



CITY OF MEMPHIS

COUNCIL AGENDA

October 26, 2010

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 (October 12, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change for Mr. E.C. Jones.(Held from 10/12).

Morrison

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the east side of N. Thomas Street, 260 feet north of Stage Road, containing 24.4 acres in an area currently governed by the conditions of the Frayser Business Center Planned Development (P.D. 07-310), Plat Book 245, Page 29.(Held from 9/28)

Ford

Case No. PD 10-312

Applicant: Memphis Wrecking Company
Nathan Bicks – Representative

Request: Amend planned development to allow public use of a previously approved demolition and construction landfill facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES WERE MAILED ON SEPTEMBER 17, 2010

3. RESOLUTION approving a planned development located on the east side of Southwind Park Cove; +/- 182.82 feet north of Winchester Road, containing 0.99 acre (43,124 sq. ft.) and is currently governed by Offices of Southwind Planned Development (P.D. 08-310cc).

Ford

Case No. PD 10-311cc

Owner/Applicants: Trustmark National Bank
Prime Development Group – Representative

Request: Planned development amendment to allow a veterinary clinic

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES WERE MAILED ON OCTOBER 15, 2010

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a use variance located on the northwest corner of Griggs Avenue and Hyde Park Boulevard; and on the north side of Griggs Avenue at Austin Street, containing 1.10 acres in the Duplex Residential (R-D) District.

Ford

Case No. UV 10-13

Applicant: Macedonia Missionary Baptist Church Hyde Park, Inc.
Carter Hord (Hord Architects) – Representative

Request: Use variation for two non-contiguous church parking lots

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 (None)

ZONING ORDINANCE - FIRST READING

5. **ORDINANCE** rezoning the south side of Raines Road; 400 feet east of Marlin Road, containing 0.47 acre in the Single Family Residential (RS-10) District, up for F I R S T reading.

Ford

Case No. Z 10-111
Ordinance No. 5387

Applicant: Robert T. Cooper, Jr.
James Kincaide – Representative

Request: Change zoning from Single Family Residential (RS-10) to Local Commercial General Office (O-G) Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

6. **ORDINANCE** rezoning the west side of Raleigh LaGrange Road; 130' south of Goodlett Farms Parkway, containing 0.41 acre in the Single Family Residential (R-S6) District, up for S E C O N D reading.

Ford

Case No. Z 10-113cc
Ordinance No. 5386

Applicant: Angella B. Battle
James Kincaide – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

7. RESOLUTION approving final plat of YOUSEF SUBDIVISION.

Case No. S 07-013

Resolution approves the final plat located at the south east corner of Raleigh Millington Road and St. Elmo Road.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

8. NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 10-314

Located on the southwest corner of Poplar Avenue between North McLean Boulevard and North Auburndale Street, containing 12.68 acres in the Multiple Dwelling Residential (R-MM) District.

Applicant: Catholic Diocese of Memphis (Bill Herbers)
Martin Regan, Jr. – Representative

Request: A Planned Development to allow the St. Peter's Village Campus to be separated into 3 lots to permit the individual sale of those lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 9, 2010



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MLGW FISCAL CONSENT

9. RESOLUTION approving Contract No. 11430, Interlocal Agreement between MLGW and Memphis Housing Authority, for a Services Loan for Utility Installation for Legends Park West Phase IV Planned Redevelopment in an estimated amount of \$300,000.00.
10. RESOLUTION awarding Contract No. 11442, Telephone Operator's Console, to Black Box Network Services, in the funded amount of \$87,702.00.
11. RESOLUTION approving Change No. 3 to Contract No. 11229, Professional Engineering Services, with Allen and Hoshall Engineers, in the funded amount of \$151,800.00. (This adds the design of a new wash water recovery basin at Palmer Pumping Station to conform to new and tighter environmental regulations).
12. RESOLUTION ratifying Change No. 1 to Contract No. 11309, Installation of Ground Wells at Collierville Gate #86, with M & W Drilling, LLC, in the funded amount of \$30,250.00. (This is due to a field change order performed to drill an extra depth of 110 ft. (55 ft. per well) required to install ground wells as described in the specifications of the current contract).
13. RESOLUTION awarding contract for data concentrators to Tel-XL in the amount of \$44,700.00.
14. RESOLUTION awarding three-month contract for equipment rental to Wagner Smith Equipment Company in the amount of \$95,660.00.
15. RESOLUTION awarding contract for three walk-in vans to Tag Truck Center in the amount of \$215,850.00.
16. RESOLUTION approving a fee increase for Consulting Services Group, LLC, from \$40,000.00 to \$55,000.00 annually (Contract No. 11471) for investment management consultant services for the MLGW OPEB Trust Fund.
17. RESOLUTION giving contract authority to MLGW's Vice President and General Counsel in the amount of \$39,702.43 for a legal settlement.
18. RESOLUTION giving contract authority to MLGW's Vice President and General Counsel in the amount of \$90,000.00 for a legal settlement.



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REGULAR AGENDA

19.
Strickland

APPOINTMENTS

Memphis and Shelby County Board of Adjustment

Appointment

Olliette Murry-Drobot

Memphis and Shelby County Cross Connection Board

Reappointment

Cindy Cook

Public Art Oversight Committee

Appointments

Adrian Duran
Robert F. Fogelman II
Krystal F. Johnson
Marina Pacini
Beverly A. Perkins

Reappointment

Marc Willis

GENERAL ORDINANCE -THIRD AND FINAL READING

20. **ORDINANCE** to repeal, in its entirety, previous Ordinance No. 4388, codified as City Code, Chapter 2, Division 5, Section 2-325 thru Section 2-331 and replace with the attached Ordinance inserted in lieu thereof as a result of the findings of the 2010 Disparity Study as performed by Griffin & Strong, PC, up for T H I R D and F I N A L reading. (Held from 10/12)

Conrad

Ordinance No. 5384

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

21. RESOLUTION amending the FY2011 Operating Budget to re-instate the prior year funding level of the Tuition Reimbursement Program by transferring an allocation and appropriation of \$902,211.00 across the Human Resources Division legal levels and operating categories. (Held from 8/24; 9/14; 9/28; 10/12)

Strickland

NO RECOMMENDATION

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

22. RESOLUTION accepting and appropriating grant funds in the amount of \$193,515.00 from the State of Tennessee, Department of State, Tennessee State Library and Archives to be used for the purchase of computers.

Ware

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

23. RESOLUTION amending the Fiscal Year 2011 Capital Improvement Budget by transferring an allocation of \$20,000.00 funded by Federal Grant Funds (American Recovery and Reinvestment Act) from Construction to Architecture and Engineering, in project number PW02031, ARRA Bridge Guardrail for Construction, Engineering and Inspection (CEI) services and other engineering costs.

Hedgepeth

Resolution appropriating \$154,672.00 funded by Federal Grant Funds (American Recovery and Reinvestment Act) in project number PW02031, ARRA Bridge Guardrail, for a construction contract with Chris – Hill Construction.

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting additional Federal Grant Funds (American Recovery and Reinvestment Act), in the amount of \$83,340.00, to ensure adequate project funding of PW02029, ARRA Sam Cooper/RR.

Hedgepeth

Resolution amending the Fiscal Year 2011 Capital Improvement Budget by increasing Federal Grant Fund allocations in the amount of \$28,000.00 for Architecture and Engineering and \$55,340.00 in Construction.

Resolution appropriating \$255,340.00 funded by Federal Grant Funds (American Recovery and Reinvestment Act) in project number PW02029, ARRA Sam Cooper/RR, for a construction contract with Chris – Hill Construction.

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION accepting additional Federal Grant Funds (American Recovery and Reinvestment Act), in the amount of \$112,548.00, to ensure adequate project funding of PW02030, ARRA Winchester Tunnel Repair.

Hedgepeth

Resolution to amend the Fiscal Year 2011 Capital Improvement Budget by increasing Federal Grant Fund allocations in the amount of \$45,000.00 for Architecture and Engineering and \$67,548.00 in Construction.

Resolution appropriating \$327,548.00 funded by Federal Grant Funds (American Recovery and Reinvestment Act) in project number PW02030, ARRA Winchester Tunnel Repair, for a construction contract with Chris – Hill Construction.

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

26. RESOLUTION appropriating \$8,167,225.00 funded by Sewer Revenue Bonds in Wolf River Interceptor, project number SW04004 for a construction contract with Oscar Renda Contracting, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION accepting Federal Grant Funds (HPP), in the amount of \$4,638,472.00, funding project EN01026, Medical CTR Streetscape.

Hedgepeth

Resolution amending the Fiscal Year 2011 Capital Improvement Budget by transferring an allocation of \$180,000.00 funded by Federal Grant Funds (HPP) from Construction to Architecture and Engineering, in project number EN01026, Medical CTR Streetscape, for design consultant services and other engineering costs.

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION opposing a consolidated government.

Strickland

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating \$267,300.00 funded by G. O. Bonds General for the construction of the Douglass Pool Bath House, CIP Project Number PK04015, which Council included as part of the FY 2011 CIP Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION to convey property owned by the City of Memphis College of Art, specifically the Rust Hall facility located at Overton Park in Memphis, Tennessee which is currently being leased to the College of Art, pursuant to their ground lease with the City of Memphis.

Boyd

ACTION REQUESTED: Adopt the resolution

ADD-ONS

31. RESOLUTION adding the homicides of Larry Joseph Larkin and Lorenzen Wright, to the eligibility list for the Crime Reward Fund.

Collins

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION adding the 722 Lester Street homicides, to the eligibility list for the Crime Reward Fund.

Collins

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held to November 9, 2010
3. Through 7 – Approved
8. Public Hearing set for November 9, 2010
9. Through 20 – Approved
21. Approved, as amended
22. Through 27 – Approved
28. Dropped
29. Through 32 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 12, 2010

Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 26, 2010 FOR ITEMS 9, 11, 17, 18, 26, 27 AND 32 ONLY:

Approved