



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 15, 2009

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 (September 1, 2009)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS** (None)

**PUBLIC HEARINGS**

1. RESOLUTION approving a planned development located on the south side of Macon Road; +/-1,117 feet east of Houston Levee Road, containing 8.45 acres in an area currently governed by Cordova Ridge P.D., 3<sup>rd</sup> Amendment (P.D. 01-331cc).

Morrison

Case No. PD 09-302cc

Applicant: Community Bank N.A.  
Solomito Land Planning – Representative

Request: Plan amendment to create Parcel 1-B to allow self-service mini-storage warehouses in Parcel 1 of the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**228 NOTICES MAILED ON SEPTEMBER 4, 2009**

- 2. RESOLUTION approving a planned development located on the southeast corner of Macon Road and Macon View Drive, containing 6.93 acres in an area currently governed by Woodland Hills P.D., 9<sup>th</sup> Amendment (PD. 05-381cc).

Morrison

Case No. PD 09-313cc

Applicant: Ethridge Enterprises  
Harkavy-Shainberg-Kaplan-Dunstan, PLC – Representative

Request: Plan amendment to Parcel 5 to allow limited Planned Commercial (C-P) District land uses

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**69 NOTICES MAILED ON SEPTEMBER 4, 2009**

- 3. RESOLUTION approving a street/alley closure located on Delp Street at-grade railroad crossing, south of Pidgeon Roost Road, containing .40 acres.

Morrison

Case No. SAC 09-606

Applicant: BNSF Railway  
W. Max Rexroad/Hanson-Wilson, Inc. – Representative

Request: Close Delp Street at its at-grade railroad crossing south of Pidgeon Roost Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**11 NOTICES MAILED ON SEPTEMBER 4, 2009**

**DIVISION OF PLANNING & DEVELOPMENT**

- 4. RESOLUTION approving a special use permit located on the west side of W. Massey Road, +/-318.9 feet north of Lendenwood Road, containing 22.22 acres in the Single Family Residential (R-S15) District.

Morrison

Case No. SUP 09-208

Applicant: Lausanne Collegiate School (Stuart McCathie, Headmaster)  
The Crump Firm, (Jeff Spears) – Representative

Request: Addition of lighting and bleachers in association with ball fields

LUCB and OPD recommendation: APPROVAL, with conditions

**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

5. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include civil damages and add notification process of alarm users operating without a permit, up for F I R S T reading.

Hedgepeth

Ordinance No. 5328

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** to revise Chapter 15, Section 15-11(d), of the City of Memphis Code of Ordinances, pertaining to the dimensions of Limbs and Logs collected by the City of Memphis, up for F I R S T reading.

Boyd

Ordinance No. 5329

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on First reading

7. **ORDINANCE** to revise Chapter 15, Section 15-19(a), of the City of Memphis Code of Ordinances, pertaining to the removal of Construction and Demolition Debris by property owners, up for F I R S T reading.

Boyd

Ordinance No. 5330

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING (None)

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

### ENGINEERING

8. **RESOLUTION** approving final plat of RAINES MCCAIN SUBDIVISION, PART OF PARCEL 68.

Case No. S 99-025

Resolution approves the final plat located on the northeast corner of McCain and Raines Road.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. **NOTATIONS FROM OPD**

**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 09-316 – Galleria of Memphis P.D., 3<sup>rd</sup> Amendment

Located on the existing western terminus of Market Plaza Drive and Germantown Parkway, containing 2.99 acres in an area currently governed by PD 08-326

Applicant: TomBo Properties  
John B. Maxwell – Representative

Request: Delete the requirement to extend Kate Bond Road from Interstate 40 south to Bellevue Parkway

LUCB and OPD recommendation: REJECTION

B. Case No. PD 09-317 – Rockgate Center P.D., Amended

Located on the southeast corner of U.S. Highway 64 and Reid Hooker Road, containing 176.27 acres in an area currently governed by P.D. 05-385

Applicant: Marshall Gordon  
The Bray-Davis Firm, LLC - Representative

Request: Planned development amendment to reduce the commercial area, expand the area of apartment uses, add retirement living, a school, church and live/work spaces above the commercial and office uses as additional uses are permitted

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: October 6, 2009**



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## MLGW FISCAL CONSENT

10. RESOLUTION awarding Contract No. 11352, External Auditing Services, to Thompson Dunavant in the funded amount of \$856,000.00.
11. RESOLUTION awarding Contract No. 11358, MLGW University/Training Center Chain Link Fence, to South Memphis Fence Company, Inc. in the funded amount of \$25,956.00.
12. RESOLUTION approving Change No. 6 to Contract No. 10681, Peak Period Call Management System, with Twenty First Century Communication, Inc., in the funded amount of \$114,511.63. (This covers payment of invoices for work performed during the storm restoration of June 12, 2009).
13. RESOLUTION approving Change No. 21 to Contract No. 10780, Electric Construction and Maintenance, with Allied Electrical Contractors, LLC, in the funded amount of \$29,146.07. (This covers payment of invoices for work performed during the storm restoration of June 12, 2009).
14. RESOLUTION approving Change No. 8 to Contract No. 10783, Emergency Aid Agreement, with Dilliard Smith Construction, in the funded amount of \$660,328.55. (This covers emergency restoration work on MLGW's electric system due to the storm of June 12, 2009).
15. RESOLUTION approving Change No. 8 to Contract No. 11013, Line Clearance, with Blume Tree Services in the funded amount of \$996,575.28. (This covers payment of invoices for work performed during the storm restoration of June 12, 2009).
16. RESOLUTION approving Change No. 3 to Contract No. 11071, Emergency Storm Restoration, with Davis H. Elliot Construction Company, Inc., in the funded amount of \$1,393,341.47. (This covers emergency restoration work on MLGW's electric system due to the storm of June 12, 2009).
17. RESOLUTION approving Change No. 2 to Contract No. 11192, Pest Control, with Terminix in the funded amount of \$211,554.00. (This renews the contract for the second, third and fourth renewal terms, November 1, 2009 to October 31, 2012, with no increase in rates).

18. RESOLUTION approving Change No. 1 to Contract No. 11274, Emergency Storm Restoration, with Henkels & McCoy, Inc., in the funded amount of \$127,262.64. (This covers emergency restoration work on MLGW's electric system due to the storm of June 12, 2009).
19. RESOLUTION awarding contract for HP SAN switches and related services to Unistar-Sparco Computers, Inc. in the amount of \$93,376.00.
20. RESOLUTION awarding contract for air disconnect switches to Royal Switchgear Manufacturing Company in the amount of \$122,825.00.
21. RESOLUTION awarding contract for circuit breakers to ABB Power T & D c/o WESCO in the amount of \$262,120.00.
22. RESOLUTION awarding 36-month contract for fire hydrants to Mueller Company, Ltd. in the amount of \$1,469,400.00.
23. RESOLUTION awarding 12-month contract for ductile iron pipe to Griffin Pipe Products Company in the amount of \$2,314,470.00.
24. RESOLUTION awarding 24-month contract for luminaries to H D Supply Company in the amount of \$2,700,511.01.
25. RESOLUTION awarding 36-month contract for crushed limestone to Fullen Dock and Warehouse in the amount of \$5,913,400.00.
26. RESOLUTION approving payment to JD Power and Associates for the 2009 Electric Residential Study in the amount of \$24,000.00. (\$17,500.00 was previously paid to JD Power for the 2009 Electric Utility Business Customer Satisfaction Study, bringing the total to \$41,500.00).



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## REGULAR AGENDA

27.  
Flinn

### APPOINTMENTS

#### Civil Service Commission

##### Reappointment

Edward A. Bumpus

#### Landmarks Commission

##### Appointment

Stanley E. Hyland

#### Pension Board

##### Appointment

Joseph N. Saino

#### Youth Guidance Commission

##### Appointment

Kenya Nicole Bradshaw

Rodney Lomax

#### Memphis & Shelby County Building Code Advisory Board

##### Appointment

Brent R. David

#### Memphis & Shelby County Board of Equalization

##### Reappointment

Lilly White

**Memphis & Shelby County Convention Center Commission**

Reappointment

Wayne D. Tabor

**Memphis & Shelby County Electrical Code Board**

Appointment

James V. Weatherington

**Memphis & Shelby County Land Use Control Board**

Reappointment

James Toles

**Memphis & Shelby County New Arena Public Building Authority**

Reappointment

Kevin Kane

**GENERAL ORDINANCES -THIRD AND FINAL READING**

- 28. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4; 8/18; 9/1)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

- 29. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicles, up for T H I R D and F I N A L reading. (Held from 8/4; 8/18; 9/1)

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

- 30. **ORDINANCE** amending Chapter 2, Article 1, Section 2-10 of the code of Ordinances so as to amend the membership requirements of the Board of Ethics of the City of Memphis, up for T H I R D and F I N A L reading.

Boyd

Ordinance No. 5327

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION**

31. RESOLUTION accepting grant funds in the amount of Fifty Thousand Dollars (\$50,000.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Rapid Response Joint Apprenticeship Program Funds. Resolution also amends the FY 2010 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting grant funds in the amount of Twenty Five Thousand Dollars (\$25,000.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Disability Program Navigators Funds. Resolution also amends the FY 2010 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION accepting grant funds in the amount of Twenty Three Thousand Nine Hundred Thirty Nine Dollars (\$23,939.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Statewide Activities and Administrative Funds. Resolution also amends the FY 2010 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting grant funds in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Statewide Activities Administration Funds. Resolution also amends the FY 2010 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES**

35. RESOLUTION appropriating \$550,000.00 in G.O. Bonds from the Fiscal Year 2010 CIP Budget to purchase Fire Fighting Turnouts/Fire Protective Ensemble designated for the annual procurement of protective clothing for the Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating \$1,507,428.00 in G.O. Bonds from the Fiscal Year 2010 CIP Budget for Fire Station Repair, CIP Project Number FS02001.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating \$700,000.00 in G.O. Bonds from the Fiscal Year 2010 CIP Budget to purchase Defibrillator/Monitors for all advanced life support companies for the Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating \$300,000.00 in G.O. Bonds from the Fiscal Year 2010 CIP Budget to purchase Airmask System Units and Accessories for the Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION appropriating \$155,000.00 in Furniture Fixture and Equipment for Fire Station Repair, CIP Project Number FS02001.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES**

40. RESOLUTION appropriating \$2,331,000.00 funded by G.O. Bonds General from Americans with Disabilities, CIP Project Number GS01010 for the compliance of City of Memphis facilities.

Boyd

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION appropriating \$480,000.00 in Contract Construction funded by G.O. Bonds General in GS01001, City Hall Improvements, for renovations and equipment upgrades to City Hall in order to provide a healthy and safe environment for employees and citizens.

Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION appropriating \$59,000.00 funded by G.O. Bonds General from City-Wide Energy Modifications, CIP Project GS01003 for the provision of energy saving improvements and modifications at City of Memphis facilities.

Boyd

ACTION REQUESTED: Adopt the resolution

- 43. RESOLUTION appropriating \$3,291,000.00 funded by G.O. Bonds General from Major Modifications and Improvements, CIP Project Number GS01007 for the maintenance and enhancement of City of Memphis facilities.

Boyd

ACTION REQUESTED: Adopt the resolution

- 44. RESOLUTION accepting an offer to purchase City-owned property identified as Parcel Number 060-059-00010 in the amount of \$450.00. All the property described in Chancery Court #9413-3, Exhibit 5644, Tax Sale 5, identified as Ward 060, Block 059, Parcel 010, in the Shelby County Assessor’s Office and shown in deed recorded as 4633, Page 146 in the Shelby County Register’s Office, also known as Lot 25, Dilatush and Crane Subdivision of the Denscomb Tract and located on the south side of Dunn Avenue between Interstate 240 and South Parkway in Memphis, Tennessee. Said vacant property, formerly known for address purposes as 1535 Dunn Avenue, is 50’x 190’ and contains 9,500 square feet, more or less. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Boyd

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

- 45. RESOLUTION approving the sale of unimproved property in the amount of \$1,000.00 located on the northwest corner of Midway Road and Hollywood Street and identified by the Shelby County Assessor’s Office as Ward 041, Block 063, Parcel 019, also known as Lot 23, Block 2, Belmont Park Subdivision. This Parcel formerly fronted Belmont Circle; a portion of the parcel was taken for Hollywood Street to be extended. The remainder of the property contains 3,702 square feet, more or less.

Boyd

Director of General Services and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION**

**PARK SERVICES**

**DIVISION OF POLICE SERVICES**

- 46. RESOLUTION appropriating \$310,600.00 for Police Academy Renovations, CIP Project Number PD01006.

Hedgepeth

Council did include the Police Academy Renovations, CIP Project Number PD01006 as part of the FY 2009 Capital Improvement Budget. Bids were received on June 26, 2009 with the best complying bid from P.C. Mock Construction Company in the amount of \$287,600.00, plus contingency amount of \$23,000.00 for a total of \$310,600.00.

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

47. RESOLUTION appropriating \$1,297,777.00 funded by G.O. Bonds General (Storm Water) in Curb Gutter Miscellaneous Locations 2009, Project Number ST04044 for a construction contract with Barnes and Brower to replace curbs and gutters at various locations.

Boyd

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEMS** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

48. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to modify Section 21-80 (b) of the Traffic Control Photographic System Requirements, up for T H I R D and F I N A L reading. (Held from 8/18; 9/1)

Hedgepeth

Ordinance No. 5325

ACTION REQUESTED: Take whatever action Council deems advisable

49. **RESOLUTION** appropriating \$750,000.00 in matching grant funds to the Family Safety Center.

Conrad

ACTION REQUESTED: Adopt the resolution

50. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for F I R S T reading.

Consent

Ordinance No. 5331

ACTION REQUESTED: Adopt the ordinance on First reading

51. **RESOLUTION** establishing a Metropolitan Government Charter Commission, authorizing the Mayor to Appoint Members; Establishing a vetting process; Requesting the County Commission adopt a similar resolution; Amending the FY2010 Operating Budget; and appropriating funds.

Flinn

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. & 2 – Approved, as amended
- 3. Held until October 6, 2009
- 4. Approved, as amended
- 5. Through 8 – Approved
- 9. Public Hearing Set for October 6, 2009
- 10. Through 26 – Approved
- 27. Approved, with the exception of Joseph N. Saino ( His appointment FAILED)
- 28. Held until October 6, 2009
- 29. Held until December 1, 2009
- 30. Through 51 – Approved

**ACTION TAKEN ON THE MINUTES OF SEPTEMBER 1, 2009 MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEMS #12, 13, 14, 15, 16, 18 & 49, FROM TONIGHT’S MEETING**

Approved