



**CITY COUNCIL
MEETING AGENDA**

August 8, 2023

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.*

Super District 8-3. Chairman Martavius Jones
Super District 8-1. Vice Chairman JB Smiley, Jr.
District 1. Rhonda Logan
District 2. Frank Colvett, Jr.
District 3. Patrice J. Robinson
District 4. Jana Swearengen-Washington
District 5. Worth Morgan
District 6. Edmund Ford, Sr.
District 7. Michalyn Easter-Thomas
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

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 (July 25, 2023)

VI. ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

VII. ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Tracy Bethea for her leadership and contributions to the Gospel Radio Industry. This Resolution is sponsored by Councilwoman Swearingen-Washington.
2. RESOLUTION honoring Mr. Floyd L. and Mrs. Roxie L. Miller, owners of the historic and world-renowned *Roxie's Grocery*, in the Greenlaw-Uptown community. This Resolution is sponsored by Councilwoman Easter-Thomas.
3. RESOLUTION honoring George Foster for his civic engagement. This Resolution is sponsored by Councilmember Smiley. (Held from 7/25)

PUBLIC HEARINGS

4. Johnson
Chairman,
Planning
& Zoning
Committee

RESOLUTION approving the appeal of Ann Burgess seeking to amend the Memphis and Shelby County Land Use Control Board’s conditions of approval of the site plan of a proposed apartment complex at 3581 Tournament Dr. S. and two adjacent parcels. This Resolution is sponsored by the Division of Planning and Development.

Case No. MJR 23-13
(PD 94-356 CC CORRES)

Appellant: Ann Burgess

Appellee: TTL Development, LLC

Request: Amend the Memphis and Shelby County Land Use Control Board’s conditions of approval of the site plan of a proposed apartment complex, specifically by reducing the maximum number of dwelling units from 500 to 279 units, including three new conditions.

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; Public Hearing Required

16 NOTICES WERE MAILED ON JULY 18, 2023

DIVISION OF PLANNING AND DEVELOPMENT

5. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development amendment at 299 Germantown Bend Cove. This Resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 23-11

Applicant: Angela Finerson

Request: Amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for a planned residential development at 2882 Southern Ave, and the parcel to its west. This Resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 23-12

Applicant: Providence Enterprise, LLC
Doug Baker of ETI Corporation (Representative)

Request: Special use permit for a five (5) lot 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

7. 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 3337 Overton Crossing St. This Resolution is sponsored by the Division of Planning and Development. **(Held from 7/11)**

Case No. PD 23-09

Applicant: Cash America Central, Inc.
SR Consulting, LLC (Representative)

Request: New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

LUCB recommendation: APPROVAL, with conditions

DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE- THIRD AND FINAL READING (None)

CONSENT AGENDA

GENERAL ORDINANCES- FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

8. **REFERENDUM ORDINANCE** amending the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to re-establish the office of City Court Clerk as an elected office of the City of Memphis, up for S E C O N D reading. Ordinance No. 5878 is sponsored by Chairman Jones.

ACTION REQUESTED: Adopt the Ordinance on Second reading

9. **REFERENDUM ORDINANCE** amending Article 27, Section 190 of the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to require all persons employed by the City of Memphis to live within Shelby County, Tennessee, up for S E C O N D reading. Ordinance No. 5879 is sponsored by Chairman Jones.

ACTION REQUESTED: Adopt the Ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

10. **ZONING ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, City of Johnson Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis Chairman, and Shelby County Unified Development Code, to authorize a Zoning Use District Planning reclassification for land located at 5420 Knight Arnold Road by taking the land out of the & Zoning Residential Single-Family – 6 Use District and including it in the Commercial Mixed Use - District, up for S E C O N D reading. This Ordinance is sponsored by the Division of Committee Planning and Development.

Case No. Z 23-07
Ordinance No. 5880

Applicant: Hector Garcia
David Bray of the Bray Firm (Representative)

Request: Rezoning of 0.6 acres from Residential Single-Family -6 to Commercial Use – 1.

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on Second reading.

NOTATIONS FROM DPD (None)

ENGINEERING DIVISION

11. RESOLUTION approving final plat for GRAYS CREEK APARTMENTS AMHERST PD AREA 5, PHASE I and accepting bond as security. (Request for Same Night Minutes)

Contract No. CR-5442

Resolution approves final plat in the present limits of Shelby County as shown on the engineering plans, and located at 9880 Walnut Grove in Shelby County, Tennessee. Cost of required improvements to be borne by the Developer. Resolution also accepts the Performance Bond No. 10041804 for \$1,067,200.00, as security for the project.

ACTION REQUESTED: Adopt the Resolution

12. RESOLUTION accepting termination of public improvements for 9 EAST PLANNED DEVELOPMENT SUBDIVISION [CR-5365] and releasing bond. (Request for Same Night Minutes)

(Contract No. CR-5365)

Resolution accepts termination of public improvements within the present limits of the City of Memphis and located at the 320 East Street, in Memphis, Tennessee. Resolution also authorizes release of the Cash Bond in the amount of \$38,800.00 held as security.

ACTION REQUESTED: Adopt the Resolution

GENERAL ITEMS (None)

FISCAL CONSENT AGENDA

13. RESOLUTION to accept, allocate and appropriate grant funds in the amount of (\$300,000.00) from the Federal Communications Commission for The City's efforts to increase awareness of the Affordable Connectivity Program, Project #: L190047. All Council Districts. This Resolution is sponsored by Library Services. **(Request for Same Night Minutes)**
14. RESOLUTION accepting grant funds in the amount of (\$130,000.00) from Tennessee Department of Health for Project Diabetes Year 2, for the implementation of health promotion efforts throughout the Memphis area, Project #: PK90124. This Resolution is sponsored by Memphis Parks. **(Request for Same Night Minutes)**
15. RESOLUTION accepting Grant funds in the amount of (\$50,000.00) from International Paper Foundation for "Lit meets Rec" literacy programming at Community Centers, Project #: PK90123. All Council Districts. This Resolution is sponsored by Memphis Parks. **(Request for Same Night Minutes)**
16. RESOLUTION to accept Grant funds in the amount of (\$90,000.00) from Petco Love, Project #: R91029. All Council Districts. This Resolution is sponsored by Animal Services. **(Request for Same Night Minutes)**
17. RESOLUTION to accept grant funds in the amount of (\$3,000,000.00) from the State of Tennessee Office of Criminal Justice Programs (OCJP), Project #: PD90269. All Council Districts. This Resolution is sponsored by Police Services. **(Request for Same Night Minutes)**

MLGW FISCAL CONSENT

Chair: Patrice Robinson, Vice Chair: Worth Morgan

18. RESOLUTION approving Change No. 3 to Contract No. 12304 (Formerly Purchase Order #7015763), Veeam Backup and Replication Enterprise Plus Annual Production with Logicalis, Inc., (This change is to renew the annual maintenance for Veeam software support and maintenance services and to co-term Veeam license agreement 2891579 for the period covering November 15, 2023, through November 14, 2024) in the funded amount of \$106,440.10. .
19. RESOLUTION approving Change No. 2 to Contract No. 12209, Courier Services with Deep South Delivery, LLC dba Diligent Delivery Systems (formerly Express Courier International, Inc.) (This change is to renew the current contract for the second of four annual renewal terms covering the period of September 6, 2023, through September 5, 2024) in the funded amount of \$152,292.15.
20. RESOLUTION allowing MLGW to enter into a Joint Funding Agreement with the US Army Corps of Engineers. MLGW's intent is to participate in the funding of a Feasibility Cost Sharing Agreement. The maximum amount MLGW is committing to shall not exceed \$700,000.
21. RESOLUTION approving Change No. 5 to Contract No. 12150, Mallory Wash Water Recovery with Chris-Hill Construction Company, LLC, to ratify, extend, expand the scope, and increase the current contract value in the amount of \$135,565.00.
22. RESOLUTION approving Change No. 1 to Contract No. 12142, Card Payment Processing Services to Card Connect, LLC - Option A (This change is to renew the current contract for the first of two annual renewal terms for the period covering January 1, 2024, through December 31, 2024) in the funded amount of \$3,374,232.00.
23. RESOLUTION approving Change No. 8 to Contract No. 10614, Bloomberg Data License and Maintenance Agreement with Bloomberg, L.P., (This change is to renew the current contract for bi-annual software maintenance, licenses, and support services for an additional two-year term covering the period September 2, 2023, through September 1, 2025) in the funded not-to-exceed amount of \$77,880.00.
24. RESOLUTION approving the ratification of purchase order numbers 7040461 and 7038560 to Universal Scaffold & Equipment Company for cable 1/C in the total amount of \$3,751,670.00.
25. RESOLUTION approving the ratification of Purchase Order Number 7039407 to Brighter Days and Nites, Inc. for four types of control cable in the total amount of \$507,971.00.
26. RESOLUTION to approve the salary of the Vice President General Counsel, at an annual salary of \$214,988.80. (Request for Same Night Minutes)

27. RESOLUTION approving Change No. 2 to Contract No. 12212, Job Evaluation Manager Subscription with Korn Ferry to extend the current contract in the funded amount of \$331,200.00.

REGULAR AGENDA

APPOINTMENTS

28. **MEMPHIS LIGHT, GAS AND WATER COMMISSION**

Easter-

Thomas **Reappointment**

Chairman,

Personnel & Michael Pohlman

Governmental

Affairs

Committee

GENERAL ORDINANCES THIRD AND FINAL READING

29. **ORDINANCE** to amend Chapter 41 - Wreckers or Towing Operators of the Code

Logan of Ordinances of Memphis, Tennessee, so as to update fees prescribed, up for

Chairman, T H I R D and F I N A L reading. Ordinance No. 5876 is sponsored by Councilman

Public Safety Canale. (Held from 7/11; 7/25)

& Homeland

Security

Committee

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to amend the Code of Ordinances of the City of Memphis, Tennessee,

Canale Chapter 6, to define Entertainment Transportation Vehicles, and to provide for the

Chairman, licensing and regulation of the same, up for T H I R D and F I N A L reading. Ordinance

Transportation No. 5861 is sponsored by Councilman Canale. (Held from 4/25; 5/16; 6/13; 7/25)

Committee

ACTION REQUESTED: Take whatever action Council deems advisable

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

31. RESOLUTION approving the donation of a city owned parcel located at 484 East Smiley Simpson Avenue, Memphis, Shelby County, TN 38106 and further described as Parcel I.D. #025040 00027. District 4, Super District 8. This Resolution is sponsored by General Services.
Chairman, Public Works, Solid Waste & General Services Committee **ACTION REQUESTED:** Adopt the Resolution

32. RESOLUTION requesting the approval to transfer a 10.34-acre parcel to the Memphis-Shelby County Board of Education. District 2, Super District 9. This Resolution is sponsored by General Services.
Chairman, Public Works, Solid Waste & General Services Committee **ACTION REQUESTED:** Adopt the Resolution

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

33. RESOLUTION to transfer and appropriate residual funding in the amount of (\$407,438.96) from multiple MPD inactive projects to PD04029, Radio Maintenance Bldg. Rehab Project. All Council Districts. This Resolution is sponsored by Police Services.
Logan Chairman, Public Safety & Homeland Security Committee **ACTION REQUESTED:** Adopt the Resolution

34. RESOLUTION to transfer a portion of City of Memphis Police Services CIP Project #PD02018, Violent Crimes Unit renovation from Construction line to Architecture and Engineering (A&E). All Council Districts. This Resolution is sponsored by Logan Chairman, Public Safety & Homeland Security Committee

ACTION REQUESTED: Adopt the Resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

DIVISION OF SOLID WASTE (None)

GENERAL ITEMS

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT