



CITY OF MEMPHIS

COUNCIL AGENDA

August 21, 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 (August 7, 2007)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** to amend Chapter 2, Article II, Section 2-18 of the Code of Ordinances so as to establish City Council staff positions, up for S E C O N D reading.

Taylor

Ordinance No. 5219

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** to fix and determine salary and compensation of Mayor, pursuant to Home Rule Amendments, up for S E C O N D reading.

Taylor

Ordinance No. 5220

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

3. **ORDINANCE** rezoning the east side of Airways Boulevard; +250 south of Kilarney Avenue, containing 52.74 acres in the Single Family Residential (R-S8) & Multiple Residential (R-M) Districts, up for S E C O N D reading.

Lowery

Ordinance No. 5218

Case No. Z 07-110

Applicant: William H. Thomas, Jr.
Jud TePaske - Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

4. **RESOLUTION** approving final plat of BISHOPS GATE PLANNED DEVELOPMENT, PHASE 3.

Case No. PD 89-356

Resolution approves the final plat located at the northeast corner of Emerald Street and Winchester Road. 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 BURNHAM S/D.

Case No. S 05-086

Resolution approves the final plat located on the northeast corner of Burnham Ave. and Overton Crossing. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. **NOTATION FROM OPD**

NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 07-318 - JORDAN PLANNED DEVELOPMENT

Located on the southwest corner of North Parkway and Dunlap Street, containing ± 11,500 square feet (0.264 acre) in the Single-Family Residential (R-S6) District

Applicant: Jordan and Associates, LLC
Vanecia Belser Kimbrow, Esq. – Representative

Request: Six residential condominium units in an existing vacant building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 4, 2007

GENERAL ITEMS (None)



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MLGW FISCAL CONSENT

7. RESOLUTION ratifying Expedited Procurement Request for award of Contract No. 11234, Horizontal Earth Bore, to Memphis Road Boring Company, Inc., in an estimated funded amount of \$196,420.00.
8. RESOLUTION approving Change No. 3 to Contract No. 10987, Helicopter Herbicide Spraying, with Helicopter Applicators, Inc., in an estimated funded amount not to exceed \$162,511.50. (This renews the contract for the second term of four renewal terms, retroactive to June 20, 2007 through June 19, 2008.)
9. RESOLUTION ratifying Intragovernmental Agreement between MLGW and the City of Memphis and establishing the award amount of \$26,353,004.00 for Contract No. 11202, Administrative Services Agreement between MLGW and United Healthcare.
10. RESOLUTION awarding contract for five-foot aluminum single-arm brackets to PSI of Tennessee, LLC, in the amount of \$45,160.00.
11. RESOLUTION awarding contract for switchgear to S & C Electric Company, in the amount of \$42,338.25.
12. RESOLUTION awarding contract for process gas chromatograph to Daniel Measurement and Controls, in the amount of \$42,150.00.
13. RESOLUTION approving 12-month extension of contract with Fullen Dock and Warehouse for crushed limestone, in the amount of \$493,750.00.
14. RESOLUTION awarding 36-month contract for Construction and Maintenance shirts to Tyndale Company, Inc., in the amount of \$108,150.00.
15. RESOLUTION ratifying Expedited Procurement Request for award of contract to AZZ/Central Electric Manufacturing Company for metal-clad switchgear complex, in the amount of \$1,728,531.00.
16. RESOLUTION awarding contract for spare parts for the reactor cubicle located at Substation No. 76 to Magnetic Technologies Corporation, in the amount of \$38,407.00.
17. RESOLUTION awarding contract for five one-ton cab and chassis to Crossroads Ford, in the amount of \$150,434.07.
18. RESOLUTION awarding contract for steel dead-end structures to Falcon Steel Company, in the amount of \$131,410.00.
19. RESOLUTION approving the employment of Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC, to provide legal services on an as-needed basis at agreed upon hourly rates.
20. RESOLUTION approving the employment of the Bogatin Law Firm to provide legal services on an as-needed basis at agreed upon hourly rates.
21. RESOLUTION approving the employment of Evans & Petree, PC, to provide legal services on an as-needed basis at agreed upon hourly rates.
22. RESOLUTION approving the employment of Glankler Brown, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.

23. RESOLUTION approving the employment of Harris Shelton Hanover Walsh, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.
24. RESOLUTION approving the employment of Kiesewetter Wise, Kaplan Schwimmer & Prather, to provide legal services on an as-needed basis at agreed upon hourly rates.
25. RESOLUTION approving the employment of Miller & Martin, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.
26. RESOLUTION approving the employment of Miller, Balis & O'Neil, PC, to provide legal services on an as-needed basis at agreed upon hourly rates.
27. RESOLUTION approving the employment of SpenceWalk, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.
28. RESOLUTION approving the employment of Thomason, Hendrix, Harvey, Johnson & Mitchell, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.
29. RESOLUTION approving the employment of Allan J. Wade, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.
30. RESOLUTION approving the employment of Waller Lansden Dortch & Davis, to provide legal services on an as-needed basis at agreed upon hourly rates.
31. RESOLUTION approving the employment of The Wharton Law Firm to provide legal services on an as-needed basis at agreed upon hourly rates.
32. RESOLUTION approving the employment of Wiseman Bray, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.
33. RESOLUTION approving the employment of Wyatt, Tarrant & Combs, PLLC, to provide legal services on an as-needed basis at agreed upon hourly rates.
34. RESOLUTION approving payment of invoices in the combined amount of \$14,674.00 to General Construction Services to cover project costs which exceeded the awarded amount of Contract No. C1437. The total amount of work performed in association with said contract is \$37,174.00.
35. RESOLUTION ratifying award of Contract No. C1241 with Paetec (formerly US LEC of Tennessee), for T1 lines, in the amount of \$48,600.00.
36. RESOLUTION approving revised schedule of fees for Contract No. 9985 with First Tennessee Bank for providing checking account and other banking services.
37. RESOLUTION approving Change No. 3 to Contract No. 10637, Claims and Legal Management System, with Computer Sciences Corporation, in the amount of \$113,058.99. (This covers continued provision of maintenance, enhancements and services during the period August 1, 2007 to July 30, 2010.)
38. RESOLUTION approving the termination of investment contract with Mount Lucas Management and approving selection of Morgan Keegan High Income Fund to manage \$20,000,000 for benefit of the MLGW Retirement and Pension Fund approved by the MLGW Board at meeting held August 19, 2004.
39. RESOLUTION approving the selection of Weaver C. Barksdale and Associates and Brandywine Asset Management to manage approximately \$38,000,000 each for benefit of the MLGW Retirement and Pension Fund approved by the MLGW Board at meeting held November 18, 2004.
40. RESOLUTION approving the selection of BlackRock Realty-Tower Fund to manage up to \$20,000,000 for benefit of the MLGW Retirement and Pension Fund approved by the MLGW Board at meeting held June 16, 2005.
41. RESOLUTION approving the termination of investment contract with PIMCO (Pacific Income Management Company), and selection of Brandywine Investment Trust to manage approximately \$3,700,000 for benefit of the MLGW Post-Retirement Fund approved by the MLGW Board at meeting held February 17, 2005.

42. RESOLUTION approving the selection of Atlanta Life Investment Advisors, Inc. to manage \$20,000,000 for benefit of the MLGW Retirement and Pension Fund approved by the MLGW Board at meeting held July 7, 2005.
43. RESOLUTION approving the selection of PIMCO All-Asset Fund to manage approximately \$10,000,000 for benefit of the MLGW Retirement and Pension Fund approved by the MLGW Board at meeting held February 16, 2006.
44. RESOLUTION approving the exchange of shares of the Special Value Absolute Return Fund for membership interest in Special Value Continuation Fund, LLC, managed by Tennenbaum Capital Partners, LLC, and approving the transfer of investment in the BlackRock Realty-Tower Fund to the BlackRock Granite Property Fund, Inc., for benefit of the MLGW Retirement and Pension Fund approved by the MLGW Board at meeting held July 20, 2006.
45. RESOLUTION approving the selection of Sector Capital Management to manage approximately \$25,000,000 for benefit of the MLGW Retirement and Pension Fund approved by the MLGW Board at meeting held November 16, 2006.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

46. APPOINTMENTS

Taylor

Memphis and Shelby County Community Redevelopment Agency

Appointment

Alandas Dobbins

Reappointment

Michael R. Frick

Memphis and Shelby County Convention Center Commission

Reappointments

Hal J. Lansky

Wayne D. Tabor

GENERAL ORDINANCES - THIRD AND FINAL READING

47. **ORDINANCE** to amend Chapter 5, Code of Ordinances, City of Memphis, to update and amend regulations regarding Animals and Fowl, up for T H I R D and F I N A L reading.

Brown

Ordinance No. 5214

ACTION REQUESTED: Take whatever action Council deems advisable

48. **ORDINANCE** amending Chapter 24, Article III, of the Code of Ordinances to update and amend regulations regarding Junk and Scrap Dealers, up for T H I R D and F I N A L reading

Sammons

Ordinance No. 5217

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

49. **RESOLUTION** accepting grant funds in the amount of \$136,992.60 from the State of Tennessee Department of Labor Workforce Development Division for WIA Title One Career Center Resources Share Grant. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

- 50. RESOLUTION accepting grant funds in the amount of \$6,752.16 from the State of Tennessee Department of Labor Workforce Development Adult Education Division of WIA Title One Career Center Resource Share Grant. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 51. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation and appropriating \$240,000.00 funded by G.O. Bonds-General from contract construction within HCD-Middle Income Developer’s Assistance Program, project CD01025, to contract construction and infrastructure construction costs within St. Claire Villas, project CD01075.

Ware

ACTION REQUESTED: Adopt the resolution

- 52. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation and appropriating \$320,000.00 funded by G. O. Bonds-General from contract construction within HCD-Middle Income Developer’s Assistance Program, project CD01025, to contract construction and infrastructure construction costs within North Main Townhomes, project CD01073.

Ware

ACTION REQUESTED: Adopt the resolution

- 53. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation and appropriating \$500,000.00 funded by G.O. Bonds General- from contract construction within HCD-Middle Income Developer’s Assistance Program, project CD01025, to contract construction and infrastructure construction costs within Gemstone, project CD01074.

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 (None)

DIVISION OF PUBLIC WORKS

- 54. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation and appropriating \$4,489,676.00 funded by G.O. Bonds – General from Asphalt Paving, project number PW01040 to Asphalt Paving FY08, project number PW01187, for paving done by City Employees.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

55. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring a construction allocation and appropriating \$217,554.00 funded by Sewer Funds from Rehab Existing Sewers, project number SW02001 to a capital equipment allocation in North Plant Sludge Disposal project number SW02009 and for a contract with Liquid Waste Technology LLC.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES- THIRD AND FINAL READING

56. ORDINANCE rezoning the east side of Elvis Presley Boulevard; +205 feet north of Laudeen Drive, containing 0.27 acre in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5215
Case No. Z 07-109

Applicant: Vontyna Winfrey
Royston Consultants (Evelyn Royston) – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

47 NOTICES MAILED ON AUGUST 10, 2007

57. ORDINANCE rezoning the north side of Park Avenue; +240 feet east of Grand Street, containing 0.1190 acre in the Local Commercial (C-L) District, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5216
Case No. Z 07-108

Applicant: James Bolden
Charles Hunt, Jr. – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems

162 NOTICES MAILED ON AUGUST 10, 2007

DIVISION OF PLANNING & DEVELOPMENT (None)

PUBLIC HEARINGS

58. RESOLUTION approving a planned development located on the northwest and southwest corners of Linden Avenue and Southern Railway Railroad, containing 4.53 acres in the Light Industrial (I-L) District.

Lowery

Case No. PD 06-359

Applicant: Linden Yard, LLC - Stephen Turgeon
Powers Hill Design, LLC - Representative

Request: A planned development to create 106 units within five existing warehouse buildings

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

54 NOTICES MAILED ON AUGUST 10, 2007

59. RESOLUTION approving a planned development located on the north side of N. Parkway; +595 feet west of University Street, containing 2.81 acres in the Single Family Residential (R-S10) District.

Lowery

Case No. PD 07-312

Applicant: Trammell Crow Higher Education Development, Inc.
R. Kemp Conrad - Representative

Request: A residential planned development consisting of 164 apartment units with accessory common areas and a leasing office

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

127 NOTICES MAILED ON AUGUST 10, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

60. RESOLUTION approving an honorary street name change on Monroe Avenue in Memphis between Riverside Drive and Third Street be designated as the "Charlie Vergos Parkway." (Held from 7/24; 8/7)

Sammons

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

61. RESOLUTION recognizing certain positions as appointed and exempt from Civil Services and to clarify the status of these employees, for Deputy of City Engineer. (Held from 8/7)

Taylor

ACTION REQUESTED: Adopt the resolution

62. RESOLUTION recognizing certain positions as appointed and exempt from Civil Services and to clarify the status of these employees, for Director of Pink Palace Museum System. (Held from 8/7)

Taylor

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

63. **ORDINANCE** rezoning the southeast corner of Whitebrook Drive and Old Getwell Rd., containing 3.87 acres in the Highway Commercial (C-H) District, up for T H I R D and F I N A L reading. (Reconsidered from 7/24).

Lowery

Ordinance No. 5211
Case No. Z 07-104

Applicant: Najib H. Makarem
Larry Fleming - Representative

Request: Multiple-Dwelling Residential (R-MM) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

24 NOTICES MAILED ON JULY 13, 2007

64. **RESOLUTION** approving final plat of GETWELL CAAPS COMMERCIAL SUBDIVISION.

Consent

Case No. S 07-002

Resolution approves the final plat located on the southside of Knight Arnold Road, east of New Getwell Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

65. **RESOLUTION** accepting SHELBY PARK PD, PHASE 2 SEWER EXTENSION, and authorizing release of bond.

Consent

(Contract No. CR-5031)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Mullins Station Road and Raleigh LaGrange. The standard improvement contract was approved on September 5, 2006. Resolution also authorizes the release of the Letter of Credit in the amount of \$45,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

66. **RESOLUTION** approving final plat of LAMAR CROSSING PLANNED DEVELOPMENT, PHASE 2.

Consent

Case No. PD 06-313
Contract No. CR-5090

Resolution approves the final plat located at 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

ADD-ONS

67. RESOLUTION declaring August 22-26, 2007, as “Universoul Circus Week”
Lowery

ACTION REQUESTED: Adopt the resolution

68. **ORDINANCE** assigning newly Annexed Areas to Council Districts and to revise and change all Council Districts as a result of newly Annexed Areas, 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 Act Remedies, up for F I R S T reading.

Taylor

Ordinance No. 5221

ACTION REQUESTED: Adopt the ordinance on First reading

69. RESOLUTION approving contract authority to MLGW General Counsel for claims settlements in the amount of \$207,200.00.

(MLGW Consent)

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 5 – Approved
- 6. Public Hearing set for September 4, 2007
- 7. Through 36 – Approved
- 37. Held to September 4, 2007
- 38. Through 47 - Approved
- 48. Held to September 18, 2007
- 49. Through 58 – Approved
- 59. Approved, as amended
- 60. Dropped
- 61. Through 69 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 7, 2007

Approved