

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

May 17, 2005

3:30 P.M. SESSION

ROLL CALL: Joe Brown, Carol Chumney, Barbara Swearngen Holt, E. C. Jones, Myron Lowery, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford
 Janet Hooks and Tom Marshall were absent

**THE MEETING WAS CALLED TO ORDER
 BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Monsignor Peter Buchignani, from St. Francis of Assisi Catholic Church. Councilman Jones presented Monsignor Buchignani with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

10. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10784, CONSTRUCTION OF UNDERGROUND DISTRIBUTION SYSTEM, WITH A & L UNDERGROUND, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$2,150,000.00. (THIS EXTENDS THE CONTRACT BEGINNING MAY 1, 2005 THROUGH JUNE 30, 2005. THE CURRENT CONTRACT EXPIRES APRIL 30, 2005 FOR THE SECOND TERM). (HELD FROM 4/19; 5/3)**

Dropped

33. **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 T H I R D AND F I N A L READING. (HELD FROM 5/3)**

Held until June 7, 2005

56. **RESOLUTION URGING THE GOVERNOR AND THE TENNESSEE GENERAL ASSEMBLY TO EXPLORE ALL REVENUE ENHANCING MEASURES AND ENSURE ADEQUATE HEALTH COVERAGE FUNDS.**

MOTION: Chumney

SECOND: Brown

AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Ford
 Mitchell and Taylor did not cast a vote
 Hooks and Marshall were absent

APPROVED, as amended

55. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREETS, MAY 28, 2005, FROM 9:00 A.M. UNTIL 1:00 P.M., FOR EARLY GROVE BAPTIST CHURCH 103RD ANNIVERSARY PICNIC.**

MOTION: Sammons
SECOND: McCormick
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Taylor did not cast a vote
Hooks and Marshall were absent

APPROVED

41. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTHWEST CORNER OF PERKINS ROAD AND GREENBRIER ROAD, CONTAINING 2.0 ACRES IN THE SINGLE FAMILY DWELLING – SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT. (HELD FROM 5/3)**

Case No. S 04-078

Dropped

21. **ORDINANCE TO AMEND CHAPTER 33, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO CLARIFY PERMIT REQUIREMENTS FOR THE DISCHARGE OF HAULED WASTE AND TO REGULATE THE DISCHARGE OF WASTEWATER BY FOOD ESTABLISHMENTS, UP FOR T H I R D AND F I N A L READING**

Ordinance No. 5099

MOTION: Holt
SECOND: Jones
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Taylor did not cast a vote
Hooks and Marshall were absent

APPROVED

22. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$892,000.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE URBAN SEARCH AND RESCUE PROGRAM. RESOLUTION ALSO AMENDS THE FY 2005 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Sammons
SECOND: Jones
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Taylor did not cast a vote
Hooks and Marshall were absent

APPROVED

23. **RESOLUTION APPROPRIATING \$1,009,929.00 FOR THE PURCHASE OF THREE (3) PUMPERS, CHARGEABLE TO FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Sammons
SECOND: Jones
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Taylor did not cast a vote
Hooks and Marshall were absent

APPROVED

24. **RESOLUTION REQUESTING FOR THE CONTINUATION OF THE PLANS AND SPECIFICATIONS AND TAKING OF BIDS AT AN ESTIMATED COST OF \$2,300,000.00, FUNDED BY G.O. BONDS GENERAL, FOR FIRE STATION #3.**

Resolution did include Fire Station #3, CIP Project Number FS02009 as part of the FY 2005 Capital Improvement Program

MOTION: Sammons
 SECOND: Jones
 AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Taylor did not cast a vote
 Hooks and Marshall were absent

APPROVED

25. **RESOLUTION APPROPRIATING \$1,672,671.00 FOR THE PURCHASE OF THREE (3) AERIAL TRUCKS CHARGEABLE TO FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Sammons
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Taylor did not cast a vote
 Hooks and Marshall were absent

APPROVED

26. **RESOLUTION APPROPRIATING \$3,146,092.00 IN G.O. BONDS FOR PERSONAL PROTECTIVE EQUIPMENT, PROJECT NUMBER FS04001 FOR PURCHASE OF PROTECTIVE CLOTHING UNDER A CONTRACT WITH TOTAL FIRE, INC.**

Resolution transferring allocations of \$104,345.00 in G.O. Bonds from Replace Pumpers, Project Number FS03001 and \$188,791.00 in G.O. Bonds from Replace Aerial Trucks, Project Number FS03002 and \$153,185.00 in G.O. Bonds from Wolfchase Fire Station, to Personal Protective Equipment, Project Number FS04001.

MOTION: Sammons
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Taylor did not cast a vote
 Hooks and Marshall were absent

APPROVED

27. **RESOLUTION AMENDING THE FY 2005 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$500,000.00 FUNDED BY G.O. BONDS GENERAL WITHIN PROJECT NUMBER CD01056 FOR LAND ACQUISITION AND REMEDIATION PURPOSES.**

Resolution amending the FY 2005 Capital Improvement Budget by transferring an allocation of \$800,000.00 funded by G.O. Bonds from MHA-Uptown Hurt Village, Project Number CD01014, to MHA-Auction Street Acquisition, CD01056 for land acquisition and remediation purposes.

The resolution will amend the FY 2005 Capital Improvement Budget by transferring appropriations of \$300,000.00 funded by G.O. Bonds from MHA-Uptown Hurt Village, Project Number CD01014, to MHA-Auction Street Acquisition, CD01056 for land acquisition and remediation purposes.

MOTION: Holt
 SECOND: Jones
 AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Taylor did not cast a vote
 Hooks and Marshall were absent

APPROVED

28. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$75,000.00 FROM THE NATIONAL CONFERENCE OF BLACK MAYORS FOR THE METROPOLITAN URBAN DEMONSTRATION PROJECT TO PROMOTE SEATBELT USAGE AMONG AFRICAN-AMERICAN DRIVERS. RESOLUTION ALSO AMENDS THE FY 2005 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Sammons
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
 Hooks and Marshall were absent

APPROVED

29. **RESOLUTION REQUESTING FOR THE CONTINUATION OF THE PLANS AND SPECIFICATIONS AND TAKING OF BIDS AT A COMBINED ESTIMATED COST OF \$3,240,000.00, FUNDED BY G.O. BONDS GENERAL.**

Council did include the Search/Rescue Warehouse at an estimated cost of \$2,700,000.00, CIP Project Number FS04006 and the Police Academy Expansion at an estimated cost of \$540,000.00, CIP Project Number PD01004 as part of the FY2005 Capital Improvement Program.

MOTION: Sammons
 SECOND: Jones
 AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
 Hooks and Marshall were absent

APPROVED

30. **RESOLUTION ALLOCATING AND APPROPRIATING \$210,259.00 IN G.O. BONDS FOR A RIVERWALK ASHBURN COPPOCK PARK/MARTYRS PARK, PROJECT NUMBER GA01007 FOR A CONSTRUCTION CONTRACT WITH RIVERFRONT DEVELOPMENT CORPORATION IN THE AMOUNT OF \$595,820.00.**

Director of Public Works and City Engineer recommends approval

MOTION: Holt
 SECOND: Peete
 AYES: Chumney, Holt, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
 NAY: Brown
 Jones did not cast a vote
 Hooks and Marshall were absent

APPROVED

31. **RESOLUTION APPROPRIATING \$6,360,200.00 IN NORTH PLANT SLUDGE DISPOSAL, PROJECT NUMBER SW02009 FOR CONSTRUCTION CONTRACT WITH W. L. HAILEY AND COMPANY, INC.**

Resolution amending the Capital Improvement Budget by transferring an allocation of \$453,393.00 in Sewer Funds from Rehab Existing Sewers, Project Number SW02001 to North Plant Sludge Disposal, Project Number SW02009.

Director of Public Works recommends approval

- MOTION: Holt
- SECOND: McCormick
- AYES: Brown, Chumney, Holt, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
- Jones did not cast a vote
- Hooks and Marshall were absent

APPROVED

32. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$1,571,408.00 IN SEWER FUNDS FROM REHABILITATION OF EXISTING SEWERS, PROJECT NUMBER SW02001 TO SEWER LINE REPLACEMENT VARIOUS LOCATIONS, PROJECT NUMBER SW02026 FOR CONSTRUCTION CONTRACT WITH SCOTT CONTRACTORS, INC.**

Director of Public Works recommends approval

- MOTION: Holt
- SECOND: McCormick
- AYES: Brown, Chumney, Holt, Lowery, McCormick, Mitchell, Sammons and Chairman Ford
- Jones, Peete and Taylor did not cast a vote
- Hooks and Marshall were absent

APPROVED

34. **ORDINANCE REZONING THE NORTHEAST CORNER OF WATKINS STREET AND MONROE AVENUE, CONTAINING 1.038 ACRES IN THE MULTIPLE-FAMILY RESIDENTIAL (R-MH) DISTRICT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 5/3)**

Ordinance No. 5098
Case No. Z 05-101

Chairman Ford recognized the following person from the audience:

Rob Horrell, 1425 Madison, Memphis, TN. 38104

Applicant: Pete Shoptaw, E. Webster Haining Co.

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

- MOTION: Peete
- SECOND: Holt
- AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
- Hooks and Marshall did not cast a vote

APPROVED

35. **ORDINANCE REZONING THE NORTHWEST CORNER OF S. FOURTH STREET AND WALKER AVENUE, CONTAINING 0.189 ACRE IN THE MULTIPLE FAMILY RESIDENTIAL (R-MM) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5100
Case No. Z 04-136

Chairman Ford recognized the following person from the audience:

Marlon Foster, 1017 Latham, Memphis, TN. 38106

Applicant: Mija Paik
Monice Tate – Representative

Request: Commercial Neighborhood (C-N) District

LUCB and OPD recommendation: REJECTION

MOTION: Peete
SECOND: Holt
AYE: Taylor
NAYS: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Hooks and Marshall were absent

FAILED

36. **ORDINANCE APPROVING A STREET NAME CHANGE, EXTENDING EAST/WEST LINE OF N. PARKWAY; BETWEEN N. FRONT STREET AND 3RD STREET, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5101
Case No. SNC 05-802

Applicant: St. Jude
David McKee – Representative

Request: Change Name to Shadyac Avenue

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Taylor did not cast a vote
Hooks and Marshall were absent

APPROVED

38. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF SOUTH PERKINS ROAD; +/-440 FEET SOUTH OF SOUTHERN AVENUE; CONTAINING 0.47 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R S10) DISTRICT.**

Case No. PD 05-304

Applicants: William & Linda Felts
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development amendment to allow limited retail commercial uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt

AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons,
Taylor and Chairman Ford
Hooks and Marshall did not cast a vote

APPROVED

39. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF PARK AVENUE; +383.69 FEET WEST OF MT. MORIAH, CONTAINING 1.16 ACRES CURRENTLY GOVERNED BY P.D. 94-314.**

Case No. PD 05-312

Applicant: John & Glenda Roebuck
David Leake – Representative

Request: Amend the P.D. to permit a real estate office with auction as a permitted use

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons,
Taylor and Chairman Ford
Hooks and Marshall were absent

APPROVED

40. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH AND SOUTH SIDE OF ENGLISH TOWNE DRIVE; +/-725 FEET WEST OF COVINGTON PIKE, CONTAINING 8.03 ACRES, CURRENTLY GOVERNED BY HIDDEN WOODS AND ENGLISH TOWNE PLANNED DEVELOPMENTS.**

Case No. PD 05-315

Applicants: McCarthy & Wagner Properties, LLC
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development amendment to add three (3) parcels to allow uses by right in accordance with the General Office (O-G) District, including service businesses and contractor’s offices with indoor storage within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons,
Taylor and Chairman Ford
Hooks and Marshall did not cast a vote

APPROVED

42. **RESOLUTION APPROVING STREET/ALLEY CLOSURE LOCATED ±153 FEET WEST OF MISSISSIPPI BOULEVARD; BETWEEN JENNETTE STREET AND SAXON AVENUE, CONTAINING ± 5,422 SQUARE FEET IN SINGLE FAMILY RESIDENTIAL (R-S6) AND COLLEGE-UNIVERSITY (C-U) DISTRICTS. (HELD FROM 5/3)**

Case No. SAC 04-613

Applicant: Evening Star Missionary Baptist Church
Monice Hagler Tate – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

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

APPROVED

52. **RESOLUTION ESTABLISHING AND APPROPRIATING THE SUM OF \$299,979.00 IN LITIGATION FEES AND EXPENSES FUNDED BY G.O. BONDS GENERAL, CHARGEABLE TO THE FY2005 CAPITAL IMPROVEMENT BUDGET AND CREDITED TO CONVENTION CENTER, CIP PROJECT NUMBER PS02003.**

MOTION: McCormick
SECOND: Jones
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Taylor and Chairman Ford
Sammons did not cast a vote
Hooks and Marshall were absent

APPROVED, as amended

37. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF FORD ROAD AND MCFARLAND ROAD, CONTAINING 15.057 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8 & R-S6) DISTRICT. (HELD FROM 5/3)**

Case No. PD 05-302

Applicant: Carlton W. Orange
Pickering Firm, Inc. (Steve Canizarp) – Representative

Request: A planned development to create 73 single family residential lots with a minimum lot size of 6,600 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Taylor and Chairman Ford
Sammons did not cast a vote
Hooks and Marshall were absent

APPROVED (The applicant for this case was present during the Committee Meeting but was not present during the Council Meeting. Councilman Peete requested that the applicant is to be present at the next Council Meeting, before the Minutes are approved for this case)

MINUTES

Approval of the Minutes of the regular meeting of May 17, 2005

MOTION: Mitchell
SECOND: Jones
AYES: Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Taylor and Chairman Ford
Brown and Sammons did not cast a vote
Hooks and Marshall were absent

APPROVED

CONSENT AGENDA – Items 1 – 6 & #43 - #51 & #53 & #57 may be acted upon by one motion. SEE PAGE 1588 FOR ROLL CALL

- 1. **ORDINANCE ESTABLISHING THE FISCAL 2006 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**
Ordinance No. 5104

APPROVED, on Second reading

- 2. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2006, UP FOR S E C O N D READING.**
Ordinance No. 5105

APPROVED, on Second reading

- 3. **ORDINANCE REZONING THE ROZELLE-ANNESDALE NEIGHBORHOOD BOUNDED BY THE L & N RAILROAD TO THE NORTH, THE MOPAC RAILROAD TO THE WEST, THE SOUTHERN RAILROAD TO THE SOUTH AND MCLEAN BOULEVARD TO THE EAST, CONTAINING ½ SQUARE MILES IN MULTIPLE DISTRICTS, UP FOR F I R S T READING.**
Ordinance No. 5106
Case No. Z 05-107

APPROVED, on First reading

- 4. **ORDINANCE REZONING THE NORTH SIDE OF WASHINGTON AVENUE; +/-141.5 FEET WEST OF CLEVELAND STREET, CONTAINING 0.23 ACRE IN THE PARKING (P) DISTRICT, UP FOR S E C O N D READING.**
Ordinance No. 5102
Case No. Z 05-105

APPROVED, on Second reading

- 5. **ORDINANCE REZONING THE SOUTHEAST CORNER OF THOMAS (U.S. HIGHWAY 51) AND CARROLTON AVENUE, CONTAINING 0.81 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR S E C O N D READING.**
Ordinance No. 5103
Case No. Z 05-103

APPROVED, on Second reading

- 6. **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 96-315cc – Southwind Planned Development, Part of Parcel 7
 - B. Case No. PD 04-357cc – The Woodlands of Cordova Planned Development
 - C. Case No. PD 05-318 – Aviations Facilities – North Planned Development

Public Hearing Set for June 7, 2005

- 43. **RESOLUTION APPROVING FINAL PLAT OF AUDUBON PARK PLACE P.D.**
Case No. PD 04-324

Resolution approves the final plat located on the south side of Park Avenue, east of Cherry Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

44. **RESOLUTION APPROVING FINAL PLAT OF HUDGINS ROAD DEDICATION.**

Case No. SD 04-703

Resolution approves the final plat located at the terminus of Hudgins Road, north of the TN/MS state line. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

45. **RESOLUTION APPROVING FINAL PLAT OF LAURELWOOD SHOPPING CENTER, SECTION 1, SC-1.**

Resolution approves the final plat located on the west side of Perkins Street Ext., and the north side of Poplar Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

46. **RESOLUTION APPROVING FINAL PLAT OF HIGHLAND POINT SUBDIVISION.**

Case No. S 04-042cc

Contract No. CR-4941

Resolution approves the final plat located at the terminus of Huntington Oak Drive, south of U.S. Highway 64. 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

APPROVED

47. **RESOLUTION APPROVING FINAL PLAT OF SUNSET LAKES SUBDIVISION, 1ST ADDITION.**

Case No. S 02-035cc

Contract No. CR-4942

Resolution approves the final plat located on the east side of Old Covington Pike, north and south of Meegan 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. This action is subject to County approval.

City Engineer recommends approval

APPROVED

48. **RESOLUTION APPROVING FINAL PLAT OF WIESE COMMERCIAL – INDUSTRIAL P.D., AMENDED, PHASE 4, AREA A.**

Case No. PD 98-355cc

Contract No. CR-4944

Resolution approves the final plat located on the south side of Holmes Road, 1800 feet east of Getwell 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.

City Engineer recommends approval

APPROVED

49. **RESOLUTION APPROVING THE ASSIGNMENT, ASSUMPTION AND GUARANTEE OF CONTRACT PERFORMANCE FOR COSTCO WHOLESALE P.D., AND RELEASING OLD BOND.**

Contract No. CR-4586AM

Resolution approves the Assignment, Assumption and Guarantee of Contract Performance located within the City of Memphis. Resolution also authorizes the proper officials to execute the attached Assignment, Assumption and Guarantee of Contract Performance and authorizes release of initial performance bond in the amount of \$42,900.00.

City Engineer recommends approval

APPROVED

50. **RESOLUTION APPROVING THE SUPPLEMENTAL AGREEMENT #1 TO LOWE'S HOME CENTERS, P.D.**

Case No. PD 95-312
Contract No. CR-4586AM

Resolution approves the Supplemental Agreement #1 located on the west side of Perkins Road, between Sam Cooper Blvd. and Summer Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

APPROVED

51. **RESOLUTION APPROVING FINAL PLAT OF RIVERPOINT PD.**

Case No. PD 04-367
Contract No. CR-4945

Resolution approves the final plat located on the east side of Island Place East, south of Mud Island 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

APPROVED

53. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND 25-195, UP FOR F I R S T READING.**

Ordinance No. 5107

APPROVED, on First reading

57. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, TO ESTABLISH A NEW ARTICLE TO BE KNOWN AS TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM, UP FOR FIRST READING.**

Ordinance No. 5108

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

- MOTION: Jones
- SECOND: Mitchell
- AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete and Chairman Ford
- Sammons and Taylor did not cast a vote
- Hooks and Marshall were absent

APPROVED

FISCAL CONSENT AGENDA -Items 7 – 9 may be acted upon by one motion

- 7. **RESOLUTION ACCEPTING \$5,940.00 IN INCUMBENT WORKERS’ TRAINING FUNDS FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT TO PROVIDE TRAINING SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR LOCAL WORKFORCE INVESTMENT AREA – 13. RESOLUTION ALSO AMENDS THE FY 2005 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

APPROVED

- 8. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED VACANT LAND AT 500 SIXTH STREET, IN NORTH MEMPHIS TO LIZZIE JONES IN THE AMOUNT OF \$1.00 FOR REPLACEMENT HOUSING.**

Director of Housing & Community Development recommends approval

APPROVED

- 9. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$4,806.00 IN G.O. BONDS FROM MISCELLANEOUS INTERSECTIONS, PROJECT NUMBER PW01024 TO RIDGEWAY CENTER INTERSECTION, PROJECT NUMBER PW01159 FOR A CONSTRUCTION CONTRACT WITH TRI-STATE GUARDRAIL & SIGN CO., INC.**

Director of Public Works and City Engineer recommends approval

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

MOTION: Jones
 SECOND: Brown
 AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete and Chairman Ford
 Sammons and Taylor did not cast a vote
 Hooks and Marshall were absent

APPROVED

MLGW FISCAL CONSENT- Items 11 -20 may be acted upon by one motion

- 11. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10803, DATA PROCESSING EQUIPMENT MAINTENANCE, WITH MID-SOUTH COMPUTER SERVICES IN AN ESTIMATED FUNDED AMOUNT OF \$99,800.00, BASED ON UNIT PRICE ADJUSTMENT. (THIS RENEWS THE CONTRACT FOR MAINTENANCE SUPPORT FOR THE THIRD TERM, RETROACTIVE TO 1/1/05 TO 12/31/05.)**

APPROVED

- 12. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10977, TIRES AND TIRE SERVICE, WITH SOUTHERN TIRE MART, LLC IN AN ESTIMATED FUNDED AMOUNT OF \$538,329.53, BASED ON UNIT VOLUME OF WORK. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, 6/12/05 TO 6/11/06.)**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10987, HELICOPTER HERBICIDE SPRAYING, WITH HELICOPTER APPLICATORS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$206,955.00. (THIS INCREASES THE QUANTITY OF ACRES FOR PROVIDING HELICOPTER AND/OR GROUND HERBICIDE SPRAYING SERVICES FOR MLGW TRANSMISSION LINES ON APPROXIMATELY 1,400 ACRES.)**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10999, GPS CELLULAR SERVICES, WITH NEXTEL COMMUNICATIONS IN THE FUNDED AMOUNT OF \$51,470.00. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, 4/1/05 TO 4/1/06, AND INCLUDES AN ADDITIONAL 20 HAND-HELD GPS MONITORING DEVICES AND FEES.)**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11001, JANITORIAL SERVICES, WITH KIMCO CORPORATION IN THE FUNDED AMOUNT OF \$48,247.07. (THIS ADDS FUNDS TO THE CONTRACT VALUE DUE TO WORK PERFORMED DURING THE PERIOD 12/31/04 TO 2/6/05.)**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11011, NORTH SERVICE CENTER ROOFING PROJECTS, WITH B FOUR PLIED, INC. IN THE FUNDED AMOUNT OF \$41,161.00. (THIS COVERS EMERGENCY ROOF REPAIRS AT MALLORY PUMPING STATION TO PREVENT SLIPPING ON OIL AND WATER POOLS.)**

APPROVED

17. **RESOLUTION CANCELING CONTRACT FOR ONE FULL-SIZE PICKUP TRUCK WITH CHUCK HUTTON COMPANY AND AWARDED CONTRACT TO GENERAL TRUCK SALES AND SERVICES, INC. IN THE AMOUNT OF \$25,277.43.**

APPROVED

18. **RESOLUTION AWARDED CONTRACT FOR DISK STORAGE HARDWARE TO CAROTEK, INC. IN THE AMOUNT OF \$290,240.36.**

APPROVED

19. **RESOLUTION AWARDED CONTRACT FOR AIR COMPRESSORS AND GENERATORS TO SCRUGGS EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$44,994.00.**

APPROVED

20. **RESOLUTION AWARDED EMERGENCY PROCUREMENT REQUEST FOR CONTRACT NO. 11047, HIGHWAY 70 TO LAMB ROAD TO MEMPHIS-ARLINGTON ROAD WATER EXTENSION, TO MILLS AND SONS, INC. IN THE FUNDED AMOUNT NOT TO EXCEED \$207,625.37 TO COMPLETE THE WORK IT WAS PERFORMING AS A SUB-CONTRACTOR UNDER CONTRACT NO. 10784 WITH A & L UNDERGROUND, INC.**

APPROVED

MLGW ROLL CALL FISCAL CONSENT ITEMS

MOTION: Jones
SECOND: McCormick

AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Taylor did not cast a vote
Hooks and Marshall did not cast a vote

APPROVED, (with the exception of #10 being Dropped)

54. **RESOLUTION APPROVING AN INCREASE TO THE INTER-DIVISIONAL LOAN BETWEEN THE ELECTRIC DIVISION AND THE TELECOMMUNICATIONS SUB-DIVISION BY \$6 MILLION, FROM \$32 MILLION TO \$38 MILLION, IN ORDER TO PROVIDE FOR OR FACILITATE FUNDING TO MEMPHIS NETWORK.**

(Councilwoman Chumney made a motion to decrease this loan amount to \$2,000,000.00 with full disclosure of the financial dealings to be available to the public).

(Special Item #1)

MOTION: Chumney
SECOND: Mitchell
AYES: Chumney and Mitchell
NAYS: Brown, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Ford
Hooks and Marshall were absent

(Special Item #1 FAILED)

MAIN MOTION: Brown
SECOND: Jones
AYES: Holt, Jones, Lowery, Peete and Chairman Ford
NAYS: Brown, Chumney, McCormick, Mitchell, Sammons and Taylor
Hooks and Marshall were absent

FAILED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNMENT

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records