



# CITY OF MEMPHIS

## COUNCIL AGENDA

May 5, 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 (April 21, 2009)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION approving an honorary street name change of Holmes Road for Pastor Andrew Jackson.

Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION commending the Central High School's Lady Warriors basketball team for an outstanding 2008-2009 season.

Ford

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

3. RESOLUTION adopting the University District Comprehensive Plan. (Held from 4/21)

Morrison

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a waiver for a pay day loan located on Summer Avenue.  
Morrison

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES – THIRD AND FINAL READING**

5. **ORDINANCE** to adopt the University District Overlay (UDO) as a Zoning Text Amendment, up for T H I R D and F I N A L reading. (Held from 4/21)

Morrison

Ordinance No. 5301  
Case No. ZTA 08-002

ACTION REQUESTED: Take whatever action Council deems advisable

**907 NOTICES WERE MAILED ON APRIL 9, 2009**

6. **ORDINANCE** to amend the text of the Zoning Ordinance, up for T H I R D and F I N A L reading. (Held from 4/21)

Morrison

Ordinance No. 5302  
Case No. Z08-104

Request: Amend the Official Zoning Map by adopting the proposed University District Comprehensive Rezoning and establishing the boundaries for the University District Overlay. The University Overlay includes proposed Shopfront or Urban Frontage Designation for segments of Highland, Southern, Walker, Central, Mynders, Patterson, Houston and Park

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**869 NOTICES WERE MAILED ON APRIL 9, 2009**



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** to amend Chapter 33, Code of Ordinances, so as to increase the Volmetric Sewer Fee from 95.8 cents per 1000 gallons to 105.3 cents per 1000 gallons, up for F I R S T reading.

Boyd

Ordinance No. 5312

ACTION REQUESTED: Adopt the ordinance on First reading

8. **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, up for F I R S T reading.

Halbert

Ordinance No. 5313

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2010, up for F I R S T reading.

Halbert

Ordinance No. 5314

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING (None)

### ZONING ORDINANCE - FIRST READING

10. **ORDINANCE** rezoning the southwest corner of Raines Road and Graceland Street, containing 0.112 acre in the Single Family Residential (R-S10) District, up for F I R S T reading.

Morrison

Ordinance No. 5315

Case No. Z 09-101

Applicant: Shelby County Government  
Tom Moss, Shelby County Real Estate Office – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCES - SECOND READING**

11. **ORDINANCE** amending the current Pension Ordinance by establishing a return multiple for general employees with 16 to 20 years of service who elect to receive a lump sum payment upon retirement or termination. This amendment also revises the definition of a child and a spouse as defined per the ordinance and clarifies the language relative to providing healthcare for persons receiving lump sum payments, up for S E C O N D reading.

Flinn

Ordinance No. 5303

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** to prohibit School Bus Drivers from using Mobile Telephones while transporting children, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5304

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **ORDINANCE** to require Motor Vehicles to give three feet clearance when passing bicycles, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5305

ACTION REQUESTED: Adopt the ordinance on Second reading

14. **ORDINANCE** to establish a penalty for Non-Emergency 911 Calls, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5306

ACTION REQUESTED: Adopt the ordinance on Second reading

15. **ORDINANCE** to establish a penalty for transporting Minors in the bed of trucks, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5307

ACTION REQUESTED: Adopt the ordinance on Second reading

16. **ORDINANCE** to amend the Financial Responsibility Ordinance to mirror the State Financial Responsibility Law, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5308

ACTION REQUESTED: Adopt the ordinance on Second reading

17. **ORDINANCE** to prohibit the use of Off-Highway Motor Vehicles on Highways, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5309

ACTION REQUESTED: Adopt the ordinance on Second reading

18. **ORDINANCE** to establish an Open Container Law, up for S E C O N D reading.  
Hedgepeth Ordinance No. 5310

ACTION REQUESTED: Adopt the ordinance on Second reading

19. **ORDINANCE** to establish a Penalty for Operating Low Speed Vehicles on City Streets, up for S E C O N D reading.

Hedgepeth Ordinance No. 5311

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

20. **RESOLUTION** approving final plat of CORDOVA STATION P.D., PHASE 21.  
Case No. PD 97-367

Resolution approves the final plat located on the south side of Macon Road, 762.99 feet east of North Germantown Parkway.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

21. **RESOLUTION** approving final plat of GRACE ST. LUKES SCHOOL P.D.  
Case No. PD 08-319  
Contract No. CR-5138

Resolution approves the final plat located on the east side of LeMaster Street, between Linden and Peabody Avenue. 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

**NOTATION FROM OPD**

22. **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 09-305 – Tournament Center P.D., 3<sup>rd</sup> Amendment

Located on the north side of Tournament Drive; +/-2,070 feet west of Hacks Cross Road, containing +/-21 acres in the Tournament Center Planned Development (P-D), Area D, (P.D. 08-323)

Applicant: Clark & Clark (Nick and Ben Clark)  
ETI Corporation (Ralph Smith) – Representative

Request: Multi-Family and Day Care

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: May 19, 2009**



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### MLGW FISCAL CONSENT

23. RESOLUTION awarding Contract No. 11248, Property and Boiler Insurance, to FM Global in the funded amount of \$1,080,894.00.
24. RESOLUTION approving Change No. 7 to Contract No. 11016, Drug and Alcohol Collection Provider, with True Test Collection in the funded amount of \$57,936.00. (This change renews the current contract for the fourth and final renewal term, May 6, 2009 through May 5, 2010. This change does not reflect a rate increase from the previous year; however, the number of employees tested increased the contract amount by 106.91% due to the change in MLGW HR Policy No. 23-09, Post Alcohol and Drug Testing).
25. RESOLUTION awarding contract for one vertical turbine pump and motor to layne christensen company in the amount of \$99,600.00.
26. RESOLUTION awarding 12-month contract for fluorosilic acid to Pencco, Inc. in the amount of \$790,272.00.
27. RESOLUTION awarding 36-month contract for concrete to Memphis Ready Mix in the amount of \$3,694,513.00.
28. RESOLUTION approving the employment of Wiseman Bray, PLLC, on an as-needed basis at agreed-upon hourly rates.
29. RESOLUTION approving the employment of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, on an as-needed basis at agreed-upon hourly rates.



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## REGULAR AGENDA

30.  
Flinn

### APPOINTMENTS

#### Memphis & Shelby County Industrial Development Board

##### Appointment

Wallace Jenkins

##### Reappointment

Clifford Stockton, Sr. (Joint Appointment)

#### Memphis Youth Guidance Commission

##### Appointment

Clarence Davis, Jr., MD

#### Prevailing Wage Commission

##### Appointment

Robert L. Campbell

#### GENERAL ORDINANCE – THIRD AND FINAL READING (None)

#### ENGINEERING DIVISION (None)

#### EXECUTIVE DIVISION (None)

#### FINANCE & ADMINISTRATION (None)

#### DIVISION OF FIRE SERVICES

31. RESOLUTION appropriating \$436,700.00 in Contract Construction for Fire Station Repair, CIP Project Number FS02001, as part of the FY 2009 Capital Improvement Program, funded by G.O. Bonds General.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

- 32. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring a previous allocation of \$1,400,000.00 funded by G.O. Bonds General within HCD-Strategic Community Investment Funds, Project Number CD01022 from HCD-Strategic Community Investment Funds to VSC St. Jude Shop Relocation, Project Number GS01019 for acquisition related expenses.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

- 33. RESOLUTION appropriating \$440,000.00 in Construction Funds. Resolution also transfers and appropriates \$200,000.00 from Construction to Furniture Fixtures and Equipment, funded by G.O. Bonds General for community center improvements.

Strickland

Council did include Community Center Improvements, CIP Project Number PK01024 as part of the FY 2009 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

- 34. RESOLUTION appropriating \$2,500,000.00 in Construction Funds, funded by G.O. Bonds General for the Zoo Hippo Exhibit.

Strickland

Council did include Zoo Hippo Exhibit, CIP Project Number PK09004 as part of the FY 2009 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for procedures for the use and payment of the current and future capital appropriation

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES**

- 35. RESOLUTION appropriating \$6,199,527.00 for Organized Crime Unit Drug Funds for Fiscal Year 2010.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

36. RESOLUTION adjusting Additional Treatment Charge for City of Memphis Sewer Fees.

Boyd

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating \$64,458.00 funded by G.O. Bonds (Storm Water) in North Watkins Over Cypress Creek, Project Number ST03112 for a construction contract with Fullen Dock and Warehouse.

Boyd

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

38. RESOLUTION accepting grant funds in the amount of Four Million Nine Hundred Thirty One Thousand Nine Hundred Fifty Eight Dollars (\$4,931,958.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Stimulus Youth Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION accepting grant funds in the amount of Three Million One Hundred Seventy Eight Thousand Nine Hundred Twenty Four Dollars (\$3,178,924.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Stimulus Dislocated Worker Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting grant funds in the amount of One Million Six Hundred Fifty Nine Thousand Seven Hundred Eighty Dollars (\$1,659,780.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Stimulus Adult Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION recognizing Shelby County Government's authorization to sell to the City of Memphis the County's interest in the Pyramid, accepting the City of Memphis funding of the Health Department, and canceling any obligations of the County related to the Mid-South Coliseum; and hereby authorizing the Mayor to enter into a contract for this purpose with Shelby County Government.

Halbert

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Held until July 7, 2009
4. Held until May 19, 2009

- 5. & 6 – Held until July 7, 2009
- 7. Through 21 – Approved
- 22. Public Hearing Set for May 19, 2009
- 23. Through 40 – Approved
- 41. Approved, as amended

**ACTION TAKEN ON THE MINUTES OF APRIL 21, 2009 MEETING**

Approved, as amended. Item #36 was dropped from the Minutes

**ACTION TAKEN ON THE MINUTES OF ITEMS #38, #39 & #40 FROM TONIGHT'S MEETING**

Approved