



CITY OF MEMPHIS

COUNCIL AGENDA

June 16, 2009

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 (June 2, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION commending Laurence V. Plummer, Sr. on receiving John Hancock's Top Sales Performer Award.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

2. **ORDINANCE** amending Chapter 20, Section 20-21 so as to exercise the City of Memphis government's Statutory Option to opt out of any State Law that would authorize the carrying of Firearms on Public Parks, Playgrounds, Civic Centers, and other Public Recreational buildings and grounds, up for F I R S T reading.

Hedgepeth

Ordinance No. 5320

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

3. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for S E C O N D reading.

Ordinance No. 5319

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

4. **RESOLUTION** approving final plat of DOLLAR GENERAL-SHELBY DRIVE SUBDIVISION.

Case No. S 09-002

Resolution approves the final plat located on the north side of Shelby Drive, west of Tchulahoma Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting MACON ROAD SEWER OUTFALL, and authorizing release of bond.

(Contract No. CR-5045)

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 Macon Road, 570 feet + west of Houston Levee Road. The standard improvement contract was approved on January 2, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$50,800.00. City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting MCKINLEY PARK SUBDIVISION, and authorizing release of bond.

Case No. S 06-065
(Contract No. CR-5081)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the northwest and southwest corners of McKinley Ave. and Polk Ave. The standard improvement contract was approved on July 10, 2007. Resolution also authorizes the release of the performance bond in the amount of \$677,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of RIVERWOOD FARMS K5 SCHOOL.

Contract No. CR-5140

Resolution approves the final plat, located south of Riverwood Farms Parkway, east of Dexter Lane. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

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

8. A. Case No. PD 08-306CC – CANALE GROVE PLANNED DEVELOPMENT

Located on the northwest corner of Houston Levee Road and Walnut Grove Road, containing 101.46 acres and is currently governed by P.D. 97-365cc & P.D. 03-387cc

Applicants: Walnut Grove Properties, LLC
Farris-Bobango-Branan, PLLC – Representative

Request: Planned development to consolidate parcels into one (1) Outline Plan to allow a mixed-use plan of office and retail, including upper-story residential and live/work units, multi-family apartments/independent senior living facility and planned commercial development

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. UV 08-11CC

Located on the west side of Collierville-Arlington Road, immediately north of Mary's Creek intersection, containing 6.96 acres in the Agricultural (AG) District

Applicant: John & Kristina Laiche

Request: Use variation for a office/warehouse for electrical contractor

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 7, 2009



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MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11308, Line Clearance, to Blume Tree Services, Inc. in the funded amount of \$45,644,600.00.
10. RESOLUTION approving Change No. 5 to Contract No. 11040, Surveying Services, with Benchmark-Ollar Surveying in the funded amount of \$256,534.00. (This change renews the contract for the fourth and final renewal term, July 19, 2009 to July 18, 2010, with no increase in rates).
11. RESOLUTION approving Change No. 3 to Contract No. 11092, Over-the-Phone Interpreter Service, with Language Line Services in the funded amount of \$53,690.00. (This change renews the contract for the third of four renewal terms, August 1, 2009 to July 31, 2010, with no increase in rates).
12. RESOLUTION awarding contract for one galvanized steel transmission pole to Fort Worth Towers, Inc. in the amount of \$56,459.00.
13. RESOLUTION awarding contract for step voltage line regulators to Howard Industries, Inc. in the amount of \$67,626.00.
14. RESOLUTION awarding contract for a security information and event-monitoring system to Venture Technologies in the amount of \$309,044.58.
15. RESOLUTION approving payment of annual subscription fee to Energy Worldnet, Inc. in the amount of \$36,480.00.
16. RESOLUTION approving the employment of Spicer, Flynn & Rudstrom for legal services on an as-needed basis at agreed-upon hourly rates.
17. RESOLUTION approving the employment of Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman LLP for legal services on an as-needed basis at agreed-upon hourly rates.
18. RESOLUTION approving the employment of Stinson, Morrison, Hecker LLP for legal services on an as-needed basis at agreed-upon hourly rate.



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REGULAR AGENDA

BUDGET ITEMS

19. RESOLUTION to establish the Memphis Light Gas and Water Division in Lieu-of Tax Payment of the City of Memphis for Fiscal Year 2010.

Halbert

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION to direct the City Treasurer to prepare Tax Bills for the Various Utilities and Carriers Utilizing the Last Certified Assessment as of June 30, 2008.

Halbert

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION to approve the FY 2010 Budget for the Center City Commission.

Halbert

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES – THIRD AND FINAL READING

22. **ORDINANCE** to amend previous Ordinance 4388, codified as City Code, Article 6, Section 2-331(a), to extend the sunset clause set forth therein until June 30, 2010, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5316

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to amend Chapter 21, Article IX, Code of Ordinances, City of Memphis, as to update regulations for the Inspection of Motor Vehicles, up for T H I R D and F I N A L reading.

Brown

Ordinance No. 5317

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend Cable Franchise Ordinance No.4159, extending the Franchise Ordinance, as amended, through October 6, 2009, up for T H I R D and F I N A L reading.

Boyd

Ordinance No. 5318

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

25. RESOLUTION waiving taxes for Willing Souls Missionary Baptist Church. Halbert
ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

26. RESOLUTION accepting a grant fund in the amount of \$129,336.00 from the U.S. Department of Housing and Urban Development (HUD). Resolution to also establish the use of the \$129,336.00 in the FY 2009 HUD Shelter Plus Care grant funds that will be used by the Division of Housing and Community Development for planned activities for the low-income homeless and special needs populations. The resolution will also appropriate \$129,336.00 funded by the HUD Shelter Plus Care Grant Project Number TN37C701021 which will be used by the Project Sponsor, Family Services of the Mid-South, to continue the implementation of the rental assistance program, CD90021.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION

27. RESOLUTION recognizing The City of Memphis Office of City Attorney's Participation In and Pursuit of Litigation on behalf of The City of Memphis Targeted at Mortgage Lending Institutions that have participated in Unlawful, Irresponsible, Unfair, Deceptive and Discriminatory Lending practices which have resulted in disproportionately high rates of foreclosures impacting predominately African American Neighborhoods of Memphis and Shelby County.

Lowery

ACTION REQUESTED: Adopt the resolution

MLGW DIVISION (None)

PARK SERVICES

28. RESOLUTION requesting City Council approval of use agreement between City of Memphis through the Division of Park Services and Memphis Boys Athletic Association (MBAA) for use of baseball facilities at Halle Park Complex, at 2824 Mt. Moriah Avenue, for youth and adult baseball recreational activities. The Agreement is for an initial two (2) year period with an option to extend for an additional two (2) years.

Strickland

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION including Golf Irrigation, CIP Project Number PK06006, as part of the FY 2009 Capital Improvement Program. The resolution seeks to appropriate \$1,088,000.00 in Construction, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

30. RESOLUTION amending the FY 2009 Capital Improvement Budget and appropriating funds by transferring an allocation of \$450,000.00 funded by G.O. Bonds –General from architecture and engineering to construction cost for Arwine FY 09, project number PW01196 for construction done by City employees.

Boyd

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating \$954,718.00 funded by Sewer Revenue Bonds in Wolf River Interceptor, project number SW04004 for a construction contract with Argo Construction.

Boyd

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$535,684.00 funded by GO Bonds – General (Storm Water) from Drainage – ST, project number ST03006 to Royster Bayou Detention, project number ST03106 for a drainage improvement construction contract with Ferrell Paving.

Boyd

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

33. RESOLUTION encouraging restaurant owners and other places serving alcohol to post signs prohibiting guns inside their establishments.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADDENDUM

BUDGET ITEMS

34. RESOLUTION to approve the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2010 – 2014.

Conrad

ACTION REQUESTED: Adopt the resolution

35. ORDINANCE establishing the Fiscal Year 2010 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Halbert

Ordinance No. 5313

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, 2009, through June 30, 2010.

ACTION REQUESTED: Take whatever action Council deems advisable

36. RESOLUTION to establish the 2009 Certified Tax Rate.

Halbert

ACTION REQUESTED: Adopt the resolution

37. ORDINANCE fixing the Tax Rate of the City of Memphis for Fiscal Year 2010, up for T H I R D and F I N A L reading.

Halbert

Ordinance No. 5314

ACTION REQUESTED: Take whatever action Council deems advisable

ADD-ONS

38. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$421,200.00 funded by G.O. Bonds-General from Bridge Repair, project number PW02001 to N Second ST Bridge Paint, project number PW02033 for a construction contract with Industrial Painting LTD, Inc.

Boyd

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$132,987.00 funded by G.O. Bonds-General from Bridge Repair, project number PW02001 to BR-Rail Rep Various Locations, project number PW02028 for a construction contract with Chris-Hill Construction.

Boyd

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 7 – Approved
8. Public Hearing set for July 7, 2009
9. Through 17 – Approved
18. Dropped
19. Through 22 – Approved
23. Back to Committee
24. Through 33 – Approved
34. and 35 – Approved, as amended
36. Approved
37. Approved, as amended
38. and 39 – Approved

ACTION TAKEN ON THE MINUTES OF JUNE 2, 2009

Approved

ACTION TAKEN ON THE MINUTES OF JUNE 16, 2009 FOR ITEMS 19, 20, 21, 22, 29, 34, 35, 36, 37, 38 AND SPECIAL ITEM #31 ONLY:

Approved. Set up as Special Item #32