



CITY OF MEMPHIS

COUNCIL AGENDA

Tuesday March 22, 2022

Public Session, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

If You Are In Need Of A Special Accommodation While Attending The Meeting, Please Alert The Council Staff.

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Chief of Staff of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 1, 2022)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. PERFORMANCE by the Yale Society of Orpheus and Bacchus.
2. RESOLUTION honoring Mr. Al Green and Fifty Years of "Let's Stay Together." All Council Districts. This resolution is sponsored by the Memphis City Council.
3. RESOLUTION honoring the Mitchell Family for their contributions to Memphis Music. All Council Districts. This resolution is sponsored by the Memphis City Council.
4. RESOLUTION honoring Travelodge by Wyndham Memphis for their contributions to the City of Memphis. This resolution is sponsored by Councilman Warren.

- 5. RESOLUTION recognizing March 22, 2022 as “Christian Brothers High School Basketball Day” in the City of Memphis. This resolution is sponsored by Councilman Canale.
- 6. RESOLUTION approving an Honorary Street Name Change of Castleman Street between Winchester Road and Flanders Avenue for Bishop Brandon B. Porter. District 3, Super District 9. This resolution is sponsored by Councilwoman Robinson. **(Request for same night minutes)**
- 7. RESOLUTION honoring Zion C.M.E. Church on their ‘135th Church Anniversary and Mortgage Burning Celebration’ on March 20th, 2022. This resolution is sponsored by Chairwoman Swearengen. (Held from 3/1)

PUBLIC HEARINGS

DIVISION OF PLANNING AND DEVELOPMENT

- 8. RESOLUTION approving the Berryhill Downs Planned Development at Berryhill Road, beginning approximately 555’ south of Chimneyrock Blvd. This resolution is sponsored by the Division of Planning and Development. Case No. PD 21-43

Johnson
Chairman,
Planning &
Zoning
Committee

Applicant: Brad Reedy
 Danny Tabrizi – Representative

Request: Special use permit for a planned residential development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

- 9. RESOLUTION approving a special use permit for used vehicle sales at 2328 Elvis Presley Blvd. This resolution is sponsored by the Division of Planning and Development. Case No. SUP 21-37

Johnson
Chairman,
Planning &
Zoning
Committee

Applicant: Hythem Thahabieh of Bargain Divers, Inc.
 Evelyn Royston – Representative

Request: Special use permit for used vehicle sales

LUCB and DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

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 (None)

GENERAL ORDINANCE - SECOND READING

10.
Swearengen
Chairman,
Executive
Session

ORDINANCE to amend the Memphis City Council meeting dates for 2022, up for **S E C O N D** reading. Ordinance No. 5820 is sponsored by Chairwoman Swearengen.

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE – FIRST READING

11.
Johnson
Chairman,
Planning
& Zoning
Committee

ORDINANCE amending Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, so as to make certain changes in the use districts provided in said ordinance, up for **F I R S T** reading. This Ordinance is sponsored by the Division of Planning and Development.

Case No. Z 22-01
Ordinance No. 5821

Applicant: Knauf Insulation, Inc./Scannell Properties
Dedrick Brittenum of Brittenum Law, PLLC – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

NOTATIONS FROM DPD

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

A. Case No. SUP 22-01 – 150-FOOT MONOPOLE COMMUNICATIONS (CMCS) TOWER

Located at 3788 Raleigh Millington Rd. containing +/- 1.40 acres in the Residential Single Family – 8 (R8)

Applicant: True Love Missionary Baptist Church C/O Bishop TL Murden
Lou Katzerman, TVT II, LLC – Tower Ventures (Representative)

Request: To allow a 150-foot Monopole Communications (CMCS) Tower

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 5, 2022

B. Case No. MJR 21-45 (PD 94-356 CORRES) – TOURNAMENT TRAILS CENTER

Located at 3581 Tournament Dr. S. and two adjacent parcels containing 17.8 acres

Appellant: Cindy Reaves of SR Consulting, LLC
Appellee: Ari Investments, LLC

Request: Appeal to permit an apartment complex

LUCB recommendation: REJECTION

DPD recommendation: NONE

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 5, 2022

ENGINEERING DIVISION

13. RESOLUTION approving the engineering plans entitled SUNSET DOWNS P.D. PARCEL B-1

Contract No. CR-5398

Resolution approves the public improvement plans located at the Northeast corner of Trinity Road and North Ericson Road in the present limits of Memphis, Tennessee. Cost of required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the standard improvement contract and accept the Bank of Fayette County Certificate of Deposit No. 523607 in the amount of \$62,300.00 in lieu of bond, on behalf of the City. [Alternate Bond]

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting public improvements for IVY GROVE PD (PD 12-20) [CR-5319] and authorizing release of bond.

(Contract No. CR-5319)

Resolution accepts public improvements within the present limits of the City of Memphis and located approximately 1,200 linear feet south of the Messick Road and Kirby Road intersection on the west side of Kirby Road in Memphis, Tennessee. Resolution also authorizes the release of the Pinnacle Bank Letter of Credit No. 47470932780 in the amount \$142,900.00 held as security for the Standard Improvement Contract.

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting public improvements for CR-5352 – PORTER-LEATH EARLY CHILDHOOD ACADEMY 3 and authorizing release of bond.

(Contract No. CR-5352)

Resolution accepts public improvements within the present limits of Memphis and located at 2881 Park Avenue, the southwest corner lot in the Park Avenue and Haynes Street intersection in the City of Memphis, Tennessee. Resolution also authorizes the release of the Traveler’s Casualty Performance Bond No. 107076502 in the amount of \$77,600.00 held as security for the Standard Improvement Contract.

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)



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FISCAL CONSENT AGENDA

16. RESOLUTION for approval to receive (\$9,030.96) for the Memphis Youth City Council from Memphis Light Gas and Water to be used for supply purchases for the Memphis Youth Council. Project #GR91020, Award #13227. All Council Districts. This resolution is sponsored by Memphis Office of Youth Services. **(Request for same night minutes)**



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MLGW FISCAL CONSENT

17. RESOLUTION approving Change No. 2 to Contract No. 12126, Trend Micro Enterprise Support with Unico Technology, LLC, in the funded amount of \$78,260.88. (This change is to ratify and renew the current contract for the second of four annual renewal terms for the period covering March 18, 2022 through March 17, 2023, which reflects a 11.5% increase in rates from the previous term.)
18. RESOLUTION awarding Contract No. 12332, Mail Operations Shipping and Receiving Solution to Pitney Bowes, Inc., in the funded amount of \$77,154.24.
19. RESOLUTION approving the payment of an invoice from Tennessee Valley Public Power Association for the 2022 Annual Membership Dues, in the amount of \$52,455.29.
20. RESOLUTION awarding a purchase order to MVA Power, Inc., for substation capacitors in the amount of \$123,124.00.
21. RESOLUTION approving the payment of an invoice from the American Gas Association for the 2022 Annual Membership Dues Renewal, in the amount of \$56,788.00.
22. RESOLUTION awarding Contract No. 12335, Davis #3 Variable Frequency Drive (VFD) Replacement to Shelby Electric Company, Inc., in the funded amount of \$818,000.00.
23. RESOLUTION awarding a purchase order to Doble Engineering Company for software agreement, equipment, and accessories in the amount of \$253,955.00.
24. RESOLUTION awarding a purchase order to Engineered Sealing Components for replacement bushings in the amount of \$109,752.00.
25. RESOLUTION approving Change No. 18 to Contract No. 11292, Cashiering System Replacement with System Innovators, in the funded amount of \$45,806.03. (This change is to renew annual hardware, software maintenance, and support services for the Creditron Software, Opex Hardware (Item Age Express), for the period covering May 1, 2022 through April 30, 2023, with no increase in rates from the previous renewal term. MLGW is requesting continuous maintenance of the acquired systems, which can only be performed by System Innovators and the third-party providers.)

26. RESOLUTION awarding a purchase order to All Rite Plumbing Parts, Inc., for 12" coated steel gas pipe in the amount of \$220,012.00.
27. RESOLUTION awarding Contract No. 12339, Janitorial Services to Mason's Professional Cleaning Services, LLC in the funded amount of \$1,084,008.00.
28. RESOLUTION approving Change No. 1 to Contract No. 12175, Locksmith Services with Quality Safe and Lock Company, Inc., in the funded amount of \$50,000.00. (This change is to renew the current contract for the first of four annual renewal terms for the period covering May 14, 2022 through May 13, 2023, with no increase in rates from the previous term.)
29. RESOLUTION approving Change No. 4 to Contract No. 11928, Mobile Document (On-Site) Shredding Services with Vital Records Control, Incorporated, in the funded amount of \$27,000.00. (This change is to ratify and renew the current contract for the fourth and final annual renewal term for the period covering January 4, 2022 through January 3, 2023, which reflects a 12.72% increase in rates from the previous term.)



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REGULAR AGENDA

APPOINTMENTS

30. **MEMPHIS BOARD OF ETHICS**
Easter-
Thomas Appointment
Chairman,
Personnel & James Crone
Governmental
Affairs
Committee

GENERAL ORDINANCE THIRD AND FINAL READING

31. **ORDINANCE** to amend Section 2.20-5 of the Code of Ordinances of the City of Memphis pertaining to contract and salaries of the MLGW Division to raise the amount of contracts and salaries or compensation for employees or others requiring City Council approval to \$500,000.00 and \$180,000.00, respectively, up for T H I R D and F I N A L reading. Ordinance No. 5819 is sponsored by MLGW Division.

ACTION REQUESTED: Take whatever action Council deems advisable

32. **SUBSTITUTE ORDINANCE** adding a method of payment provision and defining commercial property to Chapter 41, City Code of Ordinances, Wreckers, and Towing Operators, up for T H I R D and F I N A L reading. Ordinance No. 5818 is sponsored by Councilman Jones and Councilman Smiley.
- ACTION REQUESTED: Take whatever action Council deems advisable

Note: This item was pulled from the February 15, 2022 meeting minutes during the March 1, 2022 meeting.

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION

33. RESOLUTION appropriating Construction Funds in the amount of (\$410,000.00) for Project Smiley Number EN01111-Traffic Signal Improvement to the intersection of Peabody at Belvedere. District 5, Super District 9. This resolution is sponsored by the Engineering Division.

Chairman,
Public Works,
Solid Waste &
General Services
Committee

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION TECHNOLOGY (None)

LAW DIVISION (None)

LIBRARY SERVICES (None)

MEMPHIS PARKS (None)

MLGW DIVISION (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS

34. RESOLUTION in support of House Bill 2812 of the 113th General Assembly. All Council Districts. This resolution is sponsored by Councilman Smiley and Councilwoman Easter-Thomas. (Held from 3/1)

Easter-
Thomas
Chairman,
Personnel &
Governmental
Affairs
Committee

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT