



CITY OF MEMPHIS

COUNCIL AGENDA

September 18, 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 (September 4, 2007)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** amending Chapter 4, Article III, of the Code of Ordinances to update and amend regulations regarding the Sale of Beer for Off-Premise Consumption, up for F I R S T reading.

Sammons

Ordinance No. 5223

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

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

McCormick

Ordinance No. 5222

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

3. **NOTATIONS FROM OPD**

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

- A. Case No. PD 07-319 – Butler Park Station, P.D.

Located on the southeast corner of Butler Avenue and Tennessee Street, containing 1.654 acres in the South Main (SM) District

Applicant: Butler Park Station, LLC
Tetra Tech – Representative

Request: A mixed use planned development to create 30 townhouse units and approximately 19,790 square feet of office/retail space in two phases of development

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 07-608 – Riverside Drive Closure

Beginning +197 feet south of Georgia Avenue, containing 6,940 square feet in the Riverside Residential (R-R) District

Applicant: Southland Development Partners of Memphis

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 07-610 – Sunflower Avenue Closure

Beginning at the Western Terminus of T.M. Henderson Avenue, containing 3,489.49 square feet in the Mixed Use (MU) High Density Residential (HDR) District

Applicant: North Memphis CDC
Lorenzo Lester – Representative

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: October 2, 2007



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MLGW FISCAL CONSENT

4. RESOLUTION approving Change No. 7 to Contract No. 9850, Management Support Cartridge Tape System, with Sun Microsystems, Inc., in the funded amount of \$35,286.60. (This covers continuous maintenance for the period July 7, 2007 through December 31, 2007.)
5. RESOLUTION approving Change No. 6 to Contract No. 10878, Information Services Support, with KC Management Group, in an estimated funded amount of \$114,718.00. (This extends the current contract for the period October 4, 2007 through December 31, 2007.)
6. RESOLUTION approving Change No. 7 to Contract No. 10879, Information Services Support, with TEK System, in an estimated funded amount of \$143,963.00. (This extends the current contract for the period October 4, 2007 through December 31, 2007.)
7. RESOLUTION approving Change No. 5 to Contract No. 10881, Information Services Support, with Cook Systems International, in an estimated funded amount of \$306,552.00. (This extends the current contract for the period October 4, 2007 through December 31, 2007.)
8. RESOLUTION approving Change No. 5 to Contract No. 10883, Information Services Support, with Ciber, Inc., in an estimated funded amount of \$245,773.00. (This extends the current contract for the period October 4, 2007 through December 31, 2007.)
9. RESOLUTION approving Change No. 3 to Contract No. 11141, Information Services Support, with ViaSys Technology, in an estimated funded amount of \$157,500.00. (This extends the current contract for the period October 4, 2007 through December 31, 2007.)
10. RESOLUTION approving rental of two 127-ft. cranes and end-hung baskets with Global Rental Company in the amount of \$32,000.00.
11. RESOLUTION awarding contract for substation batteries to Saft America, Inc. c/o HV Sales Company, Inc., in the amount of \$66,433.00.
12. RESOLUTION awarding contract for central processing units to Tate Computer Systems, in the amount of \$31,755.00.
13. RESOLUTION awarding contract for corporate DNS DHCP system to Venture Technologies, in the amount of \$83,830.90.
14. RESOLUTION approving payment of invoice from the Tennessee Department of Environment and Conservation for annual facility maintenance fee for public water systems in the amount of \$70,693.94, payable to the Treasurer, State of Tennessee.
15. RESOLUTION approving payment to the Operations Technology Development Company for 2007 gas system research and development, in the amount of \$250,000.00.
16. RESOLUTION approving renewal of Cooperative Agreement No. 5447, Investigation of Water Resources, with the U. S. Department of the Interior Geological Survey for the period October 1, 2007 to September 30, 2008, in the amount of \$55,000.00.
17. RESOLUTION approving the employment of Spicer, Flynn & Rudstrom for providing legal services on an as-needed basis at agreed-upon hourly rates.

18. RESOLUTION approving payments of annual membership dues in the amounts of \$60,444.00 and \$57,633.00 to the American Gas Association, approved by the MLGW Board at meetings held December 15, 2005 and April 5, 2007.
19. RESOLUTION approving payments of annual membership dues in the amounts of \$73,460.39, \$77,268.27 and \$79,396.79 to the American Public Power Association, approved by the MLGW Board at meetings held April 21, 2005, April 6, 2006 and April 5, 2007.
20. RESOLUTION approving payments of annual subscription fees in the amounts of \$87,201.57, \$179,199.57 and \$100,190.19 to the Drinking Water Research Program at the American Water Works Association Research Foundation, approved by the MLGW Board at meetings held June 16, 2005, March 16, 2006 and July 19, 2007.
21. RESOLUTION approving payments of annual subscription fees in the amounts of \$30,360.00 and \$34,330.00 to ENERGY worldnet, Inc., approved by the MLGW Board at meetings held February 16, 2006 and June 7, 2007.
22. RESOLUTION approving payment of membership dues in the amount of \$50,000.00 to the Gas Technology Institute, approved by the MLGW Board at meeting held November 2, 2006.
23. RESOLUTION approving two payments in the amount of \$89,098.63 each to the Large Public Power Council for membership dues and assessment fees, approved by the MLGW Board at meetings held February 3, 2005 and March 16, 2006.
24. RESOLUTION approving payment in the amount of \$40,000.00 to the Mid-South Minority Business Council as restricted funds for the Memphis Tomorrow Supplier Diversity Project, approved by the MLGW Board at meeting held June 7, 2007.
25. RESOLUTION approving two payments in the amount of \$250,000.00 each to the Operations Technology Development Company, approved by the MLGW Board at meetings held April 21, 2005 and January 4, 2007.
26. RESOLUTION approving payments of invoices from the Tennessee Department of Environment and Conservation for annual facility maintenance fees in the amounts of \$69,697.28 and \$69,266.78, approved by the MLGW Board at meetings held August 18, 2005 and August 17, 2006.
27. RESOLUTION approving payments of annual membership dues in the amounts of \$94,507.45, \$80,831.65 and \$91,329.00 to Tennessee One Call System, Inc., approved by the MLGW Board at meetings held March 17, 2005, February 2, 2006 and February 15, 2007.
28. RESOLUTION approving three payments in the amount of \$78,000.00 each for annual pipeline safety inspection fees to the Tennessee Regulatory Authority, approved by the MLGW Board at meetings held March 3, 2005, March 16, 2006 and April 5, 2007.
29. RESOLUTION approving payments of membership dues in the amounts of \$50,431.90 and \$44,546.22 to the Tennessee Valley Public Power Association, approved by the MLGW Board at meetings held January 19, 2006 and January 18, 2007.
30. RESOLUTION approving payment of membership fee in the amount of \$44,546.00 to TVPPA GENCO, approved by the MLGW Board at meeting held May 3, 2007.
31. RESOLUTION approving payments of pipeline user fees in the amounts of \$26,424.10 and \$25,959.52 to the U.S. Department of Transportation/Department of Pipeline and Hazardous Materials Safety Administration, approved by the MLGW Board at meetings held February 2, 2006 and February 15, 2007.



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REGULAR AGENDA

GENERAL ORDINANCE - THIRD AND FINAL READING

32. **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. (Held from 8/21)

Sammons

Ordinance No. 5217

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

33. RESOLUTION appropriating \$750,000.00 in Other Project Cost, funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN01003, chargeable to FY 2008 Capital Improvement Budget.

Sammons

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION

34. RESOLUTION accepting grant funds in the amount of Two Million, Four Hundred Ninety-Four Thousand, Nine Hundred Sixty-Five Dollars (\$2,494,965.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Youth Services Grant. Resolution also amends FY 2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION accepting grant funds in the amount of Five Hundred Thirty-Four Thousand, Sixty-Seven Dollars (534,067.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Adult Services Grant. Resolution also amends FY 2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION accepting grant funds in the amount of Six Hundred Eighty-Six Thousand, One Hundred Eighty Dollars (686,180.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Worker Services Grant. Resolution also amends 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

- 37. RESOLUTION appropriating \$250,000.00 in construction funds, funded by G.O. Bonds General in ST06001, Sweeper Wash Out Facility for the removal of grit and trash from sweeper wash water and discharge into the sanitary sewer system.

Sammons

ACTION REQUESTED: Adopt the resolution

- 38. RESOLUTION approving the sale of City owned parcels located on Farrow Street east of Main Street to Taylor Brown, Inc., in the amount of \$1,290.00.

Sammons

Resolution approves the sale of City owned, unimproved parcels located on Farrow Street east of Main Street. First parcel identified by the Shelby County Assessor as Ward 024, Block 058, Parcel 028, being 30' x 107', contains 3,210 square feet more or less. Parcel two identified by the Shelby County Assessor as Ward 24, Block, 58, Parcel 018, 30' x 108.5', contains 3,255 square feet more or less. Per ordinance, the sale of subject parcels is NOT subject to being held over and resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

- 39. RESOLUTION appropriating \$42,000.00 in construction funds, funded by G.O. Bonds General in GS01001, City Hall Improvements for HVAC upgrade in the City Council Conference Room.

Sammons

ACTION REQUESTED: Adopt the resolution

- 40. RESOLUTION appropriating \$1,330,000.00 in construction funds, funded by G.O. Bonds General in GS01007, Major Modifications/Improvements to Property for improvements at various City facilities.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

- 41. RESOLUTION approving sale of property located on the east side of Hall Road, south of the centerline of Raleigh-LaGrange Road, to Shelby County, a Political Subdivision of the State of Tennessee, for the sum of \$20,000.00.

Chumney

ACTION REQUESTED: Adopt the resolution

- 42. RESOLUTION approving the OPEB Trust Agreement.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES

- 43. RESOLUTION requesting City Council approval of the Agreement between the City of Memphis, Tennessee through its Division of Park Services and the Promise Academy for the lease of Hollywood Park for use of Academy students and the general public. The initial term of the Agreement is to be five (5) years.

McCormick

ACTION REQUESTED: Adopt the resolution

- 44. RESOLUTION requesting City Council approval of the Agreement between the City of Memphis, Tennessee through its Division of Park Services and Memphis City Schools to lease certain areas in Douglass Park for playing fields. The initial term of the Agreement is to be twenty (20) years.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

- 45. RESOLUTION appropriating \$420,766.00 funded by Sewer Funds for Highland/Getwell PM and FM, Project Number SW02070 for a contract with Enscore, LLC.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 46. RESOLUTION appropriating \$626,547.00 funded by G.O. Bonds General for North Second/Wolf River Bridge, Project Number PW02026 for a contract with Chris Hill Construction for bridge repair.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 47. RESOLUTION appropriating \$33,193.00 funded by G.O. Bonds General in Perkins Area Detention, CIP Project Number ST03096 for a construction contract with Dixieland Contractors for drainage repair.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 48. RESOLUTION appropriating \$108,631.00 funded by G.O. Bonds General (Storm Water) in Box Culvert at James/Homewood, Project Number ST03095 for a construction contract with Ferrell Paving for drainage repair.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT (None)

PUBLIC HEARING

- 49. RESOLUTION approving a planned development located on the Southeast corner of Central Avenue and Haynes Street, containing 1.13 acres in the Residential Single Family (R-S6) District.

Lowery

Case No. PD 07-321

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

19 NOTICES MAILED ON SEPTEMBER 7, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

50. RESOLUTION commending Dunnivant Enterprises, Inc., for being named one of the most ethical companies in the world.

Marshall

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION commending Carrier Corporation for their generous donation of 20 air-conditioning units for qualifying citizens who have been affected by high temperatures in the mid-south.

Chumney

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

52. RESOLUTION amending the Council's Rules of Procedure establishing a process for filling a Council vacancy.

Taylor

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION approving a moratorium for residential infill development in the Idlewild neighborhood through February 29, 2008 or until after the Memphis Landmarks Commission has completed their study of a proposed historic designation for the Idlewild neighborhood, whichever occurs first.

Chumney

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION extending a moratorium on the issuance of billboard construction permits by the Memphis and Shelby County Office of Code Enforcement, until March 18, 2008 or until an amended ordinance regarding billboard construction can be adopted.

Lowery

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

55. RESOLUTION approving final plat of POLO GROUNDS NORTH P.D., PHASE 1 and WINCHESTER/HACKSCROSS P.D., PHASE 33.

Consent

Case No. PD 99-344 &
Case No. PD 06-342cc
Contract No. CR-5092

Resolution approves the final plat located on Centennial Drive, north of Winchester 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

56. RESOLUTION approving final plat of POLO GROUNDS NORTH P.D., PHASE 2 and WINCHESTER/HACKSCROSS P.D., PHASE 34.

Consent

Case No. P.D. 99-344
Contract No. CR-5093

Resolution approves the final plat located on the northside of Winchester Road at Centennial 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

57. RESOLUTION approving final plat of J. W. HARRIS SUBDIVISION.

Consent

Case No. S 07-006

Resolution approves the final plat locate on the west side of South Third Street, north of Fairway Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

58. RESOLUTION approving final plat of BROWN P.D.

Consent

Case No. PD 06-358

Resolution approves the final plat located between Highway 64 and Grays Creek. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 2 - Approved
- 3. A - Public Hearing Set for January 8, 2008
- 3. B & C – Public Hearing Set for October 2, 2007
- 4. Through 23 – Approved
- 24. Held until October 2, 2007
- 25. Through 31 – Approved
- 32. Held until October 2, 2007

- 33. Through 42 – Approved
- 43. Held until October 2, 2007
- 44. Through 48 – Approved
- 49. Held until October 2, 2007
- 50. Through 53 – Approved
- 54. Approved, as amended
- 55. Through 58 – Approved

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 4, 2007

Approved, as amended. Item #26 was reconsidered from the Minutes and is being Held until October 16, 2007 Committee Meeting.

ACTION TAKEN ON THE MINUTES OF SEPTEMBER 5, 2007 - SPECIAL CALL MEETING

These Minutes were approved on September 5, 2007