



CITY OF MEMPHIS

COUNCIL AGENDA

November 21, 2006

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 (November 7, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

1. **ORDINANCE** to amend City of Memphis, Code of Ordinance, Chapter 33, so as to create the Grays Creek Sewer Service District 2, up for S E C O N D reading.

Jones

Ordinance No. 5196

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

2. **ORDINANCE** rezoning the northwest corner of Range Line Road and Corning Avenue, containing 13.5 acres in the Planned Commercial (C-P) District, up for F I R S T reading.

Peete

Ordinance No. 5197

Case No. Z 06-123

Applicant: Union Apartments, LP
Nathan Bicks – Representative

Request: Multiple Dwelling Residential (R-ML) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** rezoning the east side of Millington Road; ±125 feet south of the intersection of Cindy Lane, containing 4.4 acres in the Local Commercial (C-L) District, up for F I R S T reading.

Peete

Ordinance No. 5198

Case No. Z 06-124

Applicant: Union Apartments, LP
Nathan Bicks – Representative

Request: Multiple Dwelling Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING

4. RESOLUTION accepting HOUSTON LEVEE TRAILS PD, AREA "A", PUBLIC IMPROVEMENTS and authorizing release of bond.
(Contract No. CR-4965)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Houston Levee Road, south of U.S. Highway 64. The standard improvement contract was approved on August 16, 2005. Resolution also authorizes the release of the certificate of deposit in the amount of \$22,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting MARKET OF RIVERDALE BEND, PHASE 2, PART OF AREA A and authorizing release of bond.
Case No. PD 97-311
(Contract No. CR-4438)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Winchester Road, 914 feet + east of Riverdale Road. The standard improvement contract was approved on June 1, 1999. Resolution also authorizes the release of the letter of credit in the amount of \$100,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of TEMPLE ISRAEL SUP – CEMETARY.
Case No. SUP 91-231

Resolution approves the final plat located north of Person Avenue, east of Hernando. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of TRUSTMARK NATIONAL BANK C-P.
Case No. Z 06-108

Resolution approves the final plat located on the northwest corner of Houston Levee and Macon Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting GEMSTONE P.D., PHASE 4 and authorizing release of bond.
Case No. PD 99-380
(Contract No. CR-4971)

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 Holmes Road, 118 feet west of White Diamond Street. The standard improvement contract was approved on September 20, 2005. Resolution also authorizes the release of the Letter of Credit (No.S053366) in the amount of \$35,310.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting GEMSTONE P.D., PHASE 5 and authorizing release of bond.
Case No. PD 99-380
(Contract No. CR-4972)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located 135 feet north of the terminus of Gemstone Way. The standard improvement contract was approved on September 20, 2005. Resolution also authorizes the release of the Letter of Credit (No.S053368) in the amount of \$25,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting GEMSTONE P.D., PHASE 6 and authorizing release of bond.
Case No. PD 99-380
(Contract No. CR-4973)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown the final plat located on the south side of Holmes Road, east of Weaver Road. The standard improvement contract was approved on September 1, 2005. Resolution also authorizes the Letter of Credit (No.S053367) in the amount of \$18,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting GEMSTONE P.D., PHASE 7 and authorizing release of bond.
Case No. PD 99-380
(Contract No. CR-4986)

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 Holmes Road, east of Weaver Road. The standard improvement contract was approved on November 15, 2005. Resolution also authorizes the release of the Letter of Credit (No.S053452) in the amount of \$18,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

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 06-320

Located on the northwest corner of Midland Avenue and Highland Street, containing 10.62 acres in the Single Family Residential (R-S6) District

Applicant: Poag & McEwen Lifestyle Centers – Memphis, LLC (Mark Granbergs)
Ronald Harkavy – Representative

Request: A mixed use planned development consisting of retail and residential uses

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 06-346

Located on the west side of Colonial Road; +408 feet north of Poplar Avenue, containing 1.77 acres in the Single Family Residential (R-S10) District

Applicant: Vince Smith
ETI Corporation – Representative

Request: Planned development to create eleven (11) Single Family lots (minimum lot size 5,000 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 06-351cc – SHELBY WOODLANDS P.D., 3RD AMENDMENT

Located on the south side of East Shelby Drive +/-1,020.39 feet west of Hacks Cross Road, containing 1.86 acres in Shelby Woodlands Planned Development, 2nd Amendment

Applicant: Tower Ventures V, LLC
Billy Orgel – Representative

Request: Planned development amendment to allow a monopole cellular tower one-hundred eighty feet (180') in height to accommodate six (6) co-locations (carriers) within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 06-352cc – GARDENS OF GRAYS HOLLOW II, PD

Located +150 feet south of the intersection of Grey's Song and Grey's Hollow Drive, containing 68.85 acres in the Agricultural (AG), Agricultural Flood Plain (AG[FP]) and Floodway (FW) Districts

Applicant: Gardens of Grays Hollow, LLC
Ronald Harkavy – Representative

Request: Planned development to permit 170 single family detached lots (lot size range between approximately 6,000 and 13,000 square feet)

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

E. Case No. SAC 06-614 – STEPHERSON ROAD CLOSURE

Located on Stepherson Road at Lamar Avenue, containing 1.2 acres in the Single Family Residential (R-S6) District

Applicant: BNSF Railroad

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 06-615 – MILLER ROAD

Located on Miller Road at Lamar Avenue, containing 20,342 square feet in the Single Family Residential (R-S6) District

Applicant: BNSF Railroad

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. SAC 06-620 – OLD HORN LAKE ROAD

Beginning at New Horn Lake Road and extending westwardly 1,840 feet, containing 1.69 acres in the Heavy Industrial (I-H) and Heavy Industrial (I-H[FP]) Floodplain Districts

Applicant: Canadian National Railroad Company
George Holliday – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

H. Case No. SAC 06-621 – ALCY ROAD

Located between Rivergate Road and Old Horn Lake Road, containing 1.41 acres in Heavy Industrial (I-H) and Heavy Industrial (I-H[FP]) Floodplain Districts

Applicant: Canadian National Railroad Company
George Holliday – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

I. Case No. SAC 06-622 – RIVERGATE ROAD

Beginning 3,040 feet east of Riverport Road, extending east to a point 2,060 feet west of New Horn Lake Road, in the Rivergate Industrial Park/Heavy Industrial I-H[FP]) Floodplain Districts

Applicant: Canadian National Railroad Company
George Holliday – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

J. Case No. SAC 06-623 – MCFARLAND ROAD CLOSURE

Beginning ±51 feet east of Twelfth Street, containing 12,806 square feet in the Single Family Residential (R-S6) District

Applicant: C & C, LLC

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 5, 2006

GENERAL ITEM

13. RESOLUTION approving temporary structures for Pinnacle Airline Pilot Association’s informational picketing on December 5, 2006 at Dividend and Nonconnah Blvd.

Chumney

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

14. RESOLUTION approving Change No. 2 to Contract No. 10813, Hewlett-Packard Combined Support Agreement, with Hewlett-Packard, Inc., in the funded amount of \$1,857,875.91. (This allows the purchase of a new five year discounted support agreement.)
15. RESOLUTION awarding contract for electro fusion fittings to M. T. Deason in the amount of \$45,226.50.
16. RESOLUTION awarding contract for steel pipe and fittings as follows:

Consolidated Pipe and Supply.....	\$ 62,498.20
Red Man Pipe and Supply.....	<u>11,401.49</u>
Total.....	\$ 73,899.69
17. RESOLUTION awarding contract for a complete emergency response audio visual system to Nolan's Audio Visual, Inc. in the amount of \$49,293.05.
18. RESOLUTION awarding a 36-month contract for customer utility bill paper to Workflowone in the amount of \$320,463.00.
19. RESOLUTION approving Expedited Procurement Request for Change No. 1 to Contract No. 11168, Medical Services, with Nursefinders, Inc., with an increase in the estimated funded amount of \$51,128.00. (This extension is necessary to extend the current Nurse and Medical Assistant positions through February 28, 2007.)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

20. APPOINTMENTS

Civil Service Commission

Appointment

Edward A. Bumpus

Reappointment

Barbara Holmes

Gloria Thomas

Memphis & Shelby County Airport Authority

Appointment

David C. Peck

Memphis & Shelby County Music Commission

Appointment

Larry Armstrong

James A. Crislip, Jr.

Patricia Hoy

Reappointment

Jon Hornyak

Pat Kerr Tigrett

Memphis & Shelby County Sports Authority

Appointment

D.W. (Bill) McGaughey

Reappointment

Patrick Carter

Van S. Weinberg

Public Art Oversight Committee

Appointment

Joseph Nelson

Beverly A. Perkins

Reappointment

Sandra Burke

GENERAL ORDINANCES - THIRD AND FINAL READING

- 21. **ORDINANCE** amending Chapter 2, Code of Ordinances, City of Memphis, So As To Establish A Living Wage, up for T H I R D and F I N A L reading. (Held from 10/17)
Brittenum Ordinance No. 5185

ACTION REQUESTED: Take whatever action Council deems advisable

- 22. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Southeast Extended Annexation Area and assigning said area to a Council District, up for T H I R D and F I N A L reading.

Ford Ordinance No. 5191

ACTION REQUESTED: Take whatever action Council deems advisable

- 23. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 1 and assigning said area to a Council District, up for T H I R D and F I N A L reading.

Ford Ordinance No. 5192

ACTION REQUESTED: Take whatever action Council deems advisable

- 24. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 2 and assigning said area to a Council District, up for T H I R D and F I N A L reading.

Ford Ordinance No. 5193

ACTION REQUESTED: Take whatever action Council deems advisable

- 25. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 3 and assigning said area to a Council District, up for T H I R D and F I N A L reading.

Ford Ordinance No. 5194

ACTION REQUESTED: Take whatever action Council deems advisable

- 26. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 4 and assigning said area to a Council District, up for T H I R D and F I N A L reading.

Ford Ordinance No. 5195

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

- 27. **RESOLUTION** amending the Fiscal Year 2007 Special Revenue Fund Budgets by accepting and appropriating \$80,000.00 in Federal Grant Funds in the Division of Engineering for Transportation Planning Activities.

Jones

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

28. RESOLUTION approving budgets of the Electric, Gas and Water Divisions for 2007 operation and maintenance expenses and capital expenditures.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES

29. RESOLUTION accepting an offer to purchase a portion of the City of Memphis owned property located between East Parkway, Central Avenue, Southern Avenue and Hollywood Street, commonly known as the Fairgrounds from the Salvation Army for the Kroc Center.

2nd & FINAL
Reading
McCormick

Resolution accepts an offer from the Salvation Army desiring to acquire between 10 to 30 acres on said Fairgrounds to construct and operate a community center serving citizens of the surrounding neighborhoods and general community, known as the Kroc Center. Said center to be approximately 75,000 to 100,000 square feet in size and may include a gymnasium, aquatics, health, fitness and other facilities which shall further include, without limitation, community outreach programs. The amount of the offer is over \$20,000.00. Per Ordinance, the sale of the subject property is subject to the offer laying over a subsequent council meeting for a second and final reading, at the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Real Estate Purchase Agreement.

Director of Park Services and City Attorney recommends approval

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$725,000.00 for improvements at various community centers.

McCormick

The Council of the City of Memphis did include Community Center Improvements, Project Number PK01024, as part of the Fiscal Year 2007 CIP Budget to make necessary improvements and repairs at existing community centers and purchase Information Technology items.

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

31. RESOLUTION accepting grant funds in the amount of \$215,991.00 from the Department of Justice, Office of Justice Programs for the 2006 Gang Resistance Education and Training (G.R.E.A.T.) Grant to implement Gang Resistance Education and Training within the Memphis City Schools. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

32. RESOLUTION appropriates \$52,500.00 for FY 07 CIP Project PS01015, Convention Center Improvements. This appropriation funds the capital purchase of industrial riding scrubbers and sweepers to maintain the centers cleanliness. This purchase further improves the convention centers competitive advantage both regionally and nationally.

Brittenum

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$415,000.00 funded by G.O. Bonds General in Furniture Fixture and Equipment for the Whitehaven Community Library, CIP Project Number LI01004 for the collection of materials for opening day.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

34. RESOLUTION appropriating \$539,223.00 funded by G.O. Bonds General in Curb, Gutter and Sidewalks Group 1 FY07, Project Number ST04042 for a construction contract with Ferrell Paving, Inc., for the installation of sidewalks, curbs and gutters at various locations.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION appropriating \$699,888.00 funded by G.O. Bonds General in Cherry Bayou Drainage Retrofit, Project Number ST03067 for a construction contract with Ferrell Paving, Inc., for the drainage repair.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating \$392,202.00 funded by G.O. Bonds General for School Safety Group 3, Project Number PW04053 for a contract with GCM, Inc., for the installation of sidewalks in the vicinity of schools.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating \$67,102.00 funded by Sewer Funds for Riverdale Raines Sewer Extension, Project Number SW01027 for the extension of sewer to a new development.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating \$425,156.00 funded by G.O. Bonds General for ADA Ramps 27, Project Number PW04052 for a contract with GCM, Inc., for the installation of ADA Ramps at various locations in the city.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

39. **ORDINANCE** rezoning the southwest corner of Goodlett Farms Parkway and Raleigh-LaGrange Road, containing .70 acre in the Multiple Dwelling Residential (R-ML) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5189
Case No. Z 06-118cc

Applicant: Goodlett Farms Associates
Ronald Harkavy – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

64 NOTICES MAILED ON NOVEMBER 10, 2006

40. **ORDINANCE** rezoning +318 feet east of the intersection of Springer Road and Walnut Trace Drive, containing 5.97 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5190
Case No. Z 06-119

Applicant: Betty Christy

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

69 NOTICES MAILED ON NOVEMBER 10, 2006

DIVISION OF PLANNING & DEVELOPMENT

41. **PUBLIC HEARING IN CONNECTION WITH ANNEXATION**

A. **ORDINANCE** to extend the boundaries of the city limits of the City of Memphis and to establish the services to be delivered and the projected timing of the services for the proposed Southeast Extended Annexation Area. (Held from 10/17)

B. **ORDINANCE** to extend the boundaries of the city limits of the City of Memphis and to establish the services to be delivered and the projected timing of the services for the proposed Bridgewater Annexation Area. (Held from 10/17)

42. **RESOLUTION** approving a Plan of Services for the Southeast Extended Annexation Area.

Ford

ACTION REQUESTED: Adopt the resolution

43. **RESOLUTION** approving a Plan of Services for the Bridgewater Annexation Area 1.

Ford

ACTION REQUESTED: Adopt the resolution

44. **RESOLUTION** approving a Plan of Services for the Bridgewater Annexation Area 2.

Ford

ACTION REQUESTED: Adopt the resolution

45. **RESOLUTION** approving a Plan of Services for the Bridgewater Annexation Area 3.

Ford

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION approving a Plan of Services for the Bridgewater Annexation Area 4.

Ford

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

ADJOURNMENT

ADD-ONS

- 47. RESOLUTION approving final plat of ARNOLD ROAD INDUSTRIAL PARK PD, PHASE 1 (Revised).

Consent

Case No. PD 90-364
Contract No. CR-5044

Resolution approves the final plat located on the north side of Arnold Road, 346.76 feet west of Getwell 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

- 48. RESOLUTION approving temporary structures on the streets from 6:15 a.m. - 4:00 p.m., on December 2, 2006, for St. Jude Children’s Research Hospital – Grizzlies House 5K.

Consent

ACTION REQUESTED: Adopt the resolution

- 49. RESOLUTION approving temporary structures on the streets from 6:30 a.m. - 4:00 p.m., on December 2, 2006, for St. Jude Children’s Research Hospital – St. Jude Memphis Marathon.

Consent

ACTION REQUESTED: Adopt the resolution

- 50. RESOLUTION asking the Shelby County Commission’s Needs Assessment Committee to more closely monitor growth in City of Memphis Annexation Reserve areas to ensure Memphis City Schools proactively build facilities to accommodate the K – 12 population.

Mitchell

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 11 – Approved
- 12. Public Hearing Set for December 5, 2006
- 13. Through 20 – Approved
- 21. Approved, as amended
- 22. Through 26 – Held until December 5, 2006
- 27. Through 40 – Approved
- 41. Through 46 – Held until December 5, 2006
- 47. Through 50 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 7, 2006 MEETING

Approved