



CITY OF MEMPHIS

COUNCIL REGULAR MEETING AGENDA

Tuesday May 4, 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 (April 20, 2021)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an Honorary Street Name Change of North Third Street between Looney Avenue and Chelsea Avenue for Mr. Tommy Pacello. This resolution is sponsored by Councilman Carlisle. **(Request for same night minutes).**

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION thanking Sophia Wordlaw, Deputy Chief of Staff, for her dedication to the Memphis City Council upon her retirement with 27 years of service. This resolution is sponsored by all Councilmembers.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

3.
Canale
Chairman,
Planning
& Zoning
Committee

RESOLUTION approving a special use permit located at 2906 Old Austin Peay Highway; containing 0.27 acre in the Commercial Mixed Use – 3 District. This resolution is sponsored by the Division of Planning and Development. (Held from 3/16; 4/6)
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 Public Hearing Required

ZONING ORDINANCE- THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES- FIRST READING

4. **ORDINANCE** appropriating the proceeds of the tax levy on the assessed values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2021 through June 30, 2022, up for F I R S T reading. Ordinance No. 5785 is sponsored by Finance Division.

Morgan
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

5. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2022, up for F I R S T reading. Ordinance No. 5786 is sponsored by Finance Division.

Morgan
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** amending Title 6, Chapter 92 of the Code of Ordinances for the City of Memphis, to extend the Sunset Clause for the Equal Business Opportunity Program, up for F I R S T reading. Ordinance No. 5787 is sponsored by the Administration.

Ford
Chairman,
Economic
Development,
Technology &
Tourism
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE – FIRST READING

7. **ORDINANCE** approving a new historic overlay district located in the area roughly bound by Autumn Avenue to the North, North Claybrook Street to the East, Poplar Avenue to the South, and Interstate 240 to the West; containing +/-81.30 acres in the Historic (H) Overlay District up for F I R S T reading. This Ordinance is sponsored by the Division of Planning and Development. (Held from 4/20)

Canale
Chairman,
Planning
& Zoning
Committee

Case No. CTHD
Ordinance No. 5783

Applicant: Jennifer Amido and Crosstown Memphis Comm. Development Corp.
Jennifer Amido and Anna Joy Tamayo – Representatives

Request: Historic (H) Overlay District

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

8.
Canale
Chairman,
Planning
& Zoning
Committee

ORDINANCE amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis August 10, 2010, and by Shelby County August 9, 2010 as amended, to revise and enhance the Joint Zoning and Subdivision regulations as recommended by the Memphis and Shelby County Division of Planning and Development and the Land Use Control Board. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for S E C O N D reading. This Ordinance is sponsored by the Division of Planning and Development.

Case No. ZTA 21-01
Ordinance No. 5784

Applicant: Office of the Shelby County Mayor
Alex Hensley, Special Asst. to Mayor Lee Harris – Representative

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

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

NOTATION FROM OPD

9. 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 21-004 – SWEETWATER VILLAGE PD

Located on the northside of Quince Road, eastside of Riverdale Road; containing +/-167.15 acres in the Office General (OG), Commercial-Mixed Use – 1 (CMU-1), Residential Urban – 2 (RU-2), and Residential Single-Family – 10 (R-10) Districts.

Applicant: Tyson Foods, Inc. / Next Chapter Holdings, LLC
Next Chapter Neighborhoods – Shane Malek (Representative)

Request: Multifamily residential planned development

DPD recommendation: APPROVAL, with conditions
LUCB recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 18, 2021

ENGINEERING DIVISION

10. RESOLUTION approving the engineering plans for HOLMES and MALONE, ASPR.

Contract No. CR-5367

Resolution approves the engineering plans located at the SW Corner of Holmes Road and Malone Road, in the City of Memphis, Tennessee. Resolution also accepts Arch Insurance Company Letter No. SU1140284 for Performance Bond in the amount of \$118,200.00.

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving the engineering plans for SPRING TREE SHOPPING CENTER – 5700 PLEASANT VIEW ROAD.

Contract No. CR-5368

Resolution approves the engineering plans located approximately 2,700 linear feet west of Sycamore View RD – Median Modification. Resolution also accepts Arch Insurance Company Letter No. SU1167436 for Performance Bond in the amount of \$113,100.00.

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)



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FISCAL CONSENT AGENDA

12. RESOLUTION to accept grant funds in the amount of (\$10,000.00) from Urban Land Institute for Volunteer coordination and park activation efforts. This resolution is sponsored by Park Services. **(Request for same night minutes)**
13. RESOLUTION to accept grant fund in the amount of (\$150,000.00) from Tennessee Department of Health for Project Diabetes Year 3. This resolution is sponsored by Park Services. **(Request for same night minutes)**
14. RESOLUTION to accept in-kind donation in value of (\$50.00) from Home Depot for support of Community Garden efforts at Cunningham Community Center. This resolution is sponsored by Park Services. **(Request for same night minutes)**
15. RESOLUTION to accept grant funds in the amount of (\$95,000.00) from Petco foundation. This resolution is sponsored by MAS. **(Request for same night minutes)**
16. RESOLUTION to accept and appropriate State Internet Crimes Against Children (ICAC) grant funds in the amount of (\$985,000.00) from the State of Tennessee, Office of Criminal Justice program. This resolution is sponsored by the Division of Police services. **(Request for same night minutes)**



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MLGW FISCAL CONSENT

17. RESOLUTION ratifying and awarding Contract No.12249, ESource Membership Agreement through TVPPA to ESource Companies, LLC, in the funded amount of \$1,361,376.00.
18. RESOLUTION awarding a purchase order to Mythics, Inc., for Oracle Application license expansion, in the amount of \$257,689.38.
19. RESOLUTION awarding Contract No. 12295, Oracle Maintenance and Support 2021 to Mythics, Inc., in the funded amount of \$5,922,550.53.
20. RESOLUTION approving an annual salary in the amount of \$97,157.00 for IT Business Consultant, Position No. 07053.
21. RESOLUTION approving Change No. 3 to Contract No. 12096 (Formerly C2033), Hot Sticks Maintenance with Irby Tool and Safety, d/b/a Irby Company, in the funded not-to-exceed amount of \$41,000.00. (This change is to ratify and renew the current contract term for the required bi-annual cleaning cycle established by the federal government for the period covering March 2, 2021 through March 1, 2023.)
22. RESOLUTION approving Change No. 1 to Contract No. 12291, MLGW Customer Utility Bill Folder/Inserter (Beale Street Landing) with Bell and Howell, LLC, in the funded amount of \$66,620.00. (This change is to renew the current contract for equipment and software maintenance for a four-year renewal term for the period covering August 14, 2021 through August 13, 2025. MLGW is requesting approval of continuous maintenance, which can only be performed by Bell and Howell, LLC.)
23. RESOLUTION awarding a purchase order to Prime Controls for electric cabinets and spare parts, in the amount of \$295,413.61.
24. RESOLUTION awarding a purchase order to Brighter Days and Nites, Inc., for gas valve actuators, in the amount of \$63,713.00.
25. RESOLUTION approving Change No. 3 to Contract No. 11682, Customer Care Center Back-Up Communications Plan with AT&T Business Systems, in the funded amount of \$434,645.70. (This change is to renew the current contract term for the second and final annual renewal term

for the period covering August 16, 2021 through August 15, 2022. The contract value is increasing due to the demand for services caused by the COVID-19 pandemic. The old circuit was in the process of being replaced with a new circuit; however, the pandemic hit during the replacement process. The Customer Care Center (CCC) decided to postpone the switch over and keep the old circuit in addition to the new circuit. This increase is due to having to pay for both circuits, until the switch over can be completed.)

26. RESOLUTION approving Change No. 2 to Contract No. 12105, Overhead Water Storage Tank Painting for Capleville, Stonebridge, and Egypt Central with Currens Construction Services, LLC, in the funded amount of \$89,500.00. (This change is to expand the scope of the current contract to add additional funds to the contract value for the removal, disposal, installation, and replacement of the existing 36" riser at Capleville Water Storage Tank. Also, this change is to extend the contract for an additional eight-month term due to delays caused by the COVID-19 pandemic; the contract term will end on June 15, 2022.)
27. RESOLUTION approving Change No. 17 to Contract No. 9955, Partial Funding of Pollution Control-Ground Water Quality Control Program with Memphis & Shelby County Health Department, to authorize the annual fee payment in the funded amount of \$141,868.10. (This change is to authorize the annual payment in the funded amount of \$141,868.10, based on fiscal year 2020 data, covering January 1, 2020 through December 31, 2020, with an increase in meters from 255,558 to 257,942 from the previous year. This amount will be absorbed in the current contract value.)
28. RESOLUTION approving Change No. 2 to Contract No. 11896, Internet Service Provider with Windstream Enterprise, in the funded amount of \$53,500.00. (This change is to ratify, extend and upgrade Windstream internet service to one gigabit per second for MLGW internal DNS, Web, Email and E-business applications for the period covering March 18, 2020 through March 17, 2023. MLGW is requesting continuous service of the acquired system, which can only be performed by Windstream Enterprise.)
29. RESOLUTION approving Change No. 2 to Contract No. 11852, Internet Service Provider with CenturyLink Business (formerly Level 3 Communications), in the funded amount of \$66,483.00. (This change is to ratify, extend and upgrade Centurylink/Lumen internet service to one gigabit per second (GBPS) to accommodate load from personnel working remotely and to support applications of Microsoft Office 365 Cloud service for the period covering March 16, 2020 through March 15, 2023. Due to the complexity and cost to configure dual Internet service provider routing protocol, MLGW is requesting approval of the acquired services which can only be performed by CenturyLink Business.)
30. RESOLUTION approving Change No. 2 to Contract No. 12043, Property & Boiler Insurance with FM Global, based on approved rates, not-to-exceed \$2,194,313.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period June 1, 2021 through May 31, 2022.)
31. RESOLUTION awarding a purchase order to Scruggs Equipment Company, Inc., for the purchase of hydraulic front mounted truck winches, in the amount of \$103,800.00.

32. RESOLUTION awarding purchase orders for two-ton steel utility service bodies to Utility Equipment Service, Inc., in the amount of \$30,723.00 and Scruggs Equipment Company in the amount of \$450,882.00.
33. RESOLUTION awarding a purchase order to Summit Truck Group, for two-ton cab and crew cab and chassis, in the amount of \$1,501,163.00.
34. RESOLUTION awarding a thirty-six-month purchase order to Universal Scaffold and Equipment, for bare Aluminum Conductor Coated-Steel Reinforced (ACSR) 477 KCM, 18/1 strand pelican wire, in the amount of \$582,382.66.



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REGULAR AGENDA

35.

Carlisle
Chairman,
Personnel &
Governmental
Affairs
Committee

APPOINTMENTS

MEMPHIS ALCOHOL COMMISSION

Appointment

Chad Hampton

BLIGHT AUTHORITY OF MEMPHIS

Appointment

Brent Hooks

MEMPHIS & SHELBY COMMUNITY REDEVELOPMENT AGENCY

Appointment

Kandace Stewart

MEMPHIS & SHELBY COUNTY SPORTS AUTHORITY

Appointment

Kyle Veazey

Reappointment

Rodney Douglas

CENTER CITY REVENUE FINANCE CORPORATION BOARD

Reappointment

Jeri Moskovitz

GENERAL ORDINANCES THIRD AND FINAL READING

36. **ORDINANCE** adopting and enacting a New Code of Ordinances of the City of Memphis, Tennessee; Providing for the repeal of certain Ordinances not included Therein; providing for the manner of amending such Code; and providing when such Code and this Ordinance shall become effective, up for T H I R D and F I N A L reading. Ordinance No. 5769 is sponsored by Councilwoman Robinson. (Held from 1/26; 2/2; 2/16; 3/2)

ACTION REQUESTED: Take whatever action Council deems advisable

37. **SUBSTITUTE ORDINANCE** of the City of Memphis to amend the City of Memphis Code of Ordinances Chapter 21, Motor Traffic and Vehicles, Article III, Operation of Vehicles generally to add Section 21-134 to be entitled “Non-Driver Participation in Drag Racing and Reckless Driving Exhibitions”, to set penalties for violations and for other purposes, up for T H I R D and F I N A L reading. Ordinance No. 5771 is sponsored by Councilman Canale, Councilman Logan and Councilman Warren. (Held from 2/2; 2/16; 3/2)

ACTION REQUESTED: Take whatever action Council deems advisable

38. **SUBSTITUTE ORDINANCE** protecting public health and the environment, preserve the Memphis Sand Aquifer, and promote environmental justice, up for T H I R D and F I N A L reading. Ordinance No. 5782 is sponsored by Councilman Warren and Councilman Ford. (Held from 4/20)

ACTION REQUESTED: Take whatever action Council deems advisable

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

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

39. **RESOLUTION** requesting funding be allocated to the Group Violence Intervention Program (GVIP) Service Center. This resolution is sponsored by the Executive Division. (Held from 4/20)

ACTION REQUESTED: Adopt the resolution

Warren
Chairman,
Public Safety
& Homeland
Security
Committee

FINANCE & ADMINISTRATION

40. **RESOLUTION** for City of Memphis Capital Improvement Program for FY2022-FY2026. This resolution is sponsored by the Finance Division.

ACTION REQUESTED: Adopt the resolution

Morgan
Chairman,
Budget

Committee

DIVISION OF FIRE SERVICES

41. RESOLUTION accepting 2021 Reducing Diesel Emissions for a Healthier TN funds from the TN Department of Environment Conservation in the amount of \$205,000.00 to be used for partial funding for the purchase of (4) ambulances with idle mitigation system. This resolution is sponsored by the Fire Division.

Warren
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

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)

MLGW DIVISION

42. RESOLUTION approving an amended rate schedule for the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC for legal services rendered concerning water rights litigation, patents, environmental, tort and contract litigation, regulatory matters and other legal matters uniquely related to the utility industry. (Held from 4/20)

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT