



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 20, 2012

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER** by the Sergeant-at-Arms

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL** by the Comptroller

**APPROVAL OF PREVIOUS MEETING MINUTES (March 6, 2012)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION honoring MUS Varsity Basketball Coach Jerry Peters.  
Flinn

ACTION REQUESTED: Adopt the resolution

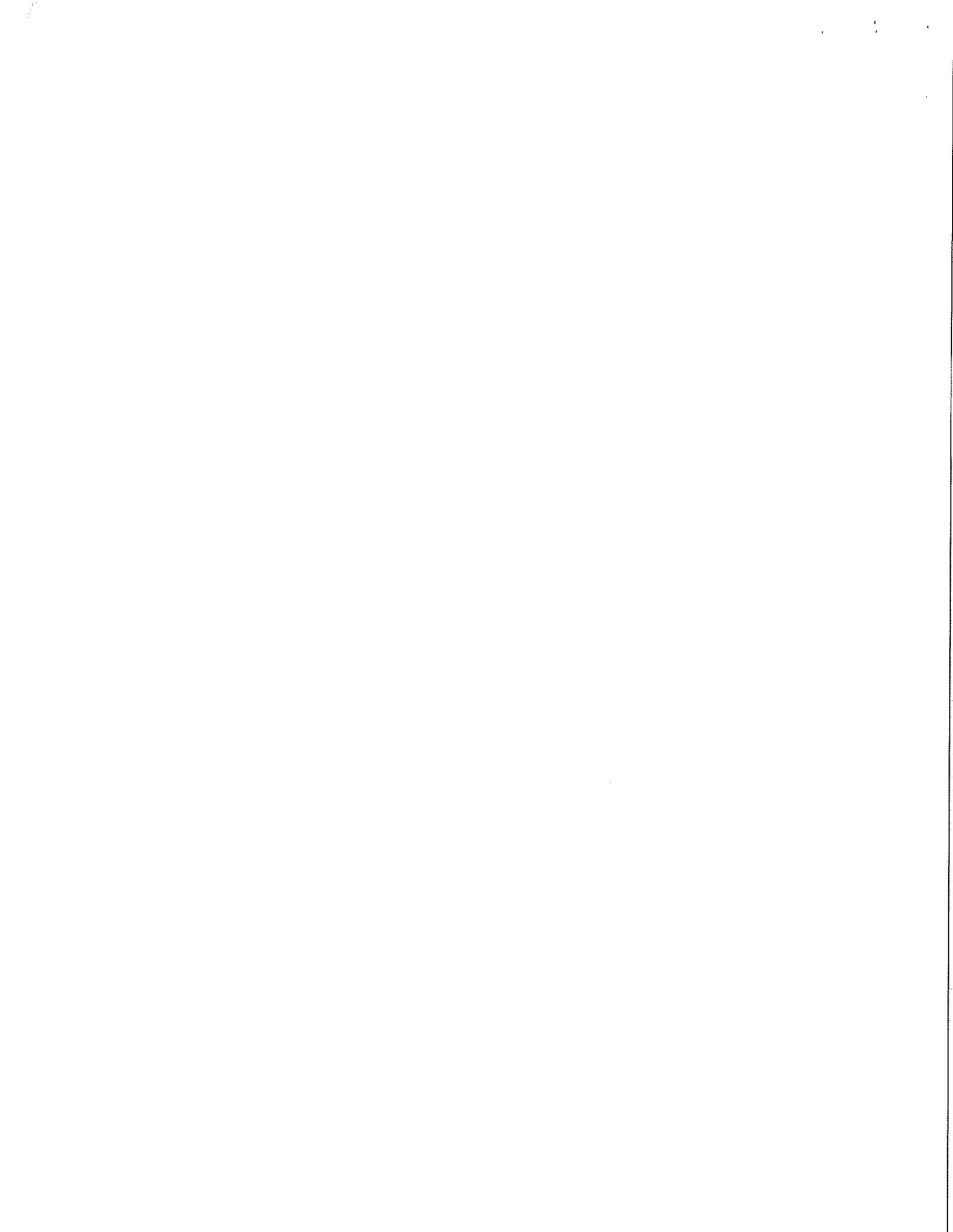
2. RESOLUTION approving an honorary street name change of Sharpe Avenue between Prescott Road and Ellsworth Street in honor of Dr. Gene Crockett.  
Fullilove

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving an honorary street name change of Estate Road for former State Representative Joe Kent.  
Strickland

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)



**DIVISION OF PLANNING & DEVELOPMENT**

4. RESOLUTION approving a planned development located on the northeast corner of Cherry Road and American Way Boulevard, containing 113.50 acres in an area formerly known as 'Mall of Memphis' regional mall in the Commercial Mixed-Use (CMU-2) District.

Ford

Case No. PD 11-324

Applicant: Johnson Development Associates, Inc.  
SR Consulting, LLC – Representative

Request: Planned Development to allow Employment (EMP) District land uses, including warehouse and distribution within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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

5. RESOLUTION approving a special use permit located on the west side of Boston Street, 175 feet north of Midland Avenue, containing 0.17 acre in the Residential Urban (RU-1) District. (Held from 3/6)

Ford

Case No. SUP 11-224

Applicant: Jacob's Ladder, Inc.  
Rev. Bill Marler – Representative

Request: Group Day Care and Playground

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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

6. RESOLUTION approving a special use permit located on the east side of Cherry Road, opposite of Haverhill Road, containing 4.5 acres in the Residential Single Family-10 (R-10) District.

Ford

Case No. SUP 12-201

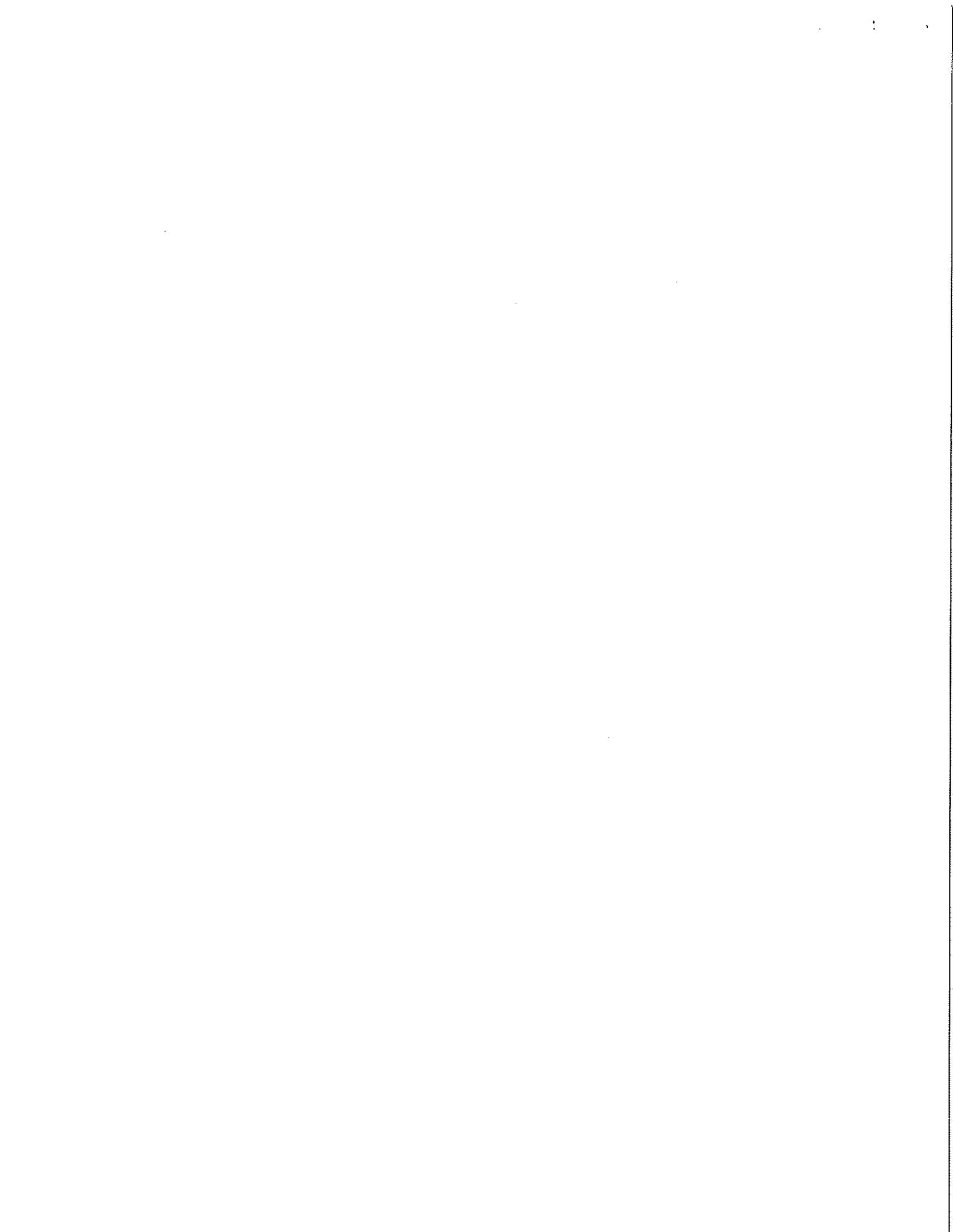
Applicant: Harding Academy of Memphis, Inc.  
The Reaves Firm – Representative

Request: A Special Use Permit to allow a pre-school within the R-10 District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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



7. RESOLUTION approving a special use permit located at 8350 Macon Road, on the northeast corner of Macon Road and Cully Road, containing 3.47 acres in the Residential Single Family-6 (R-6) District.

Ford

Case No. SUP 12-202

Applicant: Harding Academy of Memphis, Inc.  
The Reaves Firm – Representative

Request: A Special Use Permit to allow a pre-school within the R-10 District

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**

8. ORDINANCE rezoning the south side of Highway 64 +/-1,500 feet west of Highway 385, containing 11.05 acres in the Conservation Agricultural (CA) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 11-110  
Ordinance No. 5443

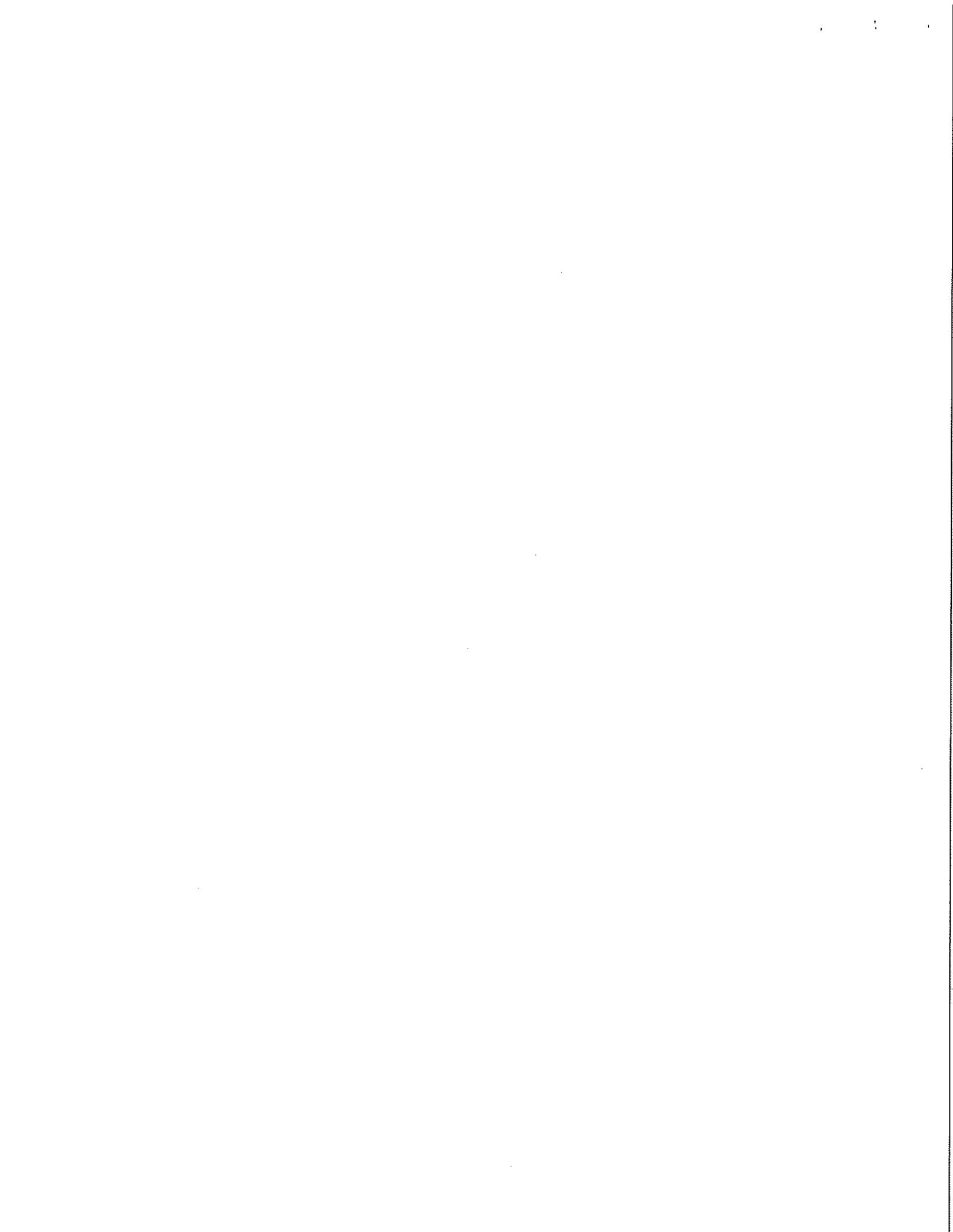
Applicant: India Cultural Center & Temple, Inc. (Dr. Prasad Duggirala)  
John M. Leake, Jr. – Representative

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

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**27 NOTICES WERE MAILED ON MARCH 9, 2012**





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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING (None)

### GENERAL ORDINANCES- SECOND READING

9. **ORDINANCE** to amend Chapter 33, Article III, of the City of Memphis Code of Ordinances, to create the Memphis Wastewater Hearing Authority and to clarify the Administration and Enforcement provisions, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5445

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to amend Chapter 33, Article IV, of the City of Memphis Code of Ordinances, to create the Memphis Stormwater Board and modify provisions related to Civil Penalties, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5446

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

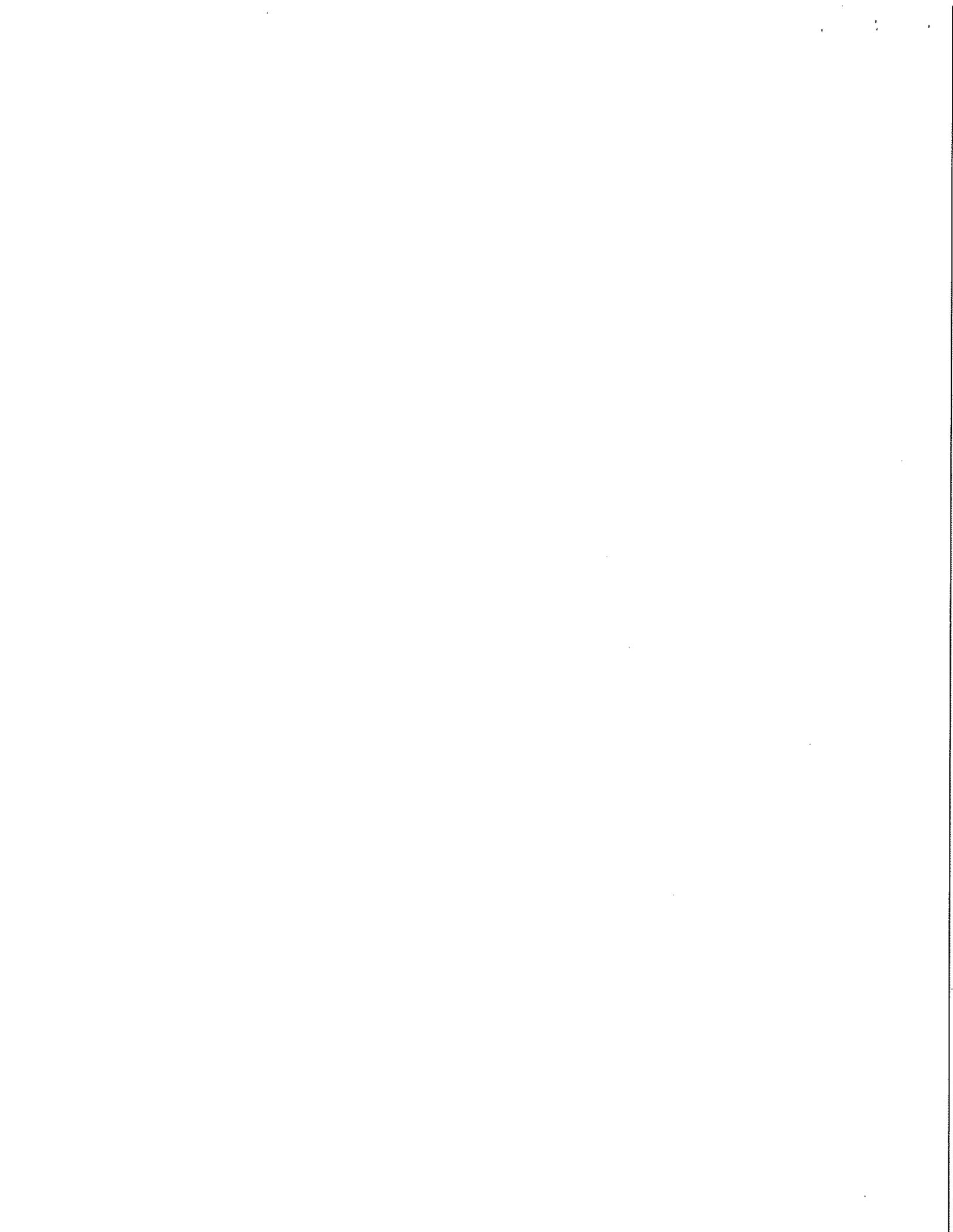
### ENGINEERING

11. **RESOLUTION** approving final plat of WHITTEN I-40 P.D., PHASE 22.

Case No. PD 05-320

Contract No. CR-5179

Resolution approves the final plat located on the west side of Whitten Road, 255 feet north of Macon 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

12. RESOLUTION canceling the standard improvement contract for LEGENDS PARK P.D., PHASE 4 and authorizing the release of bond.

Case No. PD 07-338  
(Contract No. CR-5163)

Resolution cancels the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Ayers Street, 405 feet north of Poplar Avenue. The standard improvement contract was approved on July 20, 2010. Resolution also authorizes the release of the performance bond (No.105443559) in the amount of \$849,329.76.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of WALMART SUBDIVISION, RESUBDIVISION OF LOT 1.

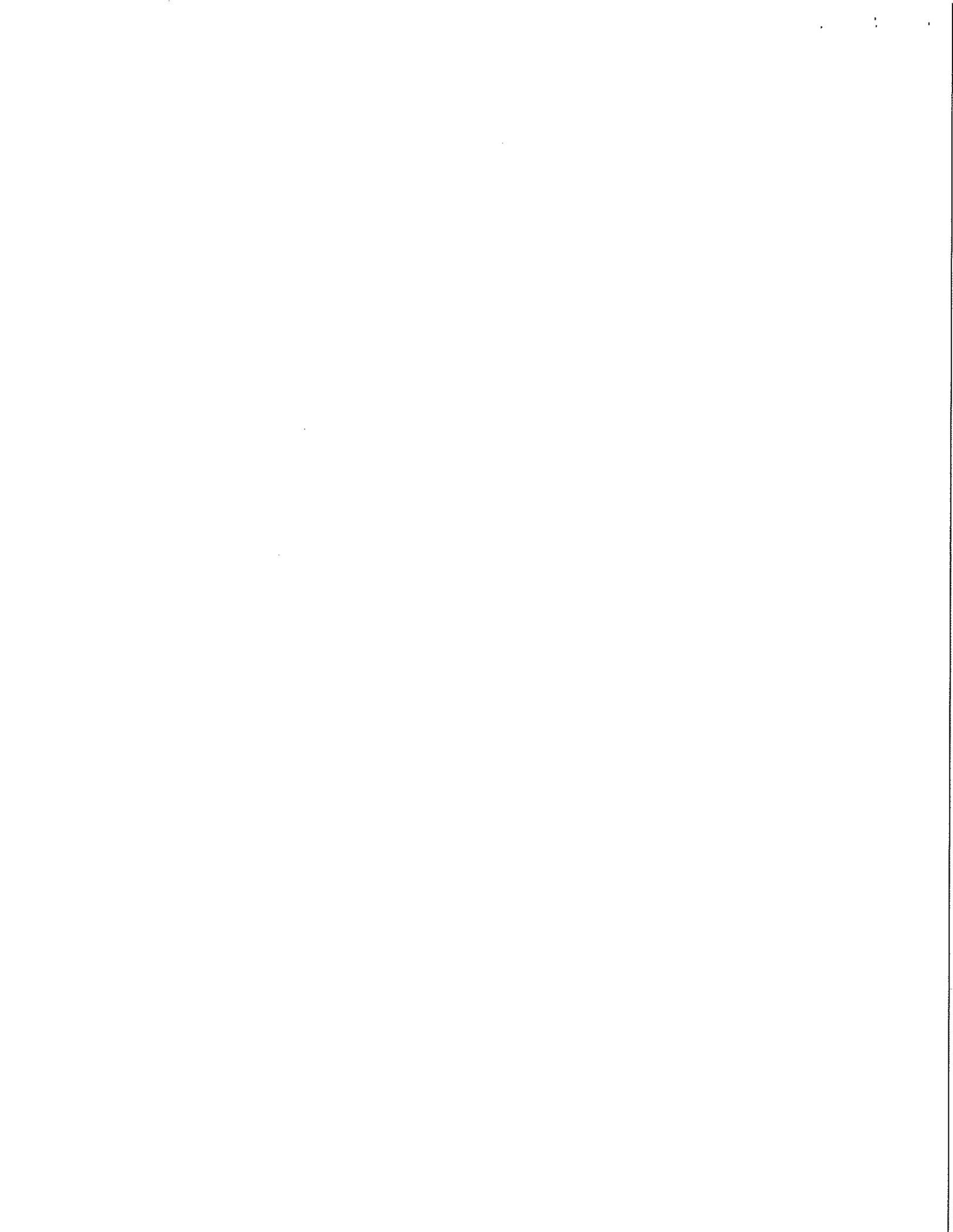
Case No. S 11-017

Resolution approves the final plat located on the westside of N. Germantown Parkway, south of Trinity. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)





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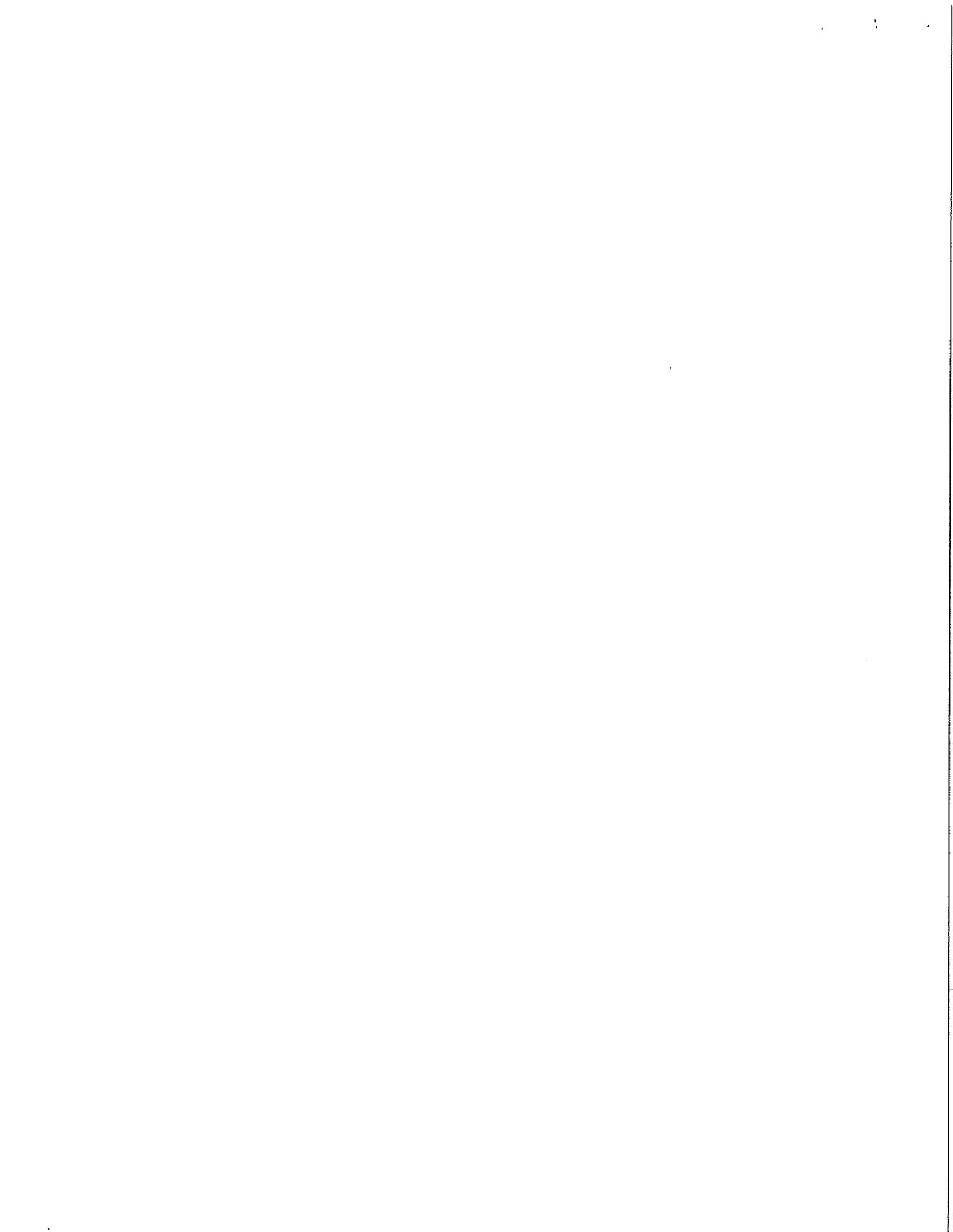
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### MLGW FISCAL CONSENT

14. RESOLUTION approving Change No. 5 to Contract No. 11148, Professional Engineering Services, with SSR Ellers, Inc. in the funded amount of \$187,800.00. (This change renews the contract for the fourth and final renewal term, January 1, 2012 through December 31, 2012, with no increase in rates).
15. RESOLUTION approving Change No. 1 to Contract No. 11516, Tire and Tire Repair Service, with Southern Tire Mart in the funded amount of \$46,371.50, for a new contract value of \$729,509.50. (This change is to add quantities that were omitted from the original contract).
16. RESOLUTION awarding Contract No. 11531, Customer Satisfaction Survey, to Renee Enterprises, in the funded amount of \$33,774.00.





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## REGULAR AGENDA

17.  
Collins

### APPOINTMENTS

#### Economic Development Growth Engine of Memphis and Shelby County (EDGE)

##### Appointment

Councilman George Shea Flinn III

#### Memphis Board of Ethics

##### Appointment

Craig L. Cardwell

#### Memphis Light, Gas and Water Commission

##### Appointment

Derwin Sisnett (See Agenda on 4/3/12)

##### Reappointment

V. Lynn Evans

#### Memphis Transportation Commission

##### Appointments

Scott C. Boucher

Beth Flangan

Jeffery D. Harris

Vince Higgins

Kevin Kane (See Agenda on 4/3/12)

Tawanda Knight

Richard V. White

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

**Pension Board of Administration**

Appointment

Paula Yette Polite

Reappointments

Rowena Adams  
Nancy H. Albonetti  
Derek Brassel  
Lisa Geater  
Dwan L. Gilliom

**Prevailing Wage Commission**

Appointment

Samuel J. Haynie

Reappointments

Robert L. Campbell  
Harold McDonald  
Paul Shaffer

**GENERAL ORDINANCES -THIRD AND FINAL READING**

- 18. **ORDINANCE** to amend Title 6-Business Licenses and Regulations-Chapter 6-88-Wreckers and Towing Operators, Section 6-88-15-Private Property Tow authorization formerly Chapter 41-Wreckers or Towing Operator, of the Code of Ordinances, up for T H I R D and F I N A L reading. (Held from 1/3; 1/17; 2/7; 3/6)

Boyd Ordinance No. 5431

ACTION REQUESTED: Take whatever action Council deems advisable

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

Morrison Ordinance No. 5444

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)



**DIVISION OF FIRE SERVICES**

- 20. RESOLUTION accepting grant funds in the amount of \$317,419.00 from the U.S. Department of Homeland Security Grant Program for the Division of Fire Services – Metropolitan Medical Response System (MMRS) to support the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard. Resolution also amends the FY 2012 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

- 21. RESOLUTION appropriating \$133,477.00 in General Obligation Bonds from the FY 2012 CIP Budget for the Division of Fire Services to purchase Air Mask System Units and Accessories for a total appropriation of \$133,477.00.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION SERVICES**

- 22. RESOLUTION appropriating \$340,000.00 for CIP Project Number IS01070, Website/ Intranet Upgrade, which was approved by City Council in the FY2012 CIP Budget. (Held from 3/6)

Halbert

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

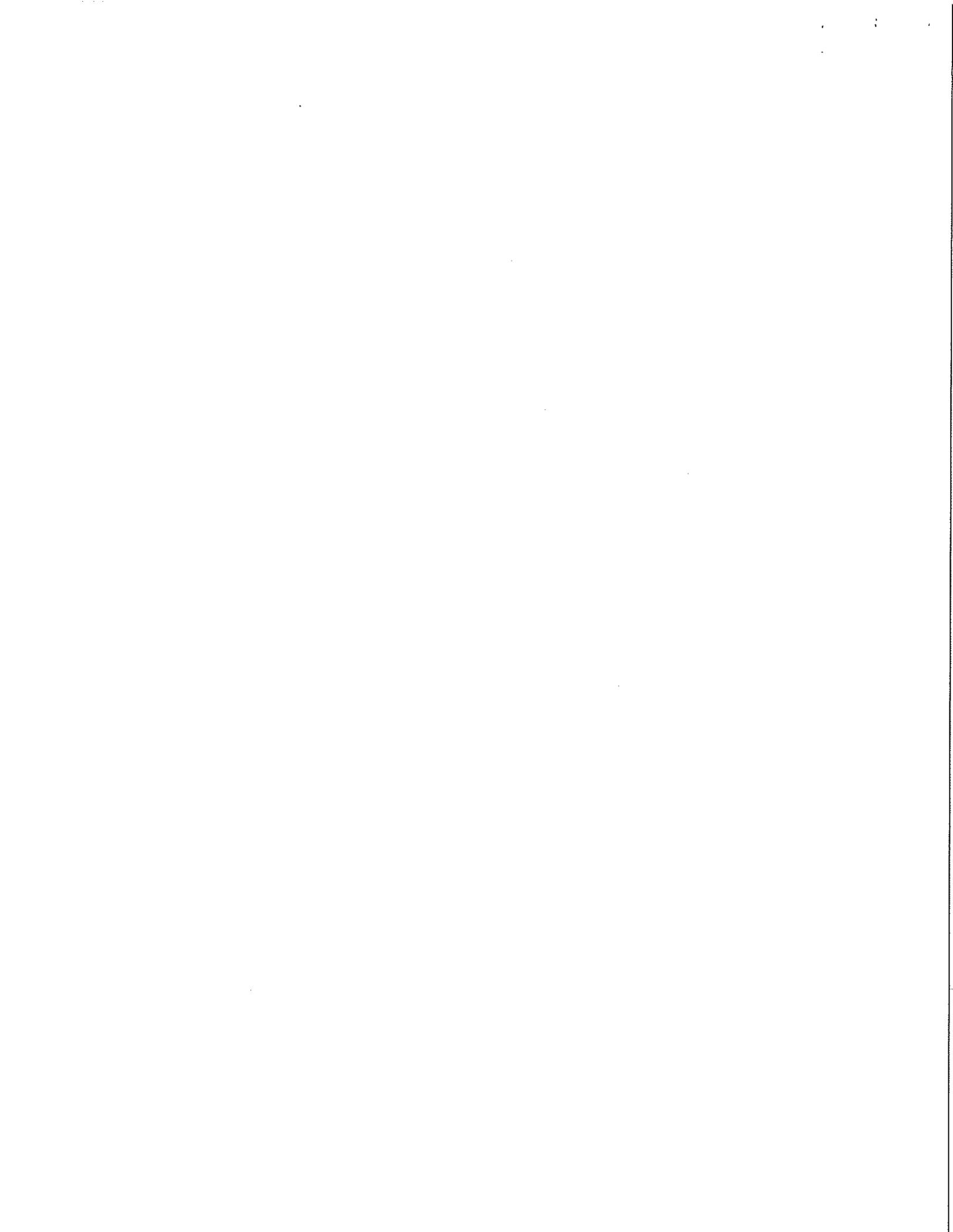
- 23. RESOLUTION seeking approval to purchase and install an “Emergency Evacuation Alarm System” at the Pipkin and Creative Arts Buildings that are located on South Tiger Lane at a cost of \$50,000.00 from Furniture, Fixture and Equipment in CIP Project Number PK10010, Liberty Bowl Locker Rooms, funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

- 24. RESOLUTION amending the FY 2012 Budget to allocate and appropriate funding for Liberty Bowl Stadium upgrades.

Boyd



ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

- 25. RESOLUTION transferring an allocation and appropriation in the amount of \$475,000.00 from Contract Construction to Architecture and Engineering to cover unexpected A/E expenditures. Resolution also appropriates \$1,472,000.00 from unappropriated Contract Construction allocations, GS01007 Major Modification/Improvements, funded by G.O. Bonds General for various projects to City facilities.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 26. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$2,594,350.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to CIPP 84-96 Rehab Project, Project Number SW02098 to repair and rehab existing damaged sanitation sewer pipe. Resolution also appropriates \$2,594,350.00 funded by Sewer Revenue Bonds for CIPP 84-96 Rehab Project, Project Number SW02098 for a construction contract with SAK Construction, LLC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 27. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$313,075.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to Stiles Roof Repair, Project Number SW02088. Resolution also appropriates \$313,075.00 funded by Sewer Revenue Bonds in Stiles Roof Repair, Project Number SW02088 for a construction contract with Ark Roofing Company.

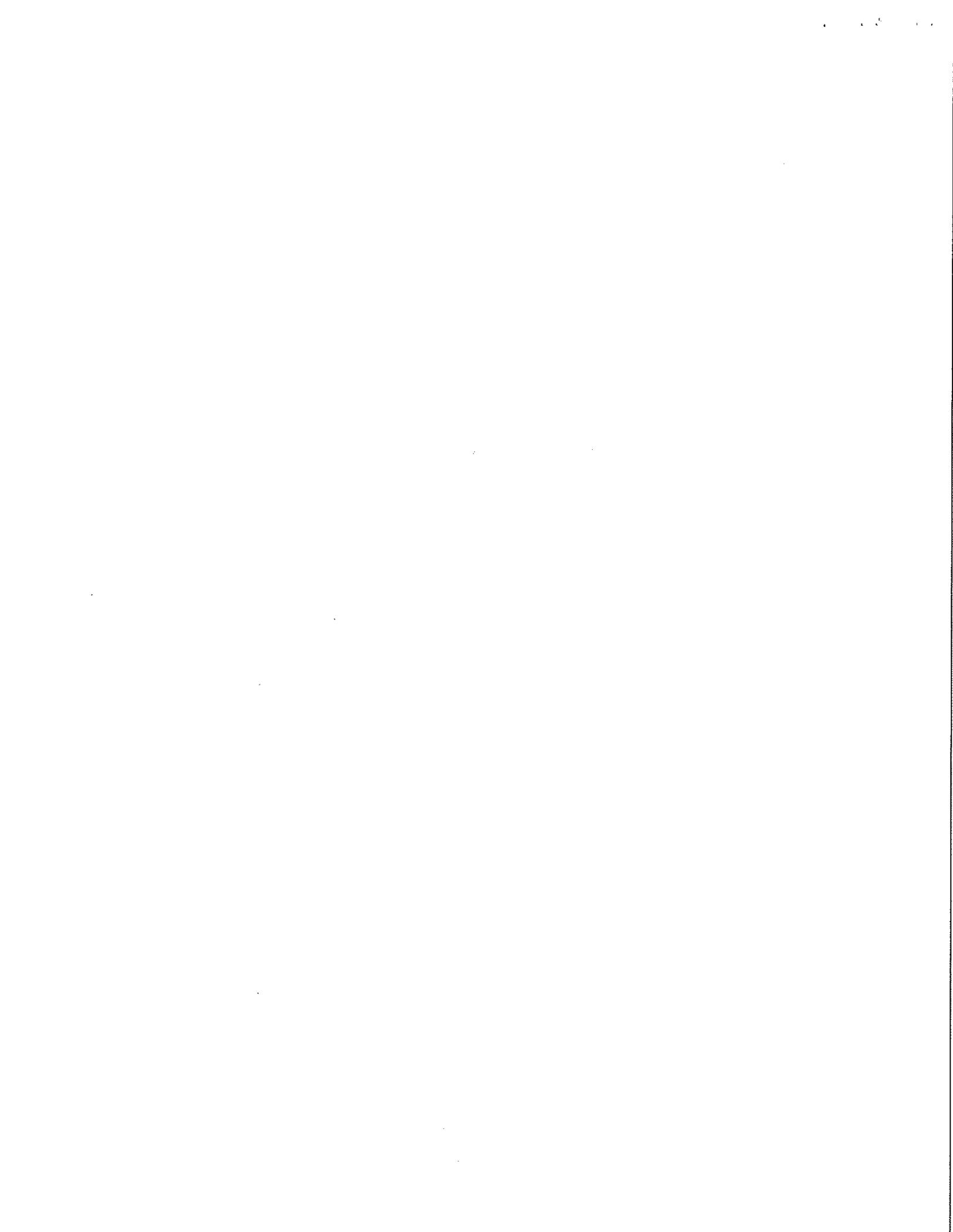
Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 28. RESOLUTION appropriating \$281,243.00 funded by Sewer Revenue Bonds from South Plant Expansion, Project Number SW02033 for a construction contract with Alderson Roofing and Sheet Metal Company, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution



**GENERAL ITEMS**

29. RESOLUTION opposing House Bill 3386 and similar legislation restricting the ability of local governments to set policy regarding living wage, prevailing wage and similar matters.

Harris &  
Lowery

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION opposing House Bills 3694 and 3696 which would greatly restrict local government's authority relative to zoning matters.

Collins

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**



ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Held until April 17, 2012
6. & 7 – Approved
8. Held until April 3, 2012
9. Through 16 – Approved
17. Approved, as amended
18. Dropped
19. This Ordinance was dropped and substituted with a Resolution
20. & 21 – Approved
22. Approved, as amended
23. Approved
24. Held until April 3, 2012
25. Through 29 – Approved
30. Approved, as amended

ACTION TAKEN BY COUNCIL ON THE MINUTES OF MARCH 6, 2012 MEETING

Approved

