



CITY OF MEMPHIS

COUNCIL AGENDA

April 5, 2005

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 (March 15, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING (none)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the west side of U.S. Highway 61; +126 feet south of Fairway Avenue, containing 0.376 acre in the Single Family Residential (R-S6) District, up for F I R S T reading.
Peete Ordinance No. 5096
Case No. Z 04-137

Applicant: Diane Boyd

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL of Rezoning to General Office (O-G) District

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning 500-1200 feet northeast of the/eastern terminus of Huntington Oaks Drive, containing 6.96 acres in the Agricultural (AG) District (Parcel 1) and 0.19 acre in the Agricultural Floodplain (AG{FP}) District (Parcel 2), up for F I R S T reading.
Peete Ordinance No. 5097
Case No. Z 04-138cc

Owner of Record: Mike B. & Terri L. Allison

Equitable Owner/Applicant: David Miller
Davis Engineering Company, Inc.
Dan Frasier - Representative

Request: Parcel 1 – Single Family Residential (R-S10) District
Parcel 2 – Single Family Residential Floodplain (R-S10 [FP])District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (none)

ENGINEERING

- 3. RESOLUTION accepting AMERICAN YEAST SEWER & DRAINAGE IMPROVEMENT, and authorizing release of bond.

(Contract No. CR-4711)

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 Second Street and north of the Wolf River. The standard improvement contract was approved on March 5, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$54,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION accepting KIRBY GATE BOULEVARD ROAD DEDICATION, and authorizing release of bond.

Case No. PD 97-338
(Contract No. CR-4271)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of the intersection of Kirby Parkway and Quince Road. The standard improvement contract was approved on 5/21/2002. Resolution also authorizes the release of the letter of credit in the amount of \$29,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (none)

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

GENERAL ITEMS

- 5. RESOLUTION proclaiming March 19, 2005 as “Max E. Pass Appreciation Day”.

Jones

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION approving temporary structures on the streets, April 17, 2005, from 6:00 a.m. until 6:00 p.m., for the Rajun Cajun Crawfish Festival.

Sammons

ACTION REQUESTED: Adopt the resolution

- 7. RESOLUTION approving temporary structures on the streets, April 9, 2005, from 8:00 a.m. until 9:00 p.m., for the Bridges Youth Festival 2005.

Sammons

ACTION REQUESTED: Adopt the resolution

- 8. RESOLUTION declaring April 5, 2005, as “Huey’s Midtown Appreciation Day”.

Sammons

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

9. RESOLUTION approving Change No. 7 to Contract No. 10525, MLGW Gas/Water Leak Surveys, with Heath Consultants, Inc. in an estimated/funded amount of \$55,000.00. (This extends the contract not to exceed 60 days beginning May 1, 2005. The current contract expires April 30, 2005 for the fourth and final term.)
10. RESOLUTION approving Expedited Procurement Request for Change No. 5 to Contract No. 10582, Surveying Services, with Ollar Surveying Company in the funded amount of \$100,000.00. (This extends the contract not to exceed 120 days beginning March 18, 2005, retroactive to November 1, 2004, with no increase in present contract rates.)
11. RESOLUTION approving Change No. 5 to Contract No. 10667, Right-of-Way Mowing, with Bean & Prince Contractors, Inc. in an estimated/funded amount of \$60,000.00. (This extends the contract not to exceed 90 days beginning May 3, 2005. The current contract expires May 2, 2005 for the fourth and final term.)
12. RESOLUTION approving Change No. 6 to Contract No. 10673, Facilities Location Services, with Heath Consultants, Inc. in an estimated/funded amount of \$180,000.00. (This extends the contract not to exceed 60 days beginning June 1, 2005. The current contract expires May 31, 2005 for the fourth and final term.)
13. RESOLUTION approving Change No. 4 to Contract No. 10727, Systems Furniture, with Corporate Express, Inc. in an estimated/funded amount of \$300,000.00. (This extends the contract not to exceed 60 days beginning May 1, 2005. The current contract expires April 30, 2005 for the third term.)
14. RESOLUTION approving Change No. 11 to Contract No. 10780, Electrical Construction and Maintenance, with Allied Electrical Contractors, Inc. in an estimated/funded amount of \$600,000.00. (This extends the contract not to exceed 60 days beginning April 1, 2005. The current contract expires April 3, 2005.)
15. RESOLUTION approving Change No. 4 to Contract No. 10912, Carpet Cleaning and Maintenance, with Dupont Flooring Systems, Inc. in the funded amount of \$40,866.36. (This renews the contract for a second term, 5/30/05 to 5/29/06, and assigns the contract to Kenny Floor Covering, Inc.)
16. RESOLUTION approving Change No. 1 to Contract No. 10947, Water Meter Assessment, with Woolpert, Inc. in the funded amount of \$88,770.00. (This covers meter research and engineering with or without manufacturer specifications for 55 meters and mobilization costs at MLGW's water pumping stations.)
17. RESOLUTION awarding 36-month contract for industrial fasteners to Chromate Industrial Corporation in the amount of \$74,634.66.
18. RESOLUTION awarding contract for programmable feeder relays to Areva T & D c/o Stansberry & Associates in the amount of \$108,480.00.
19. RESOLUTION awarding 36-month contract for flame-retardant clothing to Tyndale Company in the amount of \$551,987.75.
20. RESOLUTION awarding contract for paper-insulated, lead-covered cable to The Okonite Company in the amount of \$279,888.00.

- 21. RESOLUTION awarding 36-month contract for fluosilicic acid to Pencco, Inc. in the amount of \$415,350.00.
- 22. RESOLUTION awarding 36-month contract for sodium hypochlorite to Vertex Chemical Corporation in the amount of \$855,195.00.
- 23. RESOLUTION awarding contract for lineman's tools to Stuart C. Irby in the amount of \$62,507.16.
- 24. RESOLUTION awarding contract for trucks, vans and sedans as follows:

Covington Pike Dodge.....	\$36,588.45
Chuck Hutton Company.....	88,010.93
Golden Circle Ford.....	1,135,473.30
Country Ford, Inc.....	<u>39,979.81</u>
Total:	\$1,300,052.49



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

25. RESOLUTION proclaiming Friday, January 28, 2005 as "Benjamin L. Hooks Day."
Hooks (Held from 2/1;3/1;3/15)

ACTION REQUESTED: Adopt the resolution

26. Marshall **APPOINTMENT**

Memphis & Shelby County Depot Redevelopment Corporation

Reappointment

Michael C. Ritz

GENERAL ORDINANCE - THIRD AND FINAL READING

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

27. RESOLUTION appropriating \$7,693,192.00 for CIP Project Number GA05002, for Schools ADA & Deferred Maintenance. Bids were received on March 3, 2005, by the Memphis City Schools Procurement Division with the best bid being the firm of H & M Construction/Salton Fox Joint Venture in the amount of \$6,993,811.00. Funds are available from G.O. Bonds for the following project:

Taylor

Schools ADA & Deferred Maintenance \$7,693,192.00

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

28. RESOLUTION approving the transfer of surplus Park Services property to Housing and Community Development. Housing and Community Development plans to include this 26 acre property, worth approximately \$341,770.00, located on the north side of James Road into the James Road Housing Development a middle income housing initiative in Frayser.

Brown

Per ordinance, the transfer of the subject parcel is not subject to the request laying over for a second reading to allow interested parties to voice either their approval or opposition to the transfer. Resolution approval on the first reading shall be deemed approval of the transfer.

Directors of General Services, Housing and Community Development and Park Services recommend approval

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving sale of a portion of surplus MLGW property to the City of Bartlett, located on the west side of Brunswick Road, south of Brunswick Service Center, for a proposed fire station, for the sum of \$53,150.00.

Brown

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving purchase of easement rights from Gary W. Taylor, located on the south side of Kerrville-Rosemark Road and east of Big Creek Church Drainage Canal, for the sum of \$81,957.00.

Brown

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION amending the Fiscal Year 2005 Capital Improvement Budget by transferring an allocation of \$127,500.00 from Fire Services Project FS02001, Fire Station Repair, funded by G.O. Bonds General to Project No. FS02017, Fire Station #60, Bridgewater annexation and appropriating \$127,500.00 funded by G.O. Bonds General, for the purchase of property at 1468 Charles Bryan Road.

Brown

The property to be used as the location of Fire Station #60, contains approximately 5.44 acres and lies on the east side of Charles Bryan Road, south of Dexter Road.

Director of General Services, Director of Fire Services, and City Engineer recommend approval.

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting an offer to purchase City owned property located on the west side of White Station Road, in the amount of \$900.00.

Brown

Resolution accepts an offer from Larry W. Foust and wife, Cathy J. Foust, to purchase a portion of property described in Deed recorded in Book 5465, Page 76 (Lot 74, Avon Gardens 1st Addition Subdivision, Block B) in the Shelby County Register's Office, Memphis, Tennessee. Said property is irregular in shape and contains 7,337 square feet, more or less. The amount of the offer is \$900.00. Per ordinance, the sale of the subject parcel is NOT subject to the offer laying over for a future Council meeting for an increase of bid. Therefore, Resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION accepting an offer to purchase City owned property located on the west side of Stonewall Street, in the amount of \$1,500.00.

Brown

Resolution accepts an offer from Daniel L. Martin and Mary H. Martin to purchase property located in the City of Memphis, County of Shelby, and State of Tennessee. All the property described in Chancery Court #9417-1, Exhibit 4434, identified as Ward 040, Block 058, Parcel 006 and located on the west side of Stonewall Street, east of North Watkins Street and North of Chelsea Avenue. The subject was acquired by the City in tax Sale #6 on March 30, 1992 for delinquent taxes. Said property contains 5,150 square feet, more or less (50' x 103') per the records of the Shelby County Assessor's Office. The amount of the offer is \$1,500.00. Per ordinance, the sale of the subject parcel is NOT subject to the offer laying over for a future Council meeting for an increase of bid. Therefore, Resolution approval shall be deemed as approval of sale. Resolution also

authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

34. RESOLUTION for the City of Memphis, Tennessee, as a participant in the Community Development Block Grant Program, to recognize and acknowledge April 1 -30, 2005, as National Community Development Month.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

35. RESOLUTION appropriating \$97,570.00 in PK07077 Marquette Playground, Contract Construction, funded by G.O. Bonds-General.

McCormick

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating \$450,000.00 in PK07055 Pickett Playground, Contract Construction, funded by G.O. Bonds-General.

McCormick

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION including Lichterman Nature Center CIP Project Number PK08001, as part of the FY 2005 Capital Improvement Program. Two bids were received on January 21, 2005 for Lichterman Water Remediation with the lowest and best bidder being the firm of X-Change Construction, in the amount of \$113,463.00. A construction appropriation of \$34,706.00 exists. A contingency amount of \$9,037.00 added to the bid amount of \$113,463.00, less the existing construction appropriation of \$34,706.00, makes this appropriation request a total of \$87,794.00.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

38. RESOLUTION requesting approval for the continuation of the plans and specifications and taking bids for the Traffic Precinct, CIP Project PD02003, at an estimated construction cost of \$4,000,000.00.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

39. RESOLUTION accepting grant funds for YO! Memphis, in the amount of \$286,680.00 from the Shelby County Government. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting grant funds for YO! Memphis, in the amount of \$223,696.00 from the Workforce Investment Network. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (none)

ZONING ORDINANCES - THIRD AND FINAL READING (none)

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

41. RESOLUTION approving an appeal located on the north side of Winchester Road, 510 feet west of Hacks Cross Road. (Held from 3/15)

Peete Case No. PD 01-306

Appellant: Kroger Limited Partnership I

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 1/13/05 in which the Board rejected a proposed site plan for Kroger Fuel Center to be located in front of an existing Kroger Grocery Store

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES MAILED ON MARCH 4, 2005

42. RESOLUTION approving a planned development located on the northwest corner of Appling Road and Interstate Highway 40, containing 93.85 acres in an existing planned development – Whitten Business Park PD (PD 94-350cc)(Held from 3/15).

Peete Case No. PD 04-385

Applicant: Belz Investco, GP
Ron Harkavy – Representative

Request: Amend the PD to 1) Amend Area A to include Office/Warehouse 2) Create a new Area D to permit commercial uses 3) Amend Area C to permit business park uses 4) Change the name from Whitten Business Park to Appling Farms Business Park

LUCB and OPD recommendation: APPROVAL with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

205 NOTICES MAILED ON MARCH 4, 2005

43. RESOLUTION approving a street/alley closure beginning on the south line of Oakley Avenue and proceeding southwardly 206 feet therefrom, containing 0.26 acre.(Held from 3/15)

Peete Case No. SAC 04-625

Applicant: Rick Vollmer & John Hurdle
Davis Engineering Company, Inc. – Representative

Request: Close Partial Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

40 NOTICES MAILED ON MARCH 4, 2005

44. RESOLUTION approving a planned development located on the southeast corner of Houston Levee Road and Gray’s Creek Drainage Canal, extending to the west side of Pisgah Road, containing 5.54 acres in the Agricultural (AG) District and Common Open Space ‘P’ in Area ‘B’ currently governed by Glen Lakes Planned Development (P.D. 01-320cc).

Peete Case No. PD 04-361cc

Applicant: Mark Matthews Development, LLC and David Raffanti
Homer Branan, III – Representative

Request: Planned development amendment to allow seventeen (17)
additional single family homes within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

206 NOTICES MAILED ON MARCH 18, 2005

45. RESOLUTION approving a street/alley closure located between the west line of
Manassas and the east line of Tully Street, containing 1.459 acres in the Multiple
Dwelling Residential (R-MM) District

Peete Case No. SAC 04-612

Applicant: Memphis Board of Education
Homer Branan, III & Dedrick Brittenum, Jr. – Representatives

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON MARCH 18, 2005

46. RESOLUTION approving a street/alley closure located on the north side of S. Parkway
East; +150 feet east of Wellington Street, containing 2,213 square feet in the Single
Family Residential (R-S6) District.

Peete Case No. SAC 04-630

Applicant: Christ Missionary Baptist Church
Dedrick Brittenum, Jr., Attorney - Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

47 NOTICES MAILED ON MARCH 18, 2005

47. RESOLUTION approving a street/alley closure located on the north side of Poplar
Avenue; +148.5 feet east of N. Third Street, containing 3,673 square feet in the Central
Business (CBD) District.

Peete Case No. SAC 04-631

Applicant: J. F. Shelton Trust
SR Consulting, LLC (Cindy Reaves) – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

14 NOTICES MAILED ON MARCH 18, 2005

GENERAL ITEM

48. RESOLUTION approving a waiver of the special use permit for the Memphis Plaza
Hotel and Suites located at 6101 Shelby Oaks Drive, Memphis, TN. 38134.

Peete ACTION REQUESTED: Adopt the resolution

ADJOURNMENT