



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 4, 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 21, 2007)**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING**

1. **ORDINANCE** to amend the City of Memphis Code of Ordinances, Chapter 23, Parks and Recreation, Section, 76, Established entrances to be used, remaining in parks after midnight, up for F I R S T reading.

McCormick

Ordinance No. 5222

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCE - SECOND READING**

2. **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 S E C O N D reading.

Taylor

Ordinance No. 5221

ACTION REQUESTED: Take whatever action Council deems advisable

### **ZONING ORDINANCE - FIRST READING** (None)

### **ZONING ORDINANCE - SECOND READING** (None)

### **ENGINEERING**

3. **RESOLUTION** approving final plat of ALLENTOWN-SOUTH PD.

Case No. PD 06-322

Contract No. CR-5091

Resolution approves the final plat located on the southeast corner of Raleigh-Millington Road and Gibbs 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.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. **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 07-321

Located on the Southeast corner of Central Avenue and Haynes Street, containing 1.13 acres in the Residential Single Family (R-S6) District

Applicant: Johnson and Emily Phillips  
W.D. (Butch) Porter – Representative

Request: A maximum of 3 lots (two new lots to be added to the rear yard of 2877 Central Avenue)

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: September 18, 2007**

**GENERAL ITEM**

5. RESOLUTION approving temporary structures on the street on October 31, 2007 from 7:30 p.m. to 8:30 p.m. for Running Scared 5K Race.

Sammons

ACTION REQUESTED: Adopt the resolution



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## MLGW FISCAL CONSENT

6. RESOLUTION approving Change No. 3 to Contract No. 10637, Claims and Legal Management Systems, 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). (Held from 8/21)
7. RESOLUTION approving Change No. 3 to Contract No. 10406, Investment Management Consultant, with Gerber Taylor Associates, Inc., in the amount of \$544,500.00. (This amends the record and ratifies prior payments totaling \$423,500.00, and approves extension of the contract to June 30, 2008, in the amount of \$121,000.00).
8. RESOLUTION approving Change No. 8 to Contract No. 10562, Installation of a PBS/ACD System, with Black Box Network Services, in the total amount of \$395,307.00. (This upgrades the ProCenter application for the Customer Care Center from version 5.1 to version 7 in the amount of \$99,879.00, and covers cost of maintenance for years 2008 through 2012 in the amount of \$295,428.00.)
9. RESOLUTION approving Change No. 5 to Contract No. 11018, Trash Removal Services, with Waste Connection of Tennessee, Inc., in an estimated funded amount of \$40,000.00. (This covers additional trash removal service calls to the work centers and Electric Operations.)
10. RESOLUTION approving Change No. 1 to Contract No. 11109, System Furniture, with Corporate Express, Inc., in an estimated funded amount of \$463,000.00. (This covers reorganization requests and renews the contract for the first term of four renewal terms, September 20, 2007 to September 19, 2008.)
11. RESOLUTION approving Change No. 2 to Contract No. 11131, Transmission Line Construction for Substation 79 and Substation 86, with Dillard Smith Construction Company, in the funded amount of \$78,472.72. (This covers costs associated with construction delays resulting from late deliveries and fabrication issues from the supplier to the project.)
12. RESOLUTION awarding contract for electro fusion pipe fittings as follows:

CGS, Inc.....	\$32,401.00
M. T. Deason Company, Inc.....	<u>50,233.00</u>
Total.....	\$82,634.00
13. RESOLUTION awarding contract for coupling capacitor voltage transformers to Trench Limited c/o Jeanes Enterprises, in the amount of \$37,140.00.
14. RESOLUTION awarding contract for digger derricks as follows:

Terex Utilities.....	\$94,739.00
Altec Industries, Inc.....	<u>219,035.00</u>
Total	\$313,774.00
15. RESOLUTION awarding contract for tractors to Bartlett Small Engines, in the amount of \$26,500.00.
16. RESOLUTION requesting ratification of emergency Purchase Order No. 131714 issued to Barnhart Crane & Rigging for rental of tractors, in the amount of \$52,495.00.

17. RESOLUTION approving Expedited Procurement Request for Corporate Removable Storage LAN Backup/Restoration System Upgrade with Fujitsu Computer Systems, in the amount of \$120,437.00.
18. RESOLUTION approving the employment of the HAY Group, Inc., an Employee Compensation Consulting Firm, to provide compensation administration/management services on an as-needed basis at agreed upon hourly rates.
19. RESOLUTION approving the employment of Weintraub, Stock & Grisham, P.C. to provide legal services on an as-needed basis at agreed upon hourly rates.
20. RESOLUTION approving the employment of Ford & Harrison, LLP to provide legal services on an as-needed basis at agreed upon hourly rates.
21. RESOLUTION approving the employment of Aon Consulting, Inc. to provide insurance and risk management services on an as-needed basis at agreed upon hourly rates.
22. RESOLUTION approving the employment of Stephanie Green Cole to provide legal services on an as-needed basis at agreed upon hourly rates.
23. RESOLUTION approving the employment of Lorenzo Derek Renfroe to provide legal services on an as-needed basis at agreed upon hourly rates.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

#### 24. APPOINTMENT

Taylor

#### Memphis and Shelby County Convention Center Commission

#### Appointment

Robert Mayweather

#### GENERAL ORDINANCES - THIRD AND FINAL READING

25. **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 T H I R D and F I N A L reading.

Taylor

Ordinance No. 5219

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to fix and determine salary and compensation of Mayor, pursuant to Home Rule Amendments, up for T H I R D and F I N A L reading.

Taylor

Ordinance No. 5220

ACTION REQUESTED: Take whatever action Council deems advisable

#### ENGINEERING DIVISION (None)

#### EXECUTIVE DIVISION

27. **RESOLUTION** accepting grant funds in the amount of \$412,800.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Administration Services 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

28. **RESOLUTION** accepting grant funds in the amount of \$779,500.00 from the U. S. Department of Homeland Security – FEMA for the Urban Search and Rescue to annual sustainment of Tennessee Task Force One. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$779,500.00.

Sammons

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

- 29. RESOLUTION transferring a previous allocation and appropriation of \$75,884.00 funded by G.O. Bonds with CD01013, HCD Firestone Project, from Architecture and Engineering to Land Acquisition for acquisition related expenses.

Ware

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**DIVISION OF PARK SERVICES**

- 30. JOINT RESOLUTION urging the Memphis Metropolitan Planning Organization to expand the scope and authority of The Bicycle and Pedestrian Advisory Committee (BPAC).

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

- 31. RESOLUTION appropriating \$603,714.00 funded by Sewer Funds for Roland Road Sewer Extension, Project Number SW03014 for a construction contract with Mills & Sons, Inc., to provide service to an unsewered area.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 32. RESOLUTION appropriating \$220,000.00 funded by Sewer Funds for Sidewalk Replacement 08, Project Number SW02071 for a construction contract with Tripple K Construction Company.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE - THIRD AND FINAL READING**

- 33. **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 T H I R D and F I N A L 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: Take whatever action Council deems advisable

**7 NOTICES MAILED ON AUGUST 24, 2007**

**DIVISION OF PLANNING & DEVELOPMENT**

34. RESOLUTION approving a special use permit located on the northeast corner of North Watkins Street and Burnham Avenue, containing 19,600 sq. ft. (0.45 acre) in the Local Commercial (C-L) District. (Held from 8/7)

Lowery

Case No. SUP 07-208

Applicant: Catfish Investment, LLC

Request: Special use permit for a motor vehicle service use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Public Hearing Required; No Opposition at LUCB**

35. RESOLUTION approving a special use permit located on the southside of Dutra Place; +176 feet east of Lauderdale Street, containing 0.12 acre in the Light Industrial (I-L) District.

Lowery

Case No. SUP 07-213

Applicant: Cricket Communications  
Jim Yarbrough – Representative

Request: Cellular Communications Tower (195) feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action deems advisable

**No Public Hearing Required; No Opposition at LUCB**

**PUBLIC HEARING**

36. RESOLUTION approving a 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.

Lowery

Case No. PD 07-318

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: Take whatever action Council deems advisable

**67 NOTICES MAILED ON AUGUST 24, 2007**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

37. RESOLUTION commending the Memphis Area Plumbing Association for their contribution to the community fund that was established to provide air-conditioning window units to qualifying citizens affected by high temperatures in the mid-south.

Chumney

ACTION REQUESTED: Adopt the resolution

38. RECOGNITION of Mr. Jackie Welch and those who made a contribution to the Raleigh Community Center Day Camp and other community centers that needed assistance.

Jones

**GENERAL ITEMS**

39. RESOLUTION outlining the process for developing the legislative agenda.  
Taylor

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION establishing a standard paper size for papers submitted to the City Council.

Taylor

ACTION REQUESTED: Adopt the resolution

**ADJOURNMENT**

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 3 – Approved
4. Public Hearing Set for September 18, 2007
5. Through 25 – Approved
26. Failed
27. Through 32 – Approved
33. Sent back to LUCB
34. Dropped
35. Through 40 – Approved

**ACTION TAKEN ON THE MINUTES OF AUGUST 21, 2007**

Approved