



CITY OF MEMPHIS

COUNCIL REGULAR MEETING AGENDA

Tuesday October 5, 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 Chief of Staff of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (September 21, 2021)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Dr. Thomas E. Motley, M.D. for his record of professional excellence within the Memphis community. This resolution is sponsored by Councilwoman Swearengen.

PUBLIC HEARINGS

2. RESOLUTION approving the Annesdale Mansion Planned Development at the subject property located at 1325 Lamar Avenue. This resolution is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning
& Zoning
Committee

Case No. PD 21-30

Applicant: Ken Robinson / Leslie Murphy

Kate Haywood (Representative)

Request: To allow an office, retail, overnight accommodation, and indoor and outdoor events planned development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

115 NOTICES WERE MAILED ON SEPTEMBER 24, 2021

Note: The Public Hearing for this item will be held on October 19 as reflected on the Public Meeting Notices.

3.
Canale
Chairman,
Planning
& Zoning
Committee

RESOLUTION approving the Coro Vista Planned Development at 1560 Drew Road and an adjacent parcel. This resolution is sponsored by the Division of Planning and Development. (Held from 7/20; 8/3; 8/17)

Case No. PD 21-05

Applicant: Coro Vista, LLC
Brenda Solomito of Solomito Land Planning (Representative)

Request: Special use permit for a planned development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

80 NOTICES WERE MAILED ON JULY 12, 2021

This item will be held until November 2, 2021

DIVISION OF PLANNING AND DEVELOPMENT

4.
Canale
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit for a planned commercial development at 2977 Broad Ave. This resolution is sponsored by the Division of Planning and Development. (Held from 8/3; 8/17; 9/7)

Case No. PD 21-15

Applicant: MVS Real Estate Mid Town, LLC
John Behnke – Representative

Request: Special use permit for a planned commercial development

LUCB recommendation: APPROVAL, with conditions

October 5, 2021

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DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5.
Canale
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving the closure of a section of Michigan Street between East Virginia Avenue and East E. H. Crump Boulevard. This resolution is sponsored by the Division of Planning and Development.

Case No. SAC 21-06

Applicant: Shelby Electric Co.
Allen & Hoshall – Representative

Request: Close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East E. H. Crump Boulevard.

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE- THIRD AND FINAL READING

6.
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 T H I R D and F I N A L reading. This Ordinance is sponsored by the Division of Planning and Development. (Held from 5/4; 6/1; 7/6; 7/20; 8/3; 8/17; 9/21)

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

October 5, 2021

LUCB and DPD recommendation: APPROVAL

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ACTION REQUESTED: Take whatever action Council deems advisable

This item will be held until November 2, 2021



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CONSENT AGENDA

GENERAL ORDINANCES- FIRST READING

GENERAL ORDINANCE - SECOND READING

7. **JOINT ORDINANCE** amending the Memphis and Shelby County Building Code, so as to adopt the 2021 Edition of ICC International Building Code and local amendments, including certain appendices in the ICC Building Code to replace an outdated Building Code and setting applicable fees for permits and inspections, up for **S E C O N D** reading. Ordinance No. 5799 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **JOINT ORDINANCE** amending the Memphis and Shelby County Existing Building Code, so as to adopt the 2021 Edition of the ICC International Existing Building Code and local amendments, up for **S E C O N D** reading. Ordinance No. 5800 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **JOINT ORDINANCE** amending the Memphis and Shelby County Residential Code so as to adopt the 2021 Edition of the ICC International Residential Code and local amendments, up for **S E C O N D** reading. Ordinance No. 5801 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **JOINT ORDINANCE** amending the Memphis and Shelby County Building Code so as to adopt the 2021 Edition of the International Energy Conservation Code and local amendments, up for **S E C O N D** reading. Ordinance No. 5802 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **JOINT ORDINANCE** amending the Joint Electrical Code of Memphis and Shelby County, so as to adopt the 2020 Edition of the National Electrical Code with local amendments and setting applicable fees for permits and inspections, up for S E C O N D reading. Ordinance No. 5803 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **JOINT ORDINANCE** amending the Memphis and Shelby County Plumbing Code so as to adopt the 2021 Edition of the ICC International Plumbing Code and local amendments to replace an outdated Plumbing Code and setting applicable fees for permits and inspections up for S E C O N D reading. Ordinance No. 5804 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **JOINT ORDINANCE** amending the Memphis and Shelby County Mechanical Code so as to adopt the 2021 Edition of the ICC International Mechanical Code and local amendments to replace an outdated Mechanical Code and setting applicable fees for permits and inspections, up for S E C O N D reading. Ordinance No. 5805 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

14. **JOINT ORDINANCE** amending the Memphis and Shelby County Fuel Gas Code, so as to adopt the 2021 Edition of the ICC International Fuel Gas Code and local amendments to replace an earlier outdated fuel gas code and setting applicable fees for permits and inspections, up for S E C O N D reading. Ordinance No. 5806 is sponsored by the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES – FIRST READING

ZONING ORDINANCE - SECOND READING

15. **ORDINANCE** approving a Zoning Text Amendment initiated by the Zoning Administrator of the Memphis and Shelby County Division of Planning and Development, up for S E C O N D reading. All Council Districts. Ordinance No. 5796 is sponsored the Division of Planning and Development.

Canale
Chairman,
Planning &
Zoning
Committee

Case No. ZTA 21-02
Ordinance No. 5796

Applicant: Josh Whitehead, Zoning Administrator
Josh Whitehead, Zoning Administrator – 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

16.
Canale
Chairman,
Planning &
Zoning
Committee

ORDINANCE amending Ordinance No. 5267 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 S E C O N D reading. This Ordinance is sponsored by the Division of Planning and Development.

Case No. Z 21-11
Ordinance No. 5797

Applicant: Division of Planning and Development
John Zeanah, Director – PLLC (Representative)

Request: Remove certain properties from the Commercial Mixed Use 3 (CMU-3), Employment (EMP), Residential Urban 1 (RU-1) and Residential Urban (RU-3) districts and place them within the Mixed Use (MU), Commercial Mixed Use 2 (CMU-2), Commercial Mixed Use 1 (CMU-1), Residential Urban 1 (RU-1), Residential Urban 3 (RU-3) and Residential Urban 4 (RU-4) districts

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

17.
Canale
Chairman,
Planning &
Zoning
Committee

ORDINANCE amending Ordinance No. 5267 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 S E C O N D reading. This Ordinance is sponsored by the Division of Planning and Development.

Case No. Z 21-12
Ordinance No. 5798

Applicant: MIM, LLC
Dedrick Brittenum, Jr (Representative)

Request: Rezoning of +/- 1.037 acres from Residential Single-Family – 6 (R-6) to Commercial Mixed Use 3 (CMU-3)

LUCB recommendation: APPROVAL

DPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

NOTATIONS FROM DPD

18. **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. PD 21-17 – MURRAY FARMS PLANNED DEVELOPMENT

Location: Northwest corner of Appling City Cove and Murray Farms Road

Applicant: Tennessee Westminster Corporation
Homer Branan – Farris Bobango Branan, PLC (Representative)

Request: Industrial planned development

LUCB and DPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: October 19, 2021

ENGINEERING DIVISION

19. RESOLUTION approving the final plat entitled UTHSC ORLEANS STATION.

(Contract No. CR-5382)

Resolution approves the final plat in the present limit of Memphis on the campus of UT Health and Science Center in the City of Memphis, Tennessee. Cost of required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract and accept the North American Specialty Insurance Company Performance Bond No. 2324709 in the amount of \$213,700.00 on behalf of the City of Memphis.

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION approving the engineering plans entitled THE WALK – BUILDING G.

(Contract No. CR-5383)

Resolution approves the engineering plans for a development within the present limits of Memphis and located on the south side of Union Ave. and north side of Gayoso Ave. between Danny Thomas Blvd. and 4th St. in the City of Memphis. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the standard improvement contract and accept the Simmons Bank Letter of Credit No. 69596872 in the amount of \$223,700.00 on behalf of the City.

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION approving the engineering plans entitled 7 VANCE CIVIL PLANS – PHASE 1.

(Contract No. CR-5384)

Resolution approves the engineering plans for a development within the present limits of Memphis and located at the southwest corner of Vance Ave and Wagner Place in the City of Memphis. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the standard improvement contract and accept the Travelers Casualty and Surety Company of America, Performance Bond No. 107481101 in the amount of \$111,300.00 on behalf of the City.

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION approving the engineering plans entitled ALOFT HOTEL.

(Contract No. CR-5385)

Resolution approves the engineering plans for a development within the present limits of Memphis and located at 63 North B.B. King Boulevard in the City of Memphis. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the standard improvement contract and accept the Old Republic Surety Company Performance Bond No. OLF2060841 in the amount of \$49,800.00 on behalf of the City.

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION approving the engineering plans entitled KIRBY-RICHARDSON COMMERCIAL CENTER (KIRBY-WHITTEN BUSINESS CENTER LOTS 16-20).

(Contract No. CR-5386)

Resolution approves the engineering plans within the present limits of Memphis and located at 2029 and 2041 Whitten Road and 2059 Hillshire Circle, south of the intersection of Whitten Road and Hillshire Circle in the City of Memphis. Cost of the required improvements to be borne by the Developer. Resolution also

authorizes the proper officials to execute the standard improvement contract and accept the Travelers Casualty and Surety Company Performance Bond No. 107493948 in the amount of \$117,000.00.

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION approving the final plat entitled HOLMES AND MINERAL WELLS PD, 1ST AMENDMENT PARCELS A1 AND C PHASE 17

(Contract No. CR-5387)

Resolution approves the final plat in the present limits of Memphis and located at 6324, 6325, and 6386 Global Drive in the City of Memphis. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract and accept the Ohio Casualty Insurance Company Performance Bond No. 82C235907 in the amount of \$230,000.00 on behalf of the City of Memphis.

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)



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FISCAL CONSENT AGENDA

(NONE)



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MLGW FISCAL CONSENT

25. RESOLUTION approving Change No. 5 to Contract No. 11462, Electronic Board Agenda Solution with Granicus (formerly Accela, Incorporated) in the funded amount of \$39,821.52. (This change is to renew the current contract for annual software maintenance, fees, and support services for the period covering November 1, 2021 through October 31, 2022.)
26. RESOLUTION approving Change No. 2 to Contract No. 12262, HP-UX Support with Abtech Technologies, Inc. in the funded amount of \$82,905.00. (This change to renew the current contract for the second of four annual renewal terms for the period covering February 3, 2022 through February 2, 2023, with no increase in rates from the previous term. In addition, this change is to add eight HP-UX HPE servers which includes 7x24, 4-hour hardware support for the period covering November 1, 2021 through February 2, 2023.)
27. RESOLUTION approving Change No. 4 to Contract No. 12324, Express Suite Support Services with Intellium, Incorporated in the funded amount of \$28,246.35. (This change is to renew the current contract for Intellium Express Suite Server and Express Client software support services for a three-year term for the period covering November 1, 2021 through October 31, 2024.)
28. RESOLUTION approving Change No. 2 to Contract No. 12263, Panaya Software As A Service (SAAS) with Panaya, Incorporated to renew the current contract in the funded amount of \$225,000.00. (This change is to add the Release Dynamix (RDx) Platform to the current contract for a three-year period covering November 1, 2021 through October 31, 2024.)
29. RESOLUTION approving Change No. 2 to Contract No. 12121, Identity Manager Support with Concensus Consulting, LLC, d/b/a Concensus Technologies, in the funded amount of \$30,000.00. (This change is to renew the current contract for the second of four annual renewal terms for the period covering November 1, 2021 through October 31, 2022 with no increase in rates from the previous term.)
30. RESOLUTION approving Change No. 4 to Contract No. 11996, Operator Qualification Training with Veriforce, LLC, in the funded amount of \$34,699.00. (This change is to renew annual software maintenance, licenses, and support services for the period covering February 14, 2022 through February 13, 2023, with no increase in rates from the previous year.)
31. RESOLUTION to ratify the approval after the fact of Purchase Order No.(s) 7025314 and 7026127 to Consolidated Pipe in the total amount of \$263,132.00 for gas pipe.

32. RESOLUTION authorizing MLGW to purchase fuel from Mansfield Oil Company of Gainesville, Inc. via a combined fuel contract solicited and executed by the City of Memphis on behalf of Memphis Light, Gas and Water Division and the City of Memphis. (It is estimated that MLGW will purchase fuel not-to-exceed \$12,000,000.00 during the contract period. The City of Memphis and Memphis Light, Gas and Water Division may terminate the contract without cause by giving thirty days written notice. The term of this authorization to purchase from City of Memphis Contract Number 38439 is from execution date through June 1, 2022 with the option to extend two additional one-year periods.)
33. RESOLUTION awarding Contract No. 12296, Electric Operations Site Drainage to A & B Construction Company, Inc. in the funded amount of \$262,176.00.
34. RESOLUTION awarding Contract No. 12303, New Rapid Roll Up Doors to Rytec Corporation in the funded amount of \$154,595.00.
35. RESOLUTION approving Change No. 6 to Contract No. 11562 Professional Engineering Services for Central Support Services with Smith Seckman Reid, Incorporated (SSR), in the funded amount of \$150,000.00. (This change is to increase the current contract value due to unanticipated design and construction administration work needed for emergency damage repairs to the MLGW Administration Building garage.)
36. RESOLUTION approving Change No. 17 to Contract No. 11292, Cashiering System Replacement with System Innovators in the funded amount of \$80,716.69. (This change is to renew annual hardware, software maintenance, and support services for iNovah, PCI PA-DSS, Oracle BS A/R, and EMV (Europay, MasterCard, VISA) Third Party maintenance for the period covering January 1, 2022 through December 31, 2022, which reflects a 4% rate increase from the previous renewal. MLGW is requesting continuous maintenance of the acquired systems, which can only be performed by System Innovators and an authorized third-party provider.)



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REGULAR AGENDA

APPOINTMENTS

37. **MEMPHIS ALCOHOL COMMISSION**

Carlisle

Chairman,
Personnel &

Governmental
Affairs
Committee

Reappointment

Barry Chase

GENERAL ORDINANCES THIRD AND FINAL READING

38. **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; 5/18; 6/1; 6/15; 7/6; 7/20; 8/3; 8/17; 9/7; 9/21)

ACTION REQUESTED: Take whatever action Council deems advisable

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

FINANCE & ADMINISTRATION

39. RESOLUTION to allocate \$1,000,000.00 from the American Rescue Plan Act to fund ShotRx Memphis' vaccination initiatives within the City of Memphis. This resolution is sponsored by Councilwoman Swearingen.

Morgan
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION to allocate \$3,000,000.00 from the American Rescue Plan Act to fund grocery store initiatives within North Memphis. This resolution is sponsored by

Morgan

Chairman, Budget Committee Councilmembers Carlisle, Easter-Thomas, and Johnson.
 ACTION REQUESTED: Adopt the resolution

41. RESOLUTION to allocate \$3,000,000.00 from the American Rescue Plan Act to build
 Morgan a satellite HUB for the homeless. This resolution is sponsored by Councilmembers
 Chairman, Canale, Easter-Thomas, Johnson, Logan, Robinson, and Warren.
 Budget
 Committee ACTION REQUESTED: Adopt the resolution

42. RESOLUTION to allocate \$6,000,000.00 from the American Rescue Plan Act to respond
 Morgan to the negative economic impacts due to COVID-19 This resolution is sponsored by
 Chairman, Councilmembers Robinson and Jones.
 Budget
 Committee ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

43. RESOLUTION to accept, allocate, and appropriate Assistance to Firefighters Grant (AFG)
 Warren Program funds from the Department of Homeland Security in the amount of (\$327,272.73)
 Chairman, to be used for the purchase of vehicles for the Healthcare Navigator Program.
 Public Safety
 & Homeland
 Security
 Committee ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HUMAN RESOURCES (None)

INFORMATION TECHNOLOGY (None)

LAW DIVISION (None)

LIBRARY SERVICES (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS

DIVISION OF POLICE SERVICES

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

44. RESOLUTION to amend the Sewer FY22 CIP Budget by transfer of an allocation in

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

the amount of (\$6,000,000.00) from Capital Pay-GO to Federal Grants (WIFIA Loan) and appropriate funds for construction of the T.E. Maxson Lagoon 2A Renovation- Package 1 in Sludge Disposal/Earth Complex, Project Number #SW02006. District 6, Super District 8. This resolution is sponsored by the Public Works Division.

ACTION REQUESTED: Adopt the resolution

45.
 Smiley
 Chairman,
 Public Works,
 Solid Waste &
 General Services
 Committee

RESOLUTION approving Lease Amendment Agreement with Ensley Bottoms Farm, LLC. District 6, Super District 8. This resolution is sponsored by the Memphis and Shelby County Port Commission.

ACTION REQUESTED: Adopt the resolution

46.
 Smiley
 Chairman,
 Public Works,
 Solid Waste &
 General Services
 Committee

RESOLUTION approving Lease Amendment Agreement with Maxim Crane Works, LP. District 6, Super District 8. This resolution is sponsored by the Memphis and Shelby County Port Commission.

ACTION REQUESTED: Adopt the resolution

47.
 Smiley
 Chairman,
 Public Works,
 Solid Waste &
 General Services
 Committee

RESOLUTION approving Lease Amendment Agreement with Wepfer Marine, Inc. District 6, Super District 8. This resolution is sponsored by the Memphis and Shelby County Port Commission

ACTION REQUESTED: No recommendation

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT