



CITY OF MEMPHIS

COUNCIL AGENDA

May 15, 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 (May 1, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating the Booker T. Washington Boys' Basketball Team on their outstanding 2011-2012 season.

Fullilove

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing Barrett Jones, offensive lineman for the 2011 NCAA Champions, The University of Alabama Football Team and honored as the 2011 Outland Trophy winner.

Boyd

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCE – THIRD AND FINAL READING

3. **ORDINANCE** to amend Article VI, Chapter 36 of the City of Memphis, Code of Ordinances, to increase the existing Hotel/Motel Occupancy Tax to 2.7%, up for T H I R D and F I N A L reading. (Held from 2/7)

Conrad

Ordinance No. 5439

ACTION REQUESTED: Take whatever action Council deems advisable

PUBLIC HEARING

- 4. RESOLUTION approving a special use permit located on the northeast corner of Monroe Avenue and Claybrook Street, containing .89 acre in the Commercial Mixed Use-3 (CMU-3) District.

Ford

Case No. SUP 12-207

Applicant: Gloria Hayden
McCaskill & Associates, Inc. – Tim McCaskill – Representative

Request: A Special Use Permit to allow a social service institution that will feed the needy in and around the medical district (soup kitchen)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON MAY 4, 2012

DIVISION OF PLANNING & DEVELOPMENT

- 5. RESOLUTION authorizing the Mayor of the City of Memphis to execute a Financial Assistance Grant Contract with the United States Department of Commerce, Economic Development Administration (EDA) for \$2,192,625.00 in behalf of Cargill Corn Milling for the President’s Island Rail Project. This grant requires no City of Memphis matching funds.

Halbert

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION approving a planned development located on the southwest corner of Poplar Avenue and Ridgeway Boulevard, containing 10.43 acres in the Office General (O-G) and Residential Work (RW) Districts.

Ford

Case No. PD 12-302

Applicant: Highwoods Realty LTD Partnership (Steve Guinn) – Representative

Request: Permit two free standing restaurants that are larger than what is Permitted under zoning

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 ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

7. **ORDINANCE** to amend and supplement Section 14-4-36, Closing of Adjacent Streets and Sidewalks, up for S E C O N D reading.
Hedgepeth Ordinance No. 5448

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to Increase Pension Benefits allowable under Section 25-95 and 25-195, up for S E C O N D reading.
Strickland Ordinance No. 5449

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** establishing the Fiscal Year 2013 Operating Budget for the City of Memphis, up for S E C O N D reading.
Strickland Ordinance No. 5450

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, 2012 through June 30, 2013.

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2013, up for S E C O N D reading.
Strickland Ordinance No. 5451

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

11. **ORDINANCE** rezoning the northwest corner of N. Bellevue and Smith Avenue, containing 0.315 acre in the Commercial Mixed Use (CMU-1) District, up for F I R S T reading.

Ford

Case No. Z 11-114
Ordinance No. 5447

Applicant: Christopher B. Walton
Brittenum-Bruce, LLC – Representative

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on First reading

12. **ORDINANCE** rezoning the southwest corner of E. Holmes Road and Riverdale Road, containing 1.47 acres in the Conservation Agriculture (CA) District, up for F I R S T reading.

Ford

Case No. Z 12-102cc
Ordinance No. 5452

Applicant: Marketplace Development, LLC
J. Wise Smith-Architect – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

13. **ORDINANCE** rezoning the southwest corner of S. Perkins Road and Knight Arnold Road, containing 10.92 acres in the Commercial Mixed Use (CMU-1) District, up for F I R S T reading.

Ford

Case No. Z 12-101
Ordinance No. 5453

Applicant: Village Plaza, Inc.
W. H. Porter Consultants, PLLC – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

14. **ORDINANCE** rezoning the south side of I-240; +/-835 feet east of Thousand Oaks Cove, containing 2.25 acres in the Conservation Agricultural Floodplain (CA[FP]) District, up for F I R S T reading.

Ford

Case No. Z 12-103
Ordinance No. 5454

Applicant: Stanley Trezevant
Ronald Harkavy, Attorney – Representative

Request: Commercial Mixed Use-3 Floodplain (CMU-3[FP]) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

15. RESOLUTION approving final plat of IRENE WOODS P.D., PHASE 1.
Case No. PD 08-331cc
Contract No. CR-5183

Resolution approves the final plat located on the east side of Forest Hill-Irene Road, north of Shelby 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. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving final plat of TOURNAMENT CENTER P.D., PHASE 1 (DEDICATION OF TOURNAMENT DRIVE).
Case No. PD 09-305
Contract No. CR-5184

Resolution approves the final plat located on Tournament Drive, west of Hacks Cross. 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

17. RESOLUTION approving final plat of OAKRIDGE VILLAGE C-P, LOTS 1-2.
Case No. Z 86-182cc
Contract No. CR-5185

Resolution approves the final plat located on the southeast corner of Holmes Road and Crumpler 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.

This action is subject to County approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION approving final plat of 851 SEVENTH STREET SUBDIVISION.
Case No. S 11-014

Resolution approves the final plat located on the northwest corner of Bickford and Seventh St. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION approving final plat of WYCHEWOOD PLACE SUBDIVISION.
Case No. S 11-015

Resolution approves the final plat located on the southwest corner of Walnut Grove Road and Wychewood. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)

GENERAL ITEM (None)



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MLGW FISCAL CONSENT

20. RESOLUTION awarding contract for two-man aerial towers and a digger derrick to Diamond International Trucks in the amount of \$1,198,819.00.
21. RESOLUTION awarding contract for fork lift trucks to Shaw Material Handling System, Inc. in the amount of \$55,643.60 and Intersky Precision Instruments, Inc. in the amount of \$27,751.00, for a total amount of \$83,394.60.
22. RESOLUTION approving Change No. 1 to Contract No. 11434, Horn Lake Creek Bore and In-Line Inspection, with Memphis Road Boring Company, Inc. in the funded amount of \$5,450.00, for a new contract amount of \$185,300.00. (This change is to add 25 feet of bore which is required to complete the directional bore project).
23. RESOLUTION awarding contract for stationary battery systems to Saft America, Inc. c/o H.V. Sales in the amount of \$274,797.00.
24. RESOLUTION approving payment of 2012 annual membership dues to the American Gas Association in the amount of \$55,945.00.
25. RESOLUTION approving payment of annual sewer discharge fee to the City of Memphis Public Works Department for the 2011 filter backwash discharge for six water pumping stations in the amount of \$375,537.53.
26. RESOLUTION approving payment of annual subscription services to Energy Worldnet, Inc. in the funded amount of \$31,220.00.
27. RESOLUTION approving Change No. 2 to Contract No. 11292, Cashiering System Replacement, with Systems Innovators, in the funded amount of \$33,724.26, for a new contract amount of \$291,466.26. (This change renews annual software maintenance and support services for the second of four renewal terms, March 1, 2012 to February 28, 2013, which reflects a 3% increase in line with the Consumer Price Index (CPI).



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REGULAR AGENDA

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

30. RESOLUTION accepting local other funding in the amount of \$4,487,775.00 from the Shelby County Emergency Communications District for the Division of Fire Services CAD System. Resolution also amends the FY 2012 CIP budget to allocate and appropriate local other funds.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

31. RESOLUTION amending the FY 2012 Operating Budget by appropriating \$300,960.00 in federal funding for Shelter Plus Care Grant Program , Project Number TN0024C4J011104 implemented by Case Management SPC.

Brown

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the FY 2012 Operating Budget by appropriating \$124,704.00 in federal funding for Shelter Plus Care Grant Program, Project Number TN0016C4J011104, implemented by Friends for Life SPC.

Brown

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION amending the FY 2012 Operating Budget by appropriating \$185,760.00 in federal funding for Shelter Plus Grant Program, Project Number TN0111C4J011103 implemented by SHIELD, Inc.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

34. RESOLUTION approving the Memphis Light, Gas and Water Division Debt Management Policy.

Fullilove

ACTION REQUESTED: Adopt the resolution

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEM

35. RESOLUTION requesting that no expenditures greater than \$1 million shall be reported to the Budget Committee and described only as "Miscellaneous", unless there is also a separate breakout of the items or services that underlie the \$1 million expenditure.

Harris

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Dropped
2. Approved
3. Failed
4. Through 35 - Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF MAY 1, 2012 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEM #5, FROM TONIGHT'S MEETING

Approved