CITY OF MEMPHIS

COUNCIL AGENDA
February 21, 2012
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 (February 7, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing and congratulating Juvenile Court on its three recent national honors.

Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the south side of Winchester Road; +/-1,165 feet west of Forest Hill Irene Road, containing 20.0 acres and is currently governed by Forest Hill Heights Planned Development, Amended (P.D. 96-347cc).

Ford

Case No. PD 11-320cc

Applicants: Red Mountain Development
Perkins Law Firm – Representative

Request: Plan amendment to allow 328 apartment units within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

64 NOTICES WERE MAILED ON FEBBRUARY 10. 2012

3. RESOLUTION approving a special use permit located on the north side of Walnut Grove Road at Redditt Road, containing 4.99 acres in the Conservation Agriculture (CA) District.

Ford

Case No. SUP 11-213

Applicant: Kathryn Kabel
Askew Hargraves Harcourt, and Associates – Representatives

Request: Dog Daycare

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

37 NOTICES WERE MAILED ON FEBRUARY 10, 2012

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION extending Dr. Martin Luther King, Jr. Avenue from Danny Thomas Boulevard to Crump Boulevard.

Ford

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a hotel waiver for French Quarter Suites, located at 2144 Madison Avenue.

Ford

Case No. HMW 12-01

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a hotel waiver for Governors Inns and Suites located at 2490 Mt. Moriah Road. **(This item was approved on February 15, 2011 and had to come back before full Council in 1 year).**

Ford

Case No. HMW 11-07

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a planned development located on the northwest corner of Copper Street and Monroe Avenue, extending west to Florence Street and north to Trimble Place, containing 3.36 acres in the Commercial Mixed Use -1 (CMU – 1), Commercial Mixed Use – 3 (CMU-3) and Residential Urban -3 (RU-3) Districts. (Held from 12/6).

Ford

Case No. PD 11-317

Applicant: Loeb Properties, Inc. (Earl Williams Jr.)
Steve Barlow (Barlow and Brewer) – Representative

Request: A Planned Development to include retail commercial and office uses, surface parking and structured parking

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

8. RESOLUTION approving a special use permit located on the south west corner of Poplar Avenue and High Street, extending south to Washington Avenue and then west to Danny Thomas, containing 3.10 acres in the Mixed Use (MU) and Central Business District (CBD), and Medical Overlay (MO) Districts.

Ford

Case No. SUP 11-220

Applicant: Memphis Union Mission (Scott Bjork)
ETI Corporation – Ralph Smith – Representative

Request: Expansion of Existing Group Shelter

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

9. RESOLUTION approving a planned development located on the south side of Sanderlin Road, 262 feet west of White Station Road, containing 30.32 acres in the Residential Single Family-10 (R-10).

Ford

Case No. PD 11-323

Applicant: Tennis Club of Memphis
Brenda Solomito – Representative

Request: Add tennis courts, out door restrooms, concession, redesign of pool area, and reduction in the required parking spaces

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

10. RESOLUTION approving a special use permit located on the east side of N. Seventh Street; +/-146 feet south of Wells Street, containing 3.95 acres in the Moderate Density (MDR) Residential District.

Ford

Case No. SUP 11-222

Applicant: CAAP, Inc.
Smith Building Designs (Delinor Smith) – Representative

Request: Special permit to allow fifty(50) multifamily residential homes for the elderly

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)

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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

11. **ORDINANCE** rezoning the south side of Hwy 64 +/-1,500 feet west of Highway 385, containing 11.05 acres in the Conservation Agricultural (CA) District, up for F I R S T reading.

Ford

Case No. Z 11-110
Ordinance No. 5443

Applicant: India Cultural Center & Temple, Inc. (Dr. Prasad Duggirala)
John M. Leake, Jr. – Representative

Request: Campus Master Plan – 2 (CMP-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

12. RESOLUTION approving final plat of CRESCENT BLUFF APARTMENTS

Case No. SCBID 11-01
Contract No. CR-5177

Resolution approves the final plat located on the northwest corner of E. H. Crump Blvd. and Florida Street. 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

13. RESOLUTION canceling the standard improvement contract for Mosaic S/D, and authorizing release of bond.

Case No. S 07-044
(Contract No. CR-5165)

Resolution cancels the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Reese Road, west of Kate Bond Road. The standard improvement contract was approved in Nov. 2010. Resolution also authorizes the release of the Letter of Credit(No.NZS667987) in the amount of $85,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting TUGGLE PLANNED DEVELOPMENT, PH. 3 and authorizing release of bond.

Case No. PD 96-313
(Contract No. CR-5006)

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 Crumpler Road, 1,319 feet north of Holmes Road. The standard improvement contract was approved on April 11, 2006. Resolution also authorizes the release of the performance bond in the amount of $314,000.00.

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:

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE:

GENERAL ITEMS (None)

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MLGW FISCAL CONSENT

15. RESOLUTION amending the resolution adopted on June 17, 2010 and approved by the City Council on July 20, 2010, relating to Contract No. 11226, Collection Services, with Credit Bureau Collection Services, Inc. to correct the award term to reflect a 60-month term (as stated in the contract) rather than a one-year period with an option of four annual renewals. This change also adds additional funding in the amount of $1,852,662.00 to complete the remaining 48 months of the 60-month term.

16. RESOLUTION amending the resolution adopted on June 17, 2010 and approved by the City Council on July 20, 2010, relating to Contract No. 11444, Collection Services, with The Affiliated Group, Inc., to correct the award term to reflect a 60-month term (as stated in the contract) rather than a one-year period with an option of four annual renewals. This change also adds additional funding in the amount of $1,852,662.00 to complete the remaining 48 months of the 60-month term.

17. RESOLUTION awarding contract for fiber-optic communications equipment to General Electric Company in the amount of $71,956.00.

18. RESOLUTION approving Change No. 5 to Contract No. 11112, Generator Preventative Maintenance Agreement, with Cummins Mid-South, LLC, in the funded amount of $12,948.90, for a new contract value of $234,426.98. (This increases the current contract value to pay invoices for work performed through the completion of the term ending January 20, 2012, due to an error in calculating the amount required for the current renewal period which resulted in a shortfall in the current contract value).

19. RESOLUTION awarding contract for a cable trench system to Oldcastle Moulded Products in the amount of $164,442.00.

20. RESOLUTION approving the selection of Alternative Investment Group Services, L.P. (a long/short equity fund of funds) to manage $20,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.

21. RESOLUTION approving the selection of Forester Offshore, Ltd. (a long/short equity fund of funds) to manage $20,000,000.00 for benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.

22. RESOLUTION approving Change No. 5 to Contract No. 11261, Commercial Auto Insurance, with Pete Mitchell & Associates, Inc., in the funded amount of $105,910.00. (This change renews the contract for the fourth and final renewal term, March 14, 2012 to March 13, 2013, with a 1.09% increase due to a premium increase).

23. RESOLUTION approving Change No. 2 to Contract No. 11332, Short & Long Term Disability, to Unum Group, in the funded amount of $5,163,882.00. (This change renews the current contract for two additional terms, April 1, 2012 to March 31, 2014).

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REGULAR AGENDA

GENERAL ORDINANCE -THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

24. RESOLUTION accepting grant funds in the amount of $90,000.00 from the State of Tennessee Department of Labor and Workforce Development Division for Incumbent Worker Program. Resolution also amends FY2012 Operating Budget to establish and appropriate grant funds.

Halbert

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION requesting the City Council to appropriate $60,000.00 funded by G.O. Bonds General in CIP Project #GA03022, Advanced Public Transportation Systems, to fund the local share for a transit signal priority system as part of the Fiscal Year 2012 Capital Improvement Budget, for the Memphis Area Transit Authority.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION requesting the City Council to appropriate $200,000.00 funded by G.O. Bonds General in CIP Project #GA03007, Bus Replacement, to fund the local share for the purchase of 15 40' replacement buses as part of the Fiscal Year 2012 Capital Improvement Budget for the Memphis Area Transit Authority.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating $50,000.00 funded by G.O. Bonds General in CIP Project #GA03013, Repave Parking Lot, to fund the local share for repaving parking lots as part of the Fiscal Year 2012 Capital Improvement Budget for the Memphis Area Transit Authority.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION requesting the City Council to appropriate $200,000.00 funded by G.O. Bonds General in CIP Project #GA03019, Alternatives Analysis, to fund the local share for an alternatives analysis as part of the Fiscal Year 2012 Capital Improvement Budget, for the Memphis Area Transit Authority.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

29. RESOLUTION supporting Mr. Jimmie Guest's opportunity to purchase 0.34 acres located on Hazelwood on the east side of Mr. Guest's adjoining parcel which is located at 676 Hazelwood.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving leases by the City of Memphis Real Estate Department subject to City of Memphis Ordinance 2-291 relating to Real Property stating that any lease or license agreement for two or more years shall be considered a conveyance and be submitted to the City Council for approval.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION in support of Mrs. Elisabeth F. Yager – Rhodes expanding her property by purchasing the adjoining City parcel consisting of 0.34 acres more or less.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

32. RESOLUTION accepting and appropriating Design – Our Town funds in the amount of $100,000.00 from the National Endowment for the Arts to the FY2012 budget for the Division of Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

33. RESOLUTION requesting City Council approval for the City of Memphis to enter into a contract with Tri-State Youth Baseball Academy, Inc., (TSYBA) to manage and operate Jesse Turner/Bellevue Baseball Park. The Agreement calls for a five (5) year initial term and three (3) five (5) year renewal terms for a total of 20 years. **(This item was pulled from the 01/03/12 Minutes on 01/17/12 –** Held from 2/7**).**

Boyd

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION approving a contract between the City of Memphis through its Division of Park Services and Memphis Museums Inc. (MMI) for private-fund raising of up to $10,000,000.00 in regard to Pink Palace Museum Improvements of exhibits and interior spaces to match City of Memphis contribution of up to $10,000,000.00 for same.

Boyd

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION seeking approval for completion of plans and specifications for Pink Palace Rehabilitation, CIP Project Number PK08017, at an estimated construction cost of $20,000,000.00 funded by $10,000,000.00 Local Other and $10,000,000.00 General Obligation Bonds.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

36. RESOLUTION allocating $8,000,000.00 for the FY 2013 CIP budget and $8,000,000.00 for the FY 2014 CIP budget for the Elvis Presley Boulevard project within the Public Works Division.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY 2012 Capital Improvement Budget by transferring a construction allocation of $546,192.00 funded by Sewer Revenue Bonds to Other Costs in South Plant Expansion, project number SW02033 and for a negotiated contract with Emerson Process Management Power & Water Solutions.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

38. RESOLUTION authorizing and encouraging the Mayor to engage in negotiations with the Grays Creek residents with the objective of reaching agreements to defer the annexation of the area for an extended period of time in consideration of agreements from a majority of the property owners not to seek incorporation or to contest the City's annexation after the agreed deferral period similar to the agreements reached with property owners in the Bridgewater Annexation area.

Collins

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

39. **ORDINANCE** Fixing Special School Tax Rate and Assessment by the City of Memphis for the benefit of the Board of Education of the Memphis City Schools for its Fiscal Year 2012, up for F I R S T reading.

Consent Ordinance No. 5444

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Approved, as amended
3. Failed
4. Approved
5. and 6 – Held until March 6, 2012
7. Through 32 – Approved
33. Approved, as amended
34. Through 37 – Approved
38. Approved, as amended
39. Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 7, 2012 AND SPECIAL CALL MEETING MINUTES OF FEBRUARY 14, 2012

Approved