



# CITY OF MEMPHIS

## COUNCIL AGENDA

December 21, 2004

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 (December 7, 2004)**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING**

1. **ORDINANCE** establishing meeting dates for City Council Meetings in 2005, up for F I R S T reading.

Brown

Ordinance No. 5090

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCE- SECOND READING** (none)

### **ZONING ORDINANCE - FIRST READING** (none)

### **ZONING ORDINANCE - SECOND READING**

2. **JOINT ORDINANCE** readopting #5028AM, adopted by the Shelby County Board of Commissioners on May 28, 2004 and the Council of the City of Memphis on July 6, 2004; So as to make certain technical and formatting corrections therein, up for S E C O N D reading.

Peete

Ordinance No. 5087

Case No. ZTA 03-002cc

Applicant: Memphis & Shelby County Office of Planning & Development  
Mary Baker – Representative

Request: To readopt Ordinance #5028AM, to make technical and formatting corrections by deleting text and providing for modifications on the following pages: 6, 13, 17, 20, 22, 24, 26, 27 and 28

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

### **ENGINEERING**

3. **RESOLUTION** approving final plat of GRIDLEY'S SUBDIVISION.

Case No. S 04-048

Resolution approves the final plat located on the west side of Elvis Presley, south of Holmes Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION accepting MERCEDES BENZ OF MEMPHIS P.D., and authorizing release of bond.

Case No. PD 02-361  
(Contract No. CR-4848)

Resolution accepts completion of the improvement and the dedication of public streets and easements as shown on the final plat located on the south side of Poplar Avenue, 402.55 feet west of Reddoch Cove. The standard improvement contract was approved on January 20, 2004. Resolution also authorizes the release of the certificate of deposit in the amount of \$100,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 5. RESOLUTION approving final plat of ISLAND POINT PD, PHASE 2.

Case No. PD 03-348  
Contract No. CR-4911

Resolution approves the final plat located on the west side of Henning Street(future Island Place East), 57.8 feet north of Island Club Drive. 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

- 6. RESOLUTION approving final plat of WOODLAND HILLS PD 3<sup>RD</sup> AMENDMANT, PHASE 17.

Case No. PD 99-352cc  
Contract No. CR-4912

Resolution approves the final plat located on the north side of Humphrey Road, west of Houston Levee 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. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

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

- A. Case No. SAC 04-618 –HARAHAN ALLEY

Beginning at Sax Avenue, extending 847 feet eastwardly to the west of right-of-way line of Travis Avenue, containing 12,705 square feet

Applicant: Promaster Construction Services on behalf of New Gilfield M.B. Church  
Bill Holt, Contractor & Bennie Brown, Atty.

Request: Close Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. SAC 04-619

Located on the south side of Georgia Avenue; +/-150 feet east of S. Main Street, containing 20,473 square of feet (Area of R.O.W.) and 342' X 60' feet (Length x Width of R.O.W.), in the South Main (SM) District

Applicant: Front Row Development, LLC  
Tetra Tech, Inc. – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

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

**SUGGESTED DATE: January 4, 2005**

**GENERAL ITEM**



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## MLGW FISCAL CONSENT

8. RESOLUTION awarding contract for computer equipment to Trinity Technologies, Inc. in the amount of \$2,468,215.00 approximately.(Held from 12/7)
9. RESOLUTION approving Renewal No. 13 to Contract No. 10077, Ground Water Institute, with The University of Memphis in the funded amount of \$200,000.00.
10. RESOLUTION approving Change Order No. 2 to Contract No. 10888, Disease Management Services Agreement, with Medical Outcomes Management, Inc. in the amount of \$39,570.00.
11. RESOLUTION approving Change Order No. 2 to Contract No. 10965, Dynamic Mosaic Tile Mapboard System, with Mauell Corporation in the amount of \$196,180.00.
12. RESOLUTION awarding 36-month contract for electric meter barrel locks to DeWalch Technologies in the amount of \$172,800.00, approximately.
13. RESOLUTION approving payment of 2005 membership dues to the America Gas Association in the total amount of \$62,897.00, payable in two installments, the first on March 1, 2005 in the amount of \$31,448.50, and the second on August 1, 2005 in the amount of \$31,448.50.
14. RESOLUTION awarding Contract No. 11013, Line Clearance for 60-month period, to Blume Tree Services in the amount of \$6,441,963.00 for fiscal year 2005, for a total contract amount of \$32,209,815.00.
15. RESOLUTION awarding Contract No. 11020, Janitorial Services, to Kimco Corporation in the amount of \$606,924.00.
16. RESOLUTION approving Renewal of Contract No. 10642, Grounds Maintenance, with Bean & Prince Contractors, Inc. in an estimated funded amount of \$536,247.03.
17. RESOLUTION approving Renewal of Contract No. 10722, Grounds and Landscaping Services, with Environmental Landscape Services in the amount of \$72,297.00.
18. RESOLUTION approving Renewal of Contract No. 10797, Southeast Janitorial Services, with Facilities Maintenance Experts, Inc. in an estimated funded amount of \$37,265.40, with unit rate adjustments.
19. RESOLUTION approving Renewal of Contract No. 10798, Northeast Janitorial Services, with Facilities Maintenance Experts, Inc. in an estimated funded amount of \$90,385.50, with unit rate adjustments.
20. RESOLUTION awarding Contract No. 11026, External Audit Services, to Watkins Uiberall, PLLC, in the amount of \$200,000.00.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

21. APPOINTMENTS

Marshall

**Center City Revenue Finance Corporation**

Appointment

Cheryl Patterson (joint appointment)

**Memphis & Shelby County Center City Commission**

Appointment

Paul H. Morris

**Memphis & Shelby County Downtown Parking Authority**

Appointment

David J. Harris (joint appointment)

**GENERAL ORDINANCE - THIRD AND FINAL READING** (none)

**ENGINEERING**

22. RESOLUTION amending the Capital Improvement Budget by transferring an allocation of \$603,417.00 in G.O. Bonds General from Traffic Calming Devices, project number EN264/EN01007 to Speed Hump Installation Group IV, project number EN01010. Resolution also appropriates \$603,417.00 for a construction contract with Dixieland Contractors.

Holt

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION amending the Capital Improvement Budget by appropriating \$1,175,000.00 in G.O. General Bond funds in Traffic Signals, Project Number EN01004 for the purchase of equipment used in the installation of traffic signals by City Forces.

Holt

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION**

- 24. RESOLUTION appropriating \$300,000.00 from G.O. Bonds General in CIP Project IS01012, Balanced Scorecard System. This project will provide a software solution that translates a division’s narrative mission and strategies into tangible objectives and measures that can be used to further communicate the effort the City of Memphis is making to improve quality of service to its citizens.

Sammons

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION**

- 25. RESOLUTION authorizing to cancel taxes in the total amount of \$2,430.53 for properties located at 957 and 963 E.H. Crump, identified as parcel number 018022 00030 and 018022 00031 for the tax year 2002.

Mitchell

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (none)

**DIVISION OF GENERAL SERVICES**

- 26. RESOLUTION including ADA Facility Compliance, CIP Project Number GS01010 as part of the Fiscal Year 2005 Capital Improvement Program. Bids were received on October 1, 2004 with the low, best complying bid from Omega General Contractors, Inc. in the amount of \$487,000.00. [Administration requests to appropriate \$525,960.00, funded by G.O. Bonds General for construction of the ADA Repairs at seven fire stations totaling \$525,960.000].

Jones

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

- 27. RESOLUTION designating the New Chicago/Firestone-Manassas area as a slum/blighted area. Designation will enable demolition of structures with CDBG funds.

Ford

ACTION REQUESTED: Adopt the resolution

- 28. RESOLUTION amending the FY2005 Capital Improvement Budget by transferring an allocation and appropriating \$150,000.00 in G.O. Bonds-General from Strategic Community Investment Funds project, project number CD01022, Kirby Parkway Business Center, project number CD01047 for infrastructure improvements to streets, drainage and utilities within the center.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK SERVICES** (none)

**DIVISION OF POLICE SERVICES** (none)

**DIVISION OF PUBLIC SERVICES** (none)

**DIVISION OF PUBLIC WORKS** (none)

**ZONING ORDINANCE - THIRD AND FINAL READING**

- 29. ORDINANCE rezoning the east side of Highway 61; +350 feet north of Horn Lake Road and directly across from the intersection of Levi Road, containing 15.26 acres, in the Multiple Family Residential (R-ML) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5088  
Case No. Z 04-134

Applicant: General Board of Personnel Services CME Church  
Lorenzo Lester – Representative

Request: Single Family Residential (R-S8) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**31 NOTICES MAILED ON DECEMBER 10, 2004**

30. **ORDINANCE** rezoning the east side of Highway 61; +200 feet north of Horn Lake Road and +600 feet south of Levi Road, containing 4.39 acres in the Multiple Family Residential (R-ML) District, up for T H I R D and F I N A L reading.

Peete Ordinance No. 5089  
Case No. Z 04-135

Applicant: General Board of Personnel Services CME Church  
Lorenzo Lester – Representative

Request: Commercial Neighborhood (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**35 NOTICES MAILED ON DECEMBER 10, 2004**

**DIVISION OF PLANNING & DEVELOPMENT** (none)

**PUBLIC HEARINGS**

31. **RESOLUTION** approving a special use permit located on the east side of Laurie Lane; beginning 114.53 feet north of Brantford Road, containing 0.28 acre in the Single Family Residential (R-S10) District. (Held from 9/21;11/23)

Peete Case No. SUP 04-208

Applicant: Margolin Hebrew Academy  
Ronald Harkavy – Representative

Request: Student Dormitory

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**60 NOTICES MAILED ON SEPTEMBER 10, 2004**

32. **RESOLUTION** approving a planned development located on the east of Davidson Road and north of the Mississippi State Line, extending to Lamar Ave (US Highway 78), containing 32.53 acres in the Agricultural (AG) District.

Peete Case No. PD 04-359

Applicant: Joe Lunati  
Homer Branan – Representative

Request: Highway Commercial and Light Industrial uses and realignment of Davidson Road

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**26 NOTICES MAILED ON DECEMBER 10, 2004**

33. RESOLUTION approving a planned development located on the south side of U.S. Highway 64; +/-340 feet west of Gray’s Creek Drive, containing 5.90 acres in the Agricultural (AG) & Agricultural Flood Plain(AG{FP}) Districts.

Peete

Case No. PD 04-366

Applicant: Bond Christie  
Fisher & Arnold, Inc. – Representative

Request: Planned development to permit office/showroom for cut and natural stones, including outdoor display and material storage areas within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**9 NOTICES MAILED ON DECEMBER 10, 2004**

34. RESOLUTION approving a street revocation located on the south side of Macon Road at Far Drive and containing 3.79 acres.

Peete

Case No. SR 04-903

Applicant: Jim Ethridge and Coastal Fuels Inc.  
Fisher and Arnold (Jud TePaske) – Representative

Request: Revoke final plat for Phase One of the Woodland Hills Planned Development

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**3 NOTICES MAILED ON DECEMBER 10, 2004**

35. RESOLUTION approving a use variance located on the west side of Gaither Street; ±150 feet north of South Parkway, containing 5,500 square feet (0.128 acre) in the Single-Family Residential (R-S6) District.

Peete

Case No. UV 04-13

Applicant: Sharon Wiggins  
Whalen Surveying – Representative

Request: Beauty Salon

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**88 NOTICES MAILED ON DECEMBER 10, 2004**

**GENERAL ITEM**

**ADJOURNMENT**

**ADD-ONS**

**December 21, 2004**

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36. RESOLUTION approving final plat of BRIARCREST BAPTIST SCHOOL SYSTEM P.D.,  
2<sup>ND</sup> AMENDMENT, PHASE 1.

Consent

Case No. PD 04-321cc  
Contract No. CR-4913

Resolution approves the final plat located on the north side of Old Dexter Road, 129.5 feet west of Beaver Trail. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving final plat of AVIATION FACILITIES PD DRAINAGE AND SEWER IMPROVEMENTS.

Consent

Contract No. CR-4914

Resolution approves the final plat located on the northwest corner of Shelby Drive and Swinnea Road. 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

38. RESOLUTION approving final plat of BURGER KING/ELVIS PRESLEY S/D.

Consent

Case No. S 04-066

Resolution approves the final plat located on the southeast corner of Elvis Presley Blvd. and Wesley Drive. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving temporary structures on the streets Thursday, December 30, 2004 from 2:30 p.m. until 6:00 p.m., for the Auto Zone Liberty Bowl Parade.

Consent

ACTION REQUESTED: Adopt the resolution

7. **NOTATIONS FROM OPD**

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

- C. Case No. PD 04-371 - DAVENPORT PLANNED DEVELOPMENT

Located on the northeast corner of Tchulahoma Road and Holmes Road, containing 86.15 acres and is currently governed by Memphis Trade Center 4 Planned Development and Agricultural (AG) District

Applicant: Industrial Development International (IDI)  
Armstrong-Allen, PLLC – Representative

**ADD-ONS**

**December 21, 2004**

**Page 10**

Request:           Planned development to permit two(2) office/warehouse buildings  
a total of 963,900 square feet in area within the Outline Plan

LUCB and OPD recommendation:   APPROVAL, with conditions

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

**SUGGESTED DATE:       January 4, 2005**

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1.    Through 6 – Approved
7.    Public Hearing set for January 4, 2005
8.    Through 29 – Approved
30.   Approved, as amended
31.   Held to January 18, 2005
32.   Approved, as amended
33.   Through 39 – Approved

**ACTION TAKEN ON MINUTES OF DECEMBER 7, 2004 with the following motion:**

MOTION:    Peete – Accept Friendly Amendments to Item #41 (PD 04-345) from  
December 7, 2004

SECOND:    Marshall

AYES:       Ford, Holt, Hooks, Lowery, Marshall, Mitchell, Peete and Sammons

NAYS:       Jones

Chumney abstained

Brown and McCormick did not cast a vote

Taylor was absent

**APPROVED**, Special Item #1

MAIN MOTION:   Marshall

SECOND:       Peete

AYES:       Chumney, Ford, Holt, Hooks, Jones, Lowery, Marshall, McCormick,  
Mitchell, Peete, Sammons and Chairman Brown

Taylor was absent

**APPROVED**, as amended