordinance No. 5207

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**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**

20. RESOLUTION appropriating \$300,000.00 in G.O. Bonds General for restoration of the Overton Park Shell.

McCormick

Council did include Overton Park Shell, CIP Project Number PK07083, as part of the FY 2007 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION accepting grant funds in the amount of \$30,000.00 from the Plough Foundation for the Raymond Skinner Center to purchase a new van. Resolution also amends FY 2007 Operating budget to establish and appropriate grant funds in the amount of \$30,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS** (None)

**ZONING ORDINANCE - THIRD AND FINAL READING** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

22. RESOLUTION approving a special use permit located on the east side of Rockyford Road; +374 feet south of Raner Creek Drive, containing 3.38 acres in the Agricultural (AG) District.

Lowery

Case No. SUP 07-203cc

Applicant: William Orgel  
Cindy Reaves, SR Consulting – Representative

Request: Cellular Tower

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**

23. RESOLUTION approving a planned development located on the north side of Shelby Drive; +/-310 feet west of Sandy Park Drive, containing 1.90 acres in an area currently governed by Henry Commercial Planned Development (P.D. 99-333).

Lowery

Case No. PD 07-303

Applicant: Henry A. McLemore  
Doveland Building & Engineering Company – Representative

Request: Planned development amendment to modify Outline Plan to create a new Concept Plan to allow two (2) additional buildings within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**65 NOTICES MAILED ON MAY 4, 2007**

24. RESOLUTION approving a planned development located on the east side of E. Parkway South; +380.47 feet south of Central Avenue, containing 14.89 acres in the Duplex Residential (R-D) District.

Lowery

Case No. PD 07-306

Applicant: Salvation Army  
Ron Harkavy – Representative

Request: A planned development to permit a community center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution

**113 NOTICES MAILED ON MAY 4, 2007**

25. 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. (Held from 4/24)

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**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

26. RESOLUTION honoring Edward A. Bumpus for his long-time commitment and service to the Memphis community.

Brittenum

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving an honorary street name change on Dedrick Avenue, east of Buntyn Street and west of Haynes Street as Rochelle Stevens Avenue.

Lowery

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION commending Mr. Webb Brewer for his outstanding work on behalf of Memphis Area Legal Services.

Cooper Taylor

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION declaring May 14 – May 17, 2007 as “Business Economic Development Week”, which is sponsored by the Memphis Chapter of the Southern Christian Leadership Conference.

Peete

ACTION REQUESTED: Adopt the resolution

**ADJOURNMENT**

**ADD-ONS**

30. RESOLUTION approving final plat of FOUNDERS POINTE P.D., PHASE 2.

Consent

Case No. PD 04-333

Contract No. CR-5074

Resolution approves the final plat located on the west side of Riverside Drive at Channel 3 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

31. RESOLUTION approving final plat of LAMAR CROSSING P.D., PHASE 1, AREA B.

Consent

Case No. PD 06-313

Contract No. CR-5075

Resolution approves the final plat located on the southwest corner of Lamar Avenue and Dunn Avenue. 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

32. **APPOINTMENT**

Taylor

**Alcohol Commission**

Appointment

Marsha C. Jenkins

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 17 - Approved
- 18. & 19 - Held until June 5, 2007
- 20. & 21 - Approved
- 22. Approved, as amended
- 23. Approved
- 24. Held until June 5, 2007
- 25. Held until June 19, 2007
- 26. & 27 - Approved
- 28. Held until June 5, 2007
- 29. Through 32 - Approved

**ACTION TAKEN ON THE MINUTES OF MAY 1, 2007 MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEM #32 - ALCOHOL COMMISSION APPOINTMENT, OF TONIGHT'S MEETING**

Approved