CITY OF MEMPHIS

COUNCIL AGENDA
July 19, 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 (July 5, 2011)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS

1. RESOLUTION approving a street/alley closure located on the east side of North Third Street, 181 feet north of A.W. Willis Avenue, containing 4,529 square feet. (Held from 7/5)

Ford — Case No. SAC 10-606

Applicant: Tony Fox

Request: Close and vacate alley rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

24 NOTICES WERE MAILED ON JUNE 24, 2011

2. RESOLUTION approving a street/alley closure beginning at North Main Street extending west to North Front Street, containing .37 acre.

Ford — Case No. SAC 11-605

Applicant: MLB-Uptown, LLC

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES WERE MAILED ON JULY 8, 2011

3. RESOLUTION approving a use variance located on the north side corner of Tant Road and Interstate 240, containing 3.2 acres in the Single Family Residential (R-S6) District. (Held from 7/5)

Ford Case No. UV 10-12

Applicant: Brianne K. Mawry

Request: Contractor Storage and Recycling

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

22 NOTICES WERE MAILED ON JUNE 24, 2011

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a Hotel Waiver for Union Express, located at 42 S. Camilla Street. (Held from 6/21; 7/5)

Ford Case No. HMW 11-11

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a Hotel Waiver for Marriott Hotel Memphis East/Poplar Avenue.

Ford Case No. HMW 11-12

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION establishing a public hearing date of August 2, 2011 for adopting an amendment to the Community Redevelopment Plan for the Uptown Area. (Held from 7/5)

Ford

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION establishing a public hearing date of August 2, 2011 authorizing the Memphis and Shelby County Community Redevelopment Agency to issue not exceeding in aggregate principal amount of $32,000,000.00 of Tax Increment Bonds or Notes of the agency pursuant to the provisions of the Community Redevelopment Act of 1998 to fund certain existing debt and/or expenditures to be made with respect to land acquisition, construction and redevelopment activities in connection with that certain Community Redevelopment Plan for the Uptown Area as amended; redevelopment project activities to be located within the Community Redevelopment Area and from the proceeds of it not to exceed $32,000,000.00 Tax Increment Bonds or Notes; and providing an effective date. (Held from 7/5)

Ford

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving a planned development located on the west side of Collierville Arlington Road; +/-242 feet north of the intersection of Washington Road, containing 4.04 acres in the Conservation Agriculture (CA) and Residential Single Family-15 (R-15) Districts.

Ford

Case No. PD 11-308

Applicant: Kevin Merigian
Solomito Land Planning (Brenda Solomito) – Representative

Request: To permit a small private medical office and private art gallery/ studio on the site and a self contained pharmacy

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)

CITY OF MEMPHIS

COUNCIL AGENDA
July 19, 2011
Public Session, Tuesday, 3:30p.m.
Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

9. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to require a Two-Thirds Majority approval of the City Council in order to increase the Ad Valorem Tax Rate if the increase is a higher percentage than the rate of inflation and to submit the proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 8, 2012, up for S E C O N D reading.

Flinn — Ordinance No. 5408

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

10. **ORDINANCE** rezoning the northeast corner of Pendleton Street and Brandon Circle, containing 0.64 acre in the Residential Single Family (R-6) District, up for F I R S T reading.

Ford — Case No. Z 11-104
Ordinance No. 5410

Applicant: Pendlove, Inc., D/B/A 'Pendleton House of Love'

Request: Civic (CIV) District to allow Group Living for an Assisted-Living Facility

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

11. **ORDINANCE** rezoning the south side of Alcy Road; +/-188 feet west of Elvis Presley Boulevard, containing 0.25 acre in the Residential Urban-3 (RU-3) District, up for S E C O N D reading.

Ford

Case No. Z 11-103
Ordinance No. 5409

Applicant: Ware Properties, LLC
W.H. Porter Consultant, PLLC – Representative

Request: Rezone property from Residential Urban 3 (RU-3) to the Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

12. RESOLUTION accepting GARDENS OF GRAY'S CREEK P.D., PHASE 1 and authorizing release of bond.

Case No. PD 03-351cc
(Contract No. CR-4891)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Morning Sun, 840.20 feet west of Houston Levee Road. The standard improvement contract was approved on September 21, 2004. Resolution also authorizes the release of the letters of credit totaling $160,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

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

A. Case No. SAC 11-601

Located on the west side of Myrtle Street, 150.76 feet south of Union Avenue, containing 2,641 square feet

Applicant: Southwest Tennessee Community College

Request: Close existing alley

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 11-603

Located on Stonebrook Circle beginning on the west side of Sandbrook Street and extending 491 feet south, containing 40,118 square feet

Applicant: Superior Investments, Inc.

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 2, 2011

CITY OF MEMPHIS

COUNCIL AGENDA
July 19, 2011
Public Session, Tuesday, 3:30 p.m.
Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

REGULAR AGENDA

BUDGET ITEM

14. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu of tax payment to the City of Memphis for Fiscal Year 2012. (GAS & ELECTRIC) (Held from 6/7; 6/21; 7/5)

Flinn

ACTION REQUESTED: Adopt the resolution

15. **APPOINTMENTS**

Collins

Memphis Public Library and Information Center Board of Trustees

Appointment

E. Keenon McCloy

Reappointments

Margaret McLean
Ruby J. Payne
Halloe O. Robinson
Sean J. Upshaw

GENERAL ORDINANCES -THIRD AND FINAL READING

16. **ORDINANCE** to redistrict all Council Districts and to assign newly annexed areas, if any, to Council Districts 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 Acts Remedies, up for T H I R D and F I N A L reading. (Held from 4/19; 5/17; 6/7)

Lowery

Ordinance No. 5395

ACTION REQUESTED: Take whatever action Council deems advisable

17. **ORDINANCE** to amend Title 2, Administration, of the Code of Ordinances of Memphis, Tennessee by establishing the Memphis Advisory Council for Citizens with Disabilities, up for T H I R D and F I N A L reading.

Collins Ordinance No. 5407

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

18. RESOLUTION approving renewal of contract between the City of Memphis and Goodwill Homes Community Services, Inc., for the management and operations of the City owned Goodwill Homes Senior Center Facility located at 163 W. Raines Road in Southwest Memphis, for a five (5) year renewal term and one five (5) year renewal option for a total of ten (10) years. Funding will be subject to annual City Council budget appropriations.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

19. RESOLUTION appropriating funding for the Organized Crime Unit Drug Fund for Fiscal Year 2012 in the amount of $4,331,094.00.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

20. RESOLUTION approving a lease agreement with an option to purchase with Patton-Tully Marine, LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on March 24, 2011.

Conrad Contract No. CR-5170

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION approving a lease agreement with Patton-Tully Marine, LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on April 21, 2011.

Conrad Contract No. CR-5171

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEM

22. Impasse - Fire Department

Lowery

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

Fiscal Consent Agenda

23. RESOLUTION amending the FY2011 Operating Budget by accepting and appropriating grant funds in the amount of $2,683,070.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Youth Program.

Conrad

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION amending the FY2011 Operating Budget by accepting and appropriating grant funds in the amount of $433,404.00 from the State of Tennessee Department of Labor and Workforce Division for WIA Title One National Emergency Grant.

Conrad

ACTION REQUESTED: Adopt the resolution

Regular Agenda

25. RESOLUTION amending the FY2012 Capital Improvement Budget by transferring an allocation of $2,500,000.00 funded by Sewer Revenue Bonds from Covered Anaerobic Lagoon, Project Number SW02011 to Stiles Plant Modification, Project Number SW04009 for the study, design, and inspection of a disinfection system at the Waste Water Treatment Plants as required by the National Pollution Discharge Elimination System (NPDES) permit issued by the Tennessee Department of Environment and Conservation.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Failed
2. & 3 – Held until August 2, 2011
4. Through 12 – Approved
13. Public Hearing Set until August 2, 2011
14. Held until August 2, 2011
15. Approved
16. Approved, as amended
17. Through 21 – Approved
22. Held until August 2, 2011
23. Through 25 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF JULY 5, 2011 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #16, #18, #24 & #25 FROM TONIGHT'S MEETING

Approved