



CITY OF MEMPHIS

COUNCIL REGULAR MEETING AGENDA

Tuesday, March 16, 2021, 3:30 p.m.

Conducted by Electronic/Telephonic Means

Official Recording of Meeting will be available on
City Council's Website

https://www.memphistn.gov/government/city_council

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 Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 2, 2021)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARING (None)

DIVISION OF PLANNING AND DEVELOPMENT

1. RESOLUTION approving a planned development located at 786 E. Brookhaven Circle; containing +/-11,674 sq ft. in the Commercial Mixed Use – 1 (CMU-1) District. This resolution is sponsored by the Division of Planning and Development.

Case No. PD 21-02

Canale
Chairman,
Planning
& Zoning
Committee

Applicant: Brookhaven Townhomes, LLC/ Jonathan Aur

Jonathan Aur – Representative

Request: Six-lot single-family attached (townhouse) Residential Planned Development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

2.
Canale
Chairman,
Planning
& Zoning
Committee

RESOLUTION approving a special use permit located at 578 Harrell Street; containing +/-0.13 acres in the Commercial Mixed Use – 1 (CMU-1), SUP 94-219, Z 03-122 Districts. This resolution is sponsored by the Division of Planning and Development.

Case No. SUP 20-15

Applicant: Early Grove Baptist Church/ The Purpose Place
Charlene Brown – Representative

Request: To allow a transitional home

LUCB recommendation: APPROVAL, with conditions

DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3.
Canale
Chairman,
Planning
& Zoning
Committee

RESOLUTION approving a special use permit located at 2906 Old Austin Peay Highway; containing 0.27 acres in the Commercial Mixed Use – 3 District. This resolution is sponsored by the Division of Planning and Development.

Case No. SUP 20-16

Applicant: Fredrick Sengstacke of the Octopus Group, Inc.
Fredrick Sengstacke – Representative

Request: Special use permit for vehicle sales

LUCB recommendation: APPROVAL, with conditions

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

4. RESOLUTION authorizing an Ida B. Wells memorial at the corner of Beale Street and Fourth Street. This resolution is sponsored by Councilmembers Warren, Canale, Easter-Thomas, Logan, Robinson, Smiley and Swearingen.

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCE- FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCES – FIRST READING

5. **ORDINANCE** rezoning the Northwest corner of Frayser Boulevard and Ardmore Street; containing 0.7 acres in the Residential – 6 and Residential – 10 Districts up for F I R S T reading. This ordinance is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning
& Zoning
Committee

Case No. Z 21-04
Ordinance No. 5780

Applicant: National Cities Corporation
David Bray of the Bray Firm – Representative

Request: Commercial Mixed Use – 1

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** rezoning the Southside of E. Holmes Road; +/-1,534.97 feet west of Pleasant Hill Road; containing 4.05 acres in the Conservation Agriculture (CA) District up for F I R S T reading. This ordinance is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning
& Zoning
Committee

Case No. Z 21-01
Ordinance No. 5781

Applicant: David V. Couch
Cindy Reaves, SR Consulting, LLC – Representative

Request: Employment (EMP) District

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

NOTATION FROM OPD

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

A. **Case No. PD 20-18 – CBU NORTH CAMPUS PLANNED DEVELOPMENT**

Located at the Southwest corner of Avery Avenue and S. Hollywood Street containing +/-7.23 acres in the Residential Single Family – 6 (R-6) and Residential Urban – 3 (RU-3) Districts.

Applicant: Christian Brothers University/Ronald Brandon – CFO
Marty Regan/ Tim McCaskill – Representatives

Request: Additional land and accessory uses for Christian Brothers University

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 6, 2021

ENGINEERING DIVISION

8. RESOLUTION approving the public improvements of PROJECT IRIS.

(Contract No. CR-5317)

Resolution approves the public improvements located at 4055 New Allen Road, Southwest corner lot of the New Allen Road/ Hawkins Mill Road intersection in the City of Memphis. Resolution also authorizes the release of the Performance Bond No. 30072389 in the amount of \$2,098,300.00.

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving the engineering plans for MORNING SUN ROAD SEWER EXT.

Contract No. CR-5361

Resolution approves the engineering plans located on the Southside of U.S. Hwy 64 at Morning Sun Road in the City of Memphis. Cost of improvements to be borne by the Developer. Resolution also authorizes to accept, in lieu of bond, SunTrust Cashier's Check No. 5302190089 in the amount of \$139,300.00 and SunTrust Cashier's Check No. 5302219904 in the amount of \$300.00.

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving the engineering plans for 80 VIRGINIA LOFTS.

Contract No. CR-5362

Resolution approves the engineering plans located at 80 Virginia Avenue West in the City of Memphis. Cost of improvements to be borne by the Developer. Resolution also authorizes to accept the Performance Bond No. 30123482 in the amount of \$64,000.00.

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving the engineering plans of H2S DOWNTOWN MEMPHIS.

Contract No. CR-5363

Resolution approves the engineering plans located at 139 Vance Avenue (between the intersections of Mulberry Street and S. 2nd Street) in the City of Memphis. Cost of improvements to be borne by the Developer. Resolution also authorizes to accept the Performance Bond No. NTN 1707 in the amount of \$82,700.00.

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving the engineering plans for BROAD AVENUE APARTMENTS.

Contract No. CR-5364

Resolution approves the engineering plans located at 2542 Broad Avenue – Northwest corner lot in the Broad Avenue and Bingham Street intersection in the City of Memphis. Cost of improvements to be borne by the Developer. Resolution also authorizes to accept the Performance Bond No. 3234390 in the amount of \$67,500.00.

ACTION REQUESTED: Adopt the resolution



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FISCAL CONSENT AGENDA

13. RESOLUTION accepting grant funds in the amount of twenty thousand dollars (\$20,000.00) from Arbor Day Foundation to support maintenance of trees at McFarland Park. (District 4, Super Districts 8) This resolution is sponsored by Park Services. **(Request for Same Night Minutes)**
14. RESOLUTION accepting in-kind donation in value of ten thousand three hundred dollars (\$10,300.00) from 901 Volleyball for support of volleyball courts at Tobey Park. (Districts 5, Super District 9) This resolution is sponsored by Park Services. **(Request for Same Night Minutes)**
15. RESOLUTION to accept funds from Federal Express to sponsor the “We Mean Business” Symposium by the Office of Business Diversity and Compliance (All Council Districts) This resolution is sponsored by The Division of Finance. **(Request for Same Night Minutes)**
16. RESOLUTION to accept funds from Nation League of Cities to sponsor The Kivea Hub-Micro Loan Partnership by the Office of Business Diversity and Compliance (All Council Districts) This resolution is sponsored by The Finance Division **(Request for Same Night Minutes)**



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MLGW FISCAL CONSENT

17. RESOLUTION approving Change No. 1 to Contract No. 12126, Trend Micro Enterprise Support with Unico Technology, LLC, in the funded amount of \$70,175.00. (This change is to ratify and renew the current contract for the first of four annual renewal terms for the period covering March 18, 2021 through March 17, 2022, with no increase in rates from the initial term.)
18. RESOLUTION requesting approval to pay an invoice from the North American Transmission Forum, Inc. for the 2021 Equal Share Membership dues in the amount of \$50,415.00.
19. RESOLUTION approving payment of an invoice from the American Public Gas Association for the 2021 annual membership dues in the amount of \$57,000.00.
20. RESOLUTION approving purchase Order Number 157380 to Doble Engineering Company in the amount of \$49,363.30 for software agreement and test equipment rental, for an additional twelve-month extension to April 11, 2022.
21. RESOLUTION awarding a purchase order to Kaeser Compressor for air compressors and equipment in the amount of \$57,361.90.
22. RESOLUTION approving Change No. 3 to Contract No. 11800, InfoWater Hydraulic Model Implementation Services with Innovyze, Incorporated, in the funded amount of \$11,372.00. (This change is to renew annual license, maintenance, and support services for the Water Modeling Software for the period covering May 15, 2021 through May 14, 2022. Innovyze, Incorporated is the sole owner, developer, and distributor of the InfoWater Software Package. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Innovyze, Incorporated.)
23. RESOLUTION awarding Contract No.12229, Lichterman DPC Installation to American Electrical Contractors, Inc., in the funded amount of \$299,589.00.
24. RESOLUTION awarding a purchase order to Brighter Days and Nites for three phase low energy reclosing devices in the amount of \$3,589,770.00.

25. RESOLUTION approving Change No. 3 to Contract No. 11947, Grounds Maintenance with Bean and Prince Contractors, Incorporated, in the funded amount of \$435,082.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering May 12, 2021 through May 11, 2022, with no increase in rates from the previous year in the amount of \$422,992.00. In addition, this change is to expand the scope of work to include three additional cuts at the McCord, Mallory, Allen and Arlington Water Pumping Stations during July 1, 2021 through September 30, 2021. This change and addition increases the contract value by \$12,090.00.)

26. RESOLUTION approving Change No. 16 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, 2021 through April 30, 2022, 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.)

27. RESOLUTION approving Change No. 5 to Contract No. 11740, Claims Case Management with American Technical Services in the funded amount of \$79,000.00. (This change is to ratify and renew the current contract for a five-year term for the period covering April 1, 2021 through March 31, 2026 for annual maintenance and support.)



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REGULAR AGENDA

28. **APPOINTMENTS**

Carlisle

Chairman,
Personnel,

Governmental **Appointment**
Affairs

Committee Ms. Davida Cruthird

HEALTH EDUCATIONAL HOUSING FACILITY BOARD

Reappointments

Monice Hagler

Buckner Wellford

Nancy Willis

GENERAL ORDINANCES– THIRD AND FINAL READING

29. **ORDINANCE** to amend City of Memphis, Code of Ordinances Chapter 5 “Animals and Fowl” to create Article V to restrict the "Retail Sale of Dogs and Cats at Pet Stores”, up for T H I R D and F I N A L reading. Ordinance No. 5777 is sponsored by Councilman Morgan, Councilman Warren and the Administration. (Held from 3/2)

Easter-Thomas
Chairman,
Public Services,
Neighborhoods &
Youth Services
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 33, Division IV, to modify Section 33-62 related to the Sewer Development Fee, up for T H I R D and F I N A L reading. Ordinance No. 5778 is sponsored by Public Works Division. (Held from 3/2)

Smiley
Chairman,
Public Works,
Solid Waste &
General Services
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to amend City of Memphis Code of Ordinances, Chapter 33, Division IV, to modify Section 33-65 related to the Sewer Extension Fee, up for T H I R D and F I N A L reading. Ordinance No 5779 is sponsored by Public Works Division. (Held from 3/2)

Smiley
Chairman,
Public Works,
Solid Waste,
& General Services
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

32. **APPROVAL** of an Economic Impact Plan for the Downtown Mobility Authority and otherwise providing with respect to the foregoing. This approval is sponsored by the Administration. (Held from 3/2)

Ford
Chairman,
Economic
Development
& Tourism
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

33. **RESOLUTION** approving the sale of a City owned property known as 1055 N. Evergreen Street in Memphis, Shelby, Tennessee 38107, Parcel #040041 00008. This resolution is sponsored by General Services Division.

Smiley
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)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS

34. RESOLUTION amending the Memphis City Council Community Grant Program for
Morgan FY2022. This resolution is sponsored by Councilman Jones and Councilman Smiley.
Chairman, (Held from 3/2)

Budget
Committee

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION requesting the HR Department to increase its screening protocols for
Warren all Public Safety Officials. This resolution is sponsored by Councilman Smiley.

Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT