CITY OF MEMPHIS

COUNCIL AGENDA
May 3, 2011
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 (April 19, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Randy Wade for his heroic actions. (Held from 4/19)
Halbert

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION applauding the contributions of Al Bell in the Memphis music industry.
Boyd

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving an appeal located on the west side of Macon Road; +/-180.97 feet south of Macon Terrace, containing 0.98 acre (42,689 sq. ft.) and is currently governed by Cordova Grove Planned Development, Amended (P.D. 03-303).
Ford Case No. PD 03-303

Appellant: The Law Offices of Lawrence M. Magdovitz
Lawrence 'Larry' M. Magdovitz, II – Representative

Request: Appeal Site Plan Condition 1 to dedicate and improve Macon Road in accordance with Subdivision Regulations as approved by the Land Use Control board on March 10, 2011

LUCB recommendation: Approval with three (3) conditions

OPD recommendation: Approval with four (4) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

6 NOTICES MAILED ON APRIL 21, 2011

4. RESOLUTION approving a special use permit located on the north side of Knight Arnold Road; +/-120 feet west of Danville Road, containing 3,025 sq. ft. of 4.00 acres, in the Single Family Residential. (R-6) District.

Case No. SUP 10-231

Applicants: Tower Ventures V, LLC & TV6-W, LLC
The Prime Development Group, Inc. - Representative

Request: Special use permit to allow a cellular communications tower one-hundred thirty (130) feet in height of concealed canister monopole design with the capacity to accommodate a minimum of three (3) antennae

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

120 NOTICES MAILED ON APRIL 21, 2011

DIVISION OF PLANNING & DEVELOPMENT

5. RESOLUTION approving a special use permit located on the corner of Highway 51 and N. Watkins Street, containing 4.00 acres in the Commercial Mixed Use-3 (CMU-3) and Commercial Mixed Use-3 Floodplain (CMU-3 [FP]) Districts.

Ford

Case No. SUP 11-202

Applicant: Express Mini Storage, LLC (Ray Hearn)
Tim McCaskill – Representative

Request: Self-service, Mini-storage Warehouse

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

6. **ORDINANCE** rezoning the west side of Hollywood Street; +/-176.52 feet north of Chelsea Avenue, containing 0.21 acre in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-117
Ordinance No. 5396

Applicant: Market Place Development, LLC

Request: Change the zoning from Duplex Residential (R-D) to Commercial Mixed Use (CMU-3)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

99 NOTICES MAILED ON APRIL 21, 2011

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** establishing the Fiscal Year 2012 Operating Budget for the City of Memphis, up for F I R S T reading.

Flinn — Ordinance No. 5398

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, 2011 through June 30, 2012.

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to Increase Pension Benefits for existing retirees under Section 25-95 and Section 25-195, up for F I R S T reading.

Collins — Ordinance No. 5399

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to fix the Tax Rate for the City of Memphis for Fiscal Year 2012, up for F I R S T reading.

Flinn — Ordinance No. 5400

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-28 – Pedestrians, of the Code of Ordinances of Memphis, Tennessee, up for F I R S T reading.

Strickland — Ordinance No. 5401

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

11. **ORDINANCE** rezoning the east side of Airways Boulevard; +/-250 feet south of Kilarney Avenue, containing 58.74 acres in the Residential Single Family-15 (R-15) District, up for F I R S T reading. (Held from 4/19)

Ford

Case No. Z 11-101
Ordinance No. 5397

Applicant: William H. Thomas, Jr.
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Warehouse & Distribution (WD) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD

12. **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 06-332 – STEVE ROAD PLANNED DEVELOMENT, AMENDED (Held from 4/19)

Located on the south side of Steve Road; +/-182.59 feet west of Ellsworth Street, containing 12.18 acres and is currently governed by Steve Road Planned Development, Amended (P.D.06-332).

Appellant: Thomas Investments (William H. Thomas, Jr.)
SR Consulting, LLC – Representative

Request: Appeal to overturn decision of the Land Use Control Board on Thursday, March 10, 2011 denying a request for a five(5) year time extension and to remove phasing restrictions from Outline Plan Conditions

LUCB and OPD recommendation: REJECTION

B. Case No. PD 11-302

Located on the northeast corner of S. Highland Street and Cowden Avenue, containing 0.69 acre in an area currently governed by PD 02-232.

Applicant: Karen L. Wellford
Alexander W. Wellford, Jr. – Representative

Request: Amend the planned development to permit a restaurant with alcohol sales and dinner service

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 11-602

Located on part of Fulton Street, Jackson Avenue, Auction Avenue and Concord Avenue at the Pyramid Arena, containing 2.74 acres.

Applicant: City of Memphis – John Cameron, City Engineer

Request: Close unimproved public street rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 17, 2011

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MLGW FISCAL CONSENT

13. RESOLUTION approving Change No. 1 to Contract No. 11367, Solid Waste/Trash Removal Services, with Waste Connections of Tennessee, Inc., in the funded amount of $8,240.31, for a new contract value of $644,276.83. (This adds an additional unit for collection services at 5791 Summer Trees).

14. RESOLUTION awarding contract for five digger derricks to Tag Truck Center in the amount of $1,067,250.00.

15. RESOLUTION awarding Contract No. 11470, Wireless Communications Service, to Cellular South for Voice Plan and BlackBerry services in the funded amount of $658,000.00.

16. RESOLUTION approving Change No. 1 to Contract No. 10699, Access Agreement, with Lawyers Title Insurance Corporation in the amount of $12,250.00, for a new contract value of $222,250.00. (This covers a name change from Lawyers Title Insurance Corporation to Fidelity National Title Group; ratifies payments of invoices for the period August 3, 2010 to November 30, 2010 in the amount of $3,500.00; and approves payments of invoices for the period December 1, 2010 to February 28, 2011 in the amount of $8,750.00. This also allows staff to utilize these services after February 28, 2011, until the renewal is presented and approved. All payments during this period will be ratified).

17. RESOLUTION approving Change No. 5 to Contract No. 10793, Professional Portfolio Software, with Advent Software, Inc., in the funded amount of $28,444.77, for a new contract value of $292,008.46. (This renews the contract for the period May 11, 2011 through May 10, 2012, with a 3.25% increase from the previous year due to the AXYS license fee).

18. RESOLUTION approving change to the investment management agreement with Sector Capital Management whereby Sector has been acquired by Argent Financial Group, Inc., with no change in contract terms for benefit of the OPEB Trust Fund.

19. RESOLUTION approving change to the investment management agreement with Sector Capital Management whereby Sector has been acquired by Argent Financial Group, Inc., with no change in contract terms for benefit of the Retirement and Pension Fund.

20. RESOLUTION awarding contract to UC4 Software, Inc. covering annual maintenance renewal for UC4 Applications Manager software in the amount of $31,784.00.

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REGULAR AGENDA

21. **APPOINTMENTS**
Collins

Memphis Area Transit Authority

Appointment

Sean Healy

Memphis & Shelby County Land Use Control Board

Appointment

Russell E. Linkous III

Reappointments

Loyal E. Featherstone
Margaret Pritchard
Mary W. Sharp

GENERAL ORDINANCES -THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

22. RESOLUTION requesting the City Council to adopt the Shelby County Hazard Mitigation Plan Update for compliance with the federal hazard mitigation planning standards.

Strickland

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

23. RESOLUTION authorizing the issuance, sale and delivery of not to exceed Thirty Million Dollars ($30,000,000.00) principal amount of City of Memphis, Tennessee, General Improvement Bonds for the purpose of refunding certain outstanding general improvement bonds of the City.

Flinn

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION of the Council of the City of Memphis, Tennessee, authorizing the issuance, sale and delivery of not to exceed Sixty Five Million Dollars ($65,000,000.00) principal amount of the City of Memphis, Tennessee, General Improvement Bonds for the purpose of financing various public works projects of the City.

Flinn

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

25. RESOLUTION in support of the conveyance of two tracts of land totaling 366.83 acres in size, located in Fayette County along the Wolf River, between Rossville and Moscow, to the State of Tennessee, for the use and benefit of the Tennessee Wildlife Resources Agency.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

26. RESOLUTION approving the FY2012 Consolidated Plan and accepting and appropriating anticipated FY2012 Community Development Block Grant (CDBG) funds in the amount of $8,768,683.00, CDBG Program Income in the amount of $2,203,420.00, CDBG Float Fund Repayment in the amount of $3,200,000.00; Section 108 Loan Repayment in the amount of $11,914,000.00, HOME funds in the amount of $4,921,520.00, HOME Program Income in the amount of $20,000.00, Emergency Shelter Grant (ESG) funds in the amount of $357,054.00 and Housing Opportunities for Persons With AIDS (HOPWA) funds in the amount of $1,701,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the FY2011 budget for the Division of Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

27. RESOLUTION establishing a Moratorium on the issuance of dance hall permits by the Memphis Alcohol Commission and Permits Office, until July 6, 2011, applicable to all pending applications and all permits applied for from and after the date of this resolution.

Collins

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

28. RESOLUTION seeks approval of a second and final five (5) year renewal option of Park Services Division's Tennis Management Agreement with Tennis Memphis, Inc., to continue management and operations of the City's seven tennis center facilities – (Leftwich, Wolbrecht, Whitehaven, Bellevue, Raleigh, Frayser and Wooddale). The five year renewal will end in June 2016 and the annual expenditures will be presented for approval within the City's budgetary process.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

29. RESOLUTION accepting grant funds from the Department of Homeland Security, FEMA, FY2011 American Recovery and Reinvestment Act Port Security Grant Program (ARRA PSGP) Project, in the amount of $2,383,083.00. Resolution also amends the FY2011 Operating Budget to establish and appropriate $2,383,083.00 in grant funds.

Strickland

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting and appropriating grant funds in the amount of $58,766.00 from the Shelby County Sheriff's Office for the City of Memphis Police Department. Resolution also amends the FY2011 Operating Budget to establish and appropriate $58,766.00 in grant funds for FY2011.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

31. RESOLUTION appropriating $21,000.00 funded by G.O. Bonds General in South Perkins at Old Lamar, Project Number PW01217, for a construction contract being administered by the State of Tennessee Department of Transportation. Resolution also states that any future Local Government Investment Pool expenditures for this project be allocated and appropriated with the source of funding being Local Government Investment Pool earnings.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the FY2011 Capital Improvement Budget by transferring an allocation of $2,500,000.00 funded by G.O. Bonds (Storm Water) from Major Drainage Rehab/Replace, Project Number ST03098, to Trenchless Rehab FY09, Project Number ST03114, for rehab of trenchless stormwater structures. Resolution also appropriates $2,500,000.00 funded by G.O. Bonds (Storm Water) for Trenchless Rehab FY09, Project Number ST03114, for a construction contract extension with Moore Construction Company, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION amending the FY2011 Capital Improvement Budget by transferring an allocation of $1,000,000.00 (80% Federal Grant and 20% G.O. Bonds) from Contract Construction to Architecture and Engineering in STP Repaving, Project Number PW01199.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting grant funds from the State of Tennessee Department of Transportation and establishes an allocation in the amount of $2,344,000.00. Resolution amending the FY2011 Capital Improvement Budget by transferring a construction allocation of $591,000.00 from ADA Curb Ramp, PW04007 for Architecture and Engineering ($161,313.00) and Construction ($429,687.00) in ADA Curb Ramp Group 43, PW04081. Resolution also appropriates $429,687.00 in ADA Curb Ramp Group 43, PW04081. Resolution allocates and appropriates future Local Government Investment Pool expenditures with the source of funds being Local Government Investment Pool earnings.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION modifying the FY2011 Capital Improvement Budget by creating Safety Improvements – Appling at I-40, Project Number PW01233. Resolution amending the FY2011 Capital Improvement Budget by transferring a construction allocation of $14,900.00 from South Perkins at Old Lamar, Project Number PW01217 to Safety Improvements – Appling at I-40, Project Number PW01233. Resolution also appropriates $14,900.00 funded by G.O. Bonds General in Safety Improvements – Appling at I-40, Project Number PW01233 for a construction contract being administered by the State of Tennessee Department of Transportation. Resolution states that any future Local Government Investment Pool expenditures for this project be allocated and appropriated with the source of funding being Local Government Investment Pool earnings.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

36. RESOLUTION requesting the Administration to suspend City employee lay-offs and/or abolishment of positions until the FY2012 Budget has been adopted.

Lowery

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT