



**CITY COUNCIL
MEETING AGENDA**

July 12, 2022

3:30 p.m.

**Council Chambers, Lobby 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.*

District 4. Chairwoman Jamita Swearengen

Super District 8-3. Vice Chairman Martavius Jones

District 1. Rhonda Logan

District 2. Frank Colvett, Jr.

District 3. Patrice J. Robinson

District 5. Worth Morgan

District 6. Edmund Ford, Sr.

District 7. Michalyn Easter-Thomas

Super District 8-1. JB Smiley, Jr.

Super District 8-2. Cheyenne Johnson

Super District 9-1. Chase Carlisle

Super District 9-2. J. Ford Canale

Super District 9-3. Dr. Jeff Warren

Recessed from July 12th to July 14th at 4:00pm

ORDER OF BUSINESS

I. CALL TO ORDER by the Sergeant-at-Arms

II. 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.

III. PLEDGE OF ALLEGIANCE

IV. CALL OF ROLL by the Comptroller

V. APPROVAL OF PREVIOUS MEETING MINUTES (June 21, 2022)

VI. ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

VII. ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. DUO PERFORMANCE by Gerard Harris and Valencia Robinson. Requested by Chairwoman Swearengen.
2. SPECIAL PRESENTATION awarding the Memphis City Council. Requested by YMCA of Memphis and the Mid-South.
3. RESOLUTION honoring Victor I. Walker in achieving the honor of Eagle Scout and earning the prestigious National Medal for Outdoor Achievement. This resolution is sponsored by the Memphis City Council. (Held from 5/24)
4. RESOLUTION honoring the 50th Reunion of the Melrose Class of 1972 Golden Wildcats. This resolution is sponsored by Chairwoman Swearengen.

PUBLIC HEARINGS

5. RESOLUTION approving the appeals of Mary Donald; Pedro, Magdalena, and Araceli Rodriguez; Jesse and Angela Clayton; Billy and Barbara Agee; Lewis and Elaine Crafton; Peggy and Judith Duffy; and O’Rane M. Cornish Sr seeking to overturn the action of the Memphis and Shelby County Land Use Control Board approving a site plan review for two warehouses within the Raines Road Planned Urban Development at the property located at 4310 Tchulahoma Road.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. MJR 22-23

Appellants: Mary Donald; Pedro, Magdalena, and Araceli Rodriguez; Jesse and Angela Clayton; Billy and Barbara Agee; Lewis and Elaine Crafton; Peggy and Judith Duffy; and O’Rane M. Cornish Sr.

Appellee: Land Use Control Board

Request: Overturn a decision of the Land Use Control Board

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES WERE MAILED ON JUNE 29, 2022

DIVISION OF PLANNING AND DEVELOPMENT

6. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for an apartment complex at 3100 Walnut Grove Road and an adjacent parcel. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. SUP 22-05

Applicant: Lighthouse Community Ecosystem, LLC
Jim Atkinson of A2H, Inc. (Representative)

Request: Special use permit for an apartment complex Family Residential - 6 Zoning District

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

7. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 2966 Kirby Road and Quince Road. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. SUP 22-08

Applicant: Walter D. Wills, III/ Max Alley, LLC.
Cindy Reaves of SR Consulting, LLC. (Representative)

Request: To allow a Special Use Permit for new Glide Express car wash

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

8. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 688 Avon Road. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. SUP 22-12

Applicant: CSC Properties
Chelsea Jones (Representative)

Request: To allow the use of the property as a Child Care Center in a Single Family Residential - 6 Zoning District

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

9. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving special use permit for a planned development at 3903 Flaxwood Lane and two adjacent parcels. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 22-01

Applicant: Jeff Yorick of UMH Properties, Inc.
Homer Branan (Representative)

Request: Special use permit for a planned residential development
Trails Planned Development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

10. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development amendment at the parcel between 6580 Poplar Avenue and 6584 Poplar Avenue. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 22-04

Applicant: Nimesh Patel of Baywood Hotels, Inc.
Cindy Reaves of SR Consulting, LLC. (Representative)

Request: Amendment to permit a hotel

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

11. Johnson
Chairman,
Planning
& Zoning
Committee

RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 6685 Shelby Drive. This resolution is sponsored by the Division of Planning and Development.

Case No. PD 22-07

Applicant: Century Express Car Wash
Anita Archambeau & Matt Wolfe, ETI Corp (Representative)

Request: Amendment to Ross Creek Planned Development to allow a car wash establishment

LUCB recommendation: APPROVAL, with conditions

DPD recommendation: REJECTION, *Note: a condition of approval was added by the LUCB that resolved the Division’s principal concern.

ACTION REQUESTED: Take whatever action Council deems advisable

12. Johnson
Chairman,
Planning
& Zoning
Committee

RESOLUTION approving the Parkview Planned Development at the subject property located at 1914 Poplar Avenue. This resolution is sponsored by the Division of Planning and Development.

Case No. PD 22-09

Applicant: SB Memphis Parkview LLC & Parkview Equity Fund, LLC./
Forge Partners (Tim Williams)
Mike Davis & Gil Uhlhorn (Bass, Berry, & Sims PLC.) (Representative)

Request: New mixed use planned development to convert an existing adult independent living use to multi-family apartments with optional ground floor commercial uses

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

13. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving an amendment to the Kirby Gate Business Campus Planned Development at the westside of Kirby Road, approximately 351' north of Kirby Gate Boulevard. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 22-11

Applicant: Kirby Donuts Holdings, LLC.
David Baker of Fisher Arnold, Inc. (Representative)

Request: Amendment to the Kirby Gate Business Campus Planned Development
To allow a freestanding, drive-through donut shop

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

14. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located on the southside of Barge Drive at the intersection of Barge Drive and Current Lane. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 22-15

Applicant: Gautam Malhotra
David Bray, The Bray Firm (Representative)

Request: To allow flex/storage space in area B-3 of the Houston Levee
Trails Planned Development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCE- THIRD AND FINAL READING (None)

CONSENT AGENDA

GENERAL ORDINANCE- FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE – FIRST READING

15. **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 to authorize a zoning district change for the three parcels between 2500 Kate Bond Road and Interstate 40 from the Residential Single Family – 8 District to the Commercial Mixed Use- 2 District, up for F I R S T reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 22-03
Ordinance No. 5831

Applicant: Quan Poole

Request: Change zoning to Commercial Mixed Use – 2 (CMU-2)

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

NOTATIONS FROM DPD (None)

ENGINEERING DIVISION

- 16. RESOLUTION approving the engineering plans for 3965 OLD GETWELL RD- MECHANICAL SYSTEMS COMPANY DRAINAGE and accepting bond as security. (Request for Same Night Minutes)

Contract No. CR-5410

Resolution approves engineering plans within the present limits of the City of Memphis, Tennessee and located at 3965 Old Getwell Road in Memphis Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also accepts Performance Bond No. 83B112176 in the amount of \$139,000.00 as security for the project.

ACTION REQUESTED: Adopt the Resolution

- 17. RESOLUTION approving the final plat for WOODLAND HILLS II PD, PHASE 15 PART OF AREA 7 (COUNTY) and accepting bond as security. (Request for Same Night Minutes)

Contract No. CR-5411

Resolution approves the final plat within the present limits of Shelby County and located at the southwest quadrant of Trinity Road and Woodland Lake Drive intersection in Shelby County, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also accepts Financial Federal Letter of Credit No. 429A in the amount of \$335,800.00 as security for the project.

ACTION REQUESTED: Adopt the Resolution

- 18. RESOLUTION approving the engineering plans for LUCKY SELF-STORAGE – 325 G.E. PATTERSON AVENUE and accepting bond as security. (Request for Same Night Minutes)

Contract No. CR-5412

Resolution approves the engineering plans within the present limits of the City of Memphis and located at 325 G.E. Patterson Avenue in Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also accepts the Performance Bond No. 0247406 in the amount of \$75,000.00 as security for the project.

ACTION REQUESTED: Adopt the Resolution

- 19. RESOLUTION approving the final plat for MALLORY ANNEX, PHASE 1 (B.O.A. CASE #20-58) and accepting bond as security. (Request for Same Night Minutes)

Contract No. CR-5413

Resolution approves the final plat in the present limits of the City of Memphis as reflected on the plat and located at 4242 Swinnea Road Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also accepts the Travelers Casualty and Surety Company of America Performance Bond No. 106282421 in the amount of \$292,900.00 as security for the project.

ACTION REQUESTED: Adopt the Resolution

- 20. RESOLUTION approving the final plat for EPPING FOREST SUBDIVISION SECTION D and accepting bond as security. (Request for Same Night Minutes)

Contract No. CR-5414

Resolution approves the final plat in the present limits of the City of Memphis as reflected on the plat and located at the northeast corner of North Highland Road and James Road in Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also accepts the Performance Bond No. E706763 in the amount of \$205,300.00 as security for the project.

ACTION REQUESTED: Adopt the Resolution

- 21. RESOLUTION accepting public improvements for WOODLAND HILLS II PD, PHASE 13, PD 19-09 CO (COUNTY) and authorizing release of the bond. (Request for Same Night Minutes)

(Contract No. CR-5369)

Resolution accepts the public improvements located in the present limits of Shelby County, approximately 800 linear feet west of Woodland Trace Lane, north of Trinity Road in Shelby County, Tennessee. Resolution also authorizes the release of Financial Federal Letter of Credit No. 233A in the amount of \$35,600.00 held as security.

ACTION REQUESTED: Adopt the Resolution

22. RESOLUTION approving Supplemental Agreement #1 to CR-5373 – TILLMAN COVE DEVELOPMENT. (Request for Same Night Minutes)

(Contract No. CR-5373)

Resolution approves Supplemental Agreement #1 which:
Releases existing QBE Insurance Company Performance Bond No. BND 72600077 and replacing it with Travelers Casualty and Surety Company of America Performance No. 107613522 with matching amount of \$118,200.00.
Extension of CR-5373 – Tillman Cove Development improvement contract three Hundred sixty-five days.

ACTION REQUESTED: Adopt the Resolution

GENERAL ITEMS (None)

FISCAL CONSENT AGENDA

23. RESOLUTION to accept, allocate and appropriate grant funds in the amount of (\$430,500.00) from the State of Tennessee, Office of the Secretary of State, TN State Library and Archives. All Council Districts This resolution is sponsored by Library Services. (Request for Same Night Minutes)
24. RESOLUTION to accept grant funds in the amount of (\$75,000.00) from International Paper Foundation for “Lit Meets Rec” literacy programming at all Community Centers. All Council Districts. This resolution is sponsored by Memphis Parks. (Request for Same Night Minutes)

MLGW FISCAL CONSENT

Chair: Patrice Robinson, Vice Chair: Chase Carlisle

25. RESOLUTION approving Change No. 7 to Contract No. 11362, Electronic Forms Routing with BP Logix in the funded amount of \$257,543.66. (This change is to upgrade the existing software license to the Process Director Subscription license, renew annual software maintenance, license and support services for the period covering August 1, 2022 through July 31, 2027. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by BP Logix.)
26. RESOLUTION approving Change No. 4 to Contract No. 12023, Aerial Patrol of Gas Transmission Right-of-Way with Tennessee Helicopter Services, Inc., in the funded amount of \$70,000.00. (This change is to renew the current contract for the fourth and final annual renewal term for the period covering August 29, 2022 through August 28, 2023 with no increase in rates from the previous year.)
27. RESOLUTION awarding Contract No. 12360, Professional Engineering Services to HDR Engineering, Inc. in the funded not-to-exceed amount of \$2,000,000.00.
28. RESOLUTION approving Change No. 1 to Contract No. 12315, New Canada Road 24" Main with Encor, LLC, in the funded amount of \$105,062.58. (This change is to ratify and increase the contract value in the funded amount of \$105,062.58 to purchase 24" DISJ pipe. Due to rising material costs, American Pipe was not able to honor their initial quote to Encor, LLC. The term of the contract will remain for the period covering February 24, 2022 through February 23, 2025. The term of the contract will remain for the period covering February 24, 2022 through February 23, 2025)
29. RESOLUTION awarding Contract No. 12357, Shaw Filter Valve Replacement to Barnes and Brower, Inc., in the funded not-to-exceed amount of \$862,220.00.
30. RESOLUTION approving Change No. 1 to Contract No. 12251, Aerator Maintenance with R. P. Services, Inc., in the funded amount of \$306,000.00. (This change is to renew the current contract for the first annual renewal term covering the period August 25, 2022 through August 24, 2023. This renewal reflects a 2% increase in rates, in accordance with the contract documents, from the previous year due to increase in cost of equipment and materials.)
31. RESOLUTION approving Change No. 1 to Contract No. 12219, CDL Roadway with Lehman Roberts Company, in the funded amount of \$375,420.00. (This change is to ratify, extend, and increase the contract value for an additional 12 months to replace pavement that is in very bad condition at the MLGW University. Also, there is a 55.10% increase in rates for a ton of liquid asphalt since October 2020 due to the bituminous index price increase on liquid asphalt.)

32. RESOLUTION awarding a purchase order to Universal Scaffold & Equipment for ACSR 1590 bare wire in the amount of \$372,780.00.

REGULAR AGENDA

APPOINTMENTS

GENERAL ORDINANCES THIRD AND FINAL READING (None)

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

33. RESOLUTION to allocate and appropriate \$3,250,000.00 in Memphis City Council
Jones Community Grant Funds to Non-Profit Agencies for FY23. All Council Districts.
Chairman, This resolution is sponsored by the Finance Division. (Request for Same Night
Budget Minutes)
Committee

SNM **ACTION REQUESTED:** Adopt the Resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

34. RESOLUTION approving the donation of a portion of city-owned property for a
Smiley nominal fee in the amount of (\$1.00) located at 292 RR Row, Memphis, TN 38103
Chairman, Parcel #012001 00065. All Council Districts. This resolution is sponsored by the
Public Works, Administration.
Solid Waste &

General **ACTION REQUESTED:** No Recommendation
Services
Committee

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION TECHNOLOGY (None)

LAW DIVISION (None)

LIBRARY SERVICES (None)

MLGW DIVISION (None)

MEMPHIS PARKS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS

35. RESOLUTION requesting approval of Downtown Memphis Commission’s FY23
Jones Budget. All Council Districts. This resolution is sponsored by Downtown Memphis
Chairman, Commission.
Budget
Committee **ACTION REQUESTED:** Adopt the Resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON AGENDA

AND REQUEST FOR SAME NIGHT MINUTES

ITEMS #16-#24, ITEM #33, ITEM #36, AND ITEMS #38-#43

36. RESOLUTION by the City Council of the City of Memphis, Tennessee approving an Economic Impact Plan for the Legacy at Countrywood Economic Development Area. District 1, Super District 9. This resolution is sponsored by EDGE. **(Request for Same Night Minutes)**

Ford
Chairman,
Economic
Development
& Tourism
Committee
SNM

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION for Economic Development Initiative – One Beale Convention Center Commitment. District 6, Super District 8. This resolution is sponsored by Councilmembers Ford, Sr., Robinson, Morgan, Smiley, Jr., Johnson, Canale and Warren. **(Request for Same Night Minutes)**

Ford
Chairman,
Economic
Development
& Tourism
Committee
SNM

ACTION REQUESTED: Adopt the resolution

38. **MEMPHIS & SHELBY COUNTY REDEVELOPMENT AGENCY**

Easter-
Thomas
Chairman,
Personnel &
Governmental
Affairs
SNM

Joint Appointment

Ann Langston

(Request for Same Night Minutes)

39. RESOLUTION to amend the Memphis City Council Community Grant Program for FY23. All Council Districts. This resolution is sponsored by Councilman Ford. **(Request for Same Night Minutes)**

Jones
Chairman,
Budget
Committee
SNM

ACTION REQUESTED: Adopt the Resolution

40. RESOLUTION to amend the Memphis City Council Community Grant Program for FY23. All Council Districts. This resolution is sponsored by Councilwoman Robinson. **(Request for Same Night Minutes)**

Jones
Chairman,
Budget
Committee
SNM

ACTION REQUESTED: Adopt the Resolution

41. RESOLUTION to appropriate \$3,000,000 in ARPA funding to designate Promise Jones CDC as project manager and fiscal agent to address the food desert in the North Chairman, Memphis area. District 7, Super District 8. This resolution is sponsored by Budget Committee Councilwoman Easter-Thomas. **(Request for Same Night Minutes)**

SNM

ACTION REQUESTED: Adopt the Resolution

42. RESOLUTION introducing the Reproductive Autonomy Is Necessary (RAIN) Act. Swearingen All Council Districts. This resolution is sponsored by Councilman Smiley.

Chairman, **(Request for Same Night Minutes)**
Executive

Session **ACTION REQUESTED:** No Recommendation

SNM

43. RESOLUTION to allocate and appropriate \$250,000 from the FY23 City Council Community Swearingen Impact Fund to the STEM center at Whitehaven High School. All Council Districts. This Chairman, resolution is sponsored by Councilmembers Robinson, Ford, Carlisle, Canale, Warren and Executive Johnson. **(Request for Same Night Minutes)**

Session

SNM

ACTION REQUESTED: Adopt the resolution