

**Recessed from December 7th to December 14th at 3:30pm**



# **CITY OF MEMPHIS**

## **COUNCIL AGENDA**

**Tuesday December 7, 2021**

**Public Session, 3:30 p.m.**

**Council Chambers, First 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.*

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### **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 (November 16, 2021)**

### **ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

### **ITEMS HELD OR DROPPED FROM THE AGENDA**

#### **PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION recognizing Alpha Kappa Alpha Sorority, Incorporated for their contributions to the health and wellness of our citizens. This resolution is sponsored by Vice Chairwoman Jamita Swearengen.

- 2. RESOLUTION honoring Coach Shirley Yvonne McCray for her record of professional excellence within the Memphis community. This resolution is sponsored by Vice Chairwoman Swearengen.
- 3. RESOLUTION thanking the City Council Renaming Commission members for their civic contributions to the Memphis community. This resolution is sponsored by Councilwoman Easter-Thomas.
- 4. RESOLUTION honoring Adrian Maclin for receiving the Music Teacher of Excellence award at the 2021 Country Music Awards. This resolution is sponsored by Councilwoman Logan and Councilman Colvett. (Held from 11/16)
- 5. RESOLUTION approving an Honorary Street Name Change of Peabody Place between Front Street and South Main Street extending down South Main Street between Peabody Place and Beale Street for Lyman Aldrich. This resolution is sponsored by Chairman Colvett. (Held from 10/19; 11/2; 11/16)

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING AND DEVELOPMENT**

- 6. RESOLUTION approving a special use permit for the subject property located at 3744 Sturgeon Avenue. This resolution is sponsored by the Division of Planning and Development. (Held from 11/2; 11/16)
- Canale  
Chairman,  
Planning &  
Zoning  
Committee
- Case No. SUP 21-18

Applicant: Dr. Tonya Walker-Barnes  
Dr. Tonya Walker-Barnes (Representative)

Request: Special permit to allow a group day care home for five (5) to twelve (12) children

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

- 7. RESOLUTION approving a special use permit at the subject property located at 1925 Union Avenue. This resolution is sponsored by the Division of Planning and Development.
- Canale  
Chairman,  
Planning &  
Zoning  
Committee
- Case No. SUP 21-21

Applicant: Union Station, LLC  
Tim Michael - (Representative)

Request: To allow a mixed-use development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

8.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

RESOLUTION approving a special use permit for a vehicle wash establishment at part of 4704 Yale Rd. This resolution is sponsored by the Division of Planning and Development.

Case No. SUP 21-26

Applicant: Max Alley Investments, LLC  
Cindy Reaves of SR Consulting, LLC (Representative)

Request: 1) a special use permit for a vehicle wash establishment and  
2) a modification to the Raleigh Plaza Shopping Center General Plan to remove a restriction on the number and size of detached signs \*Note: LUCB declined to forward the applicant's second request to the Council, pursuant to Section IV.D.4 of the Board's bylaws.

LUCB and DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

9.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

RESOLUTION approving a special use permit at the subject property located at 1368 and 1362 Monroe Avenue. This resolution is sponsored by the Division of Planning and Development.

Case No. SUP 21-28

Applicant: WO SFR, LLC – Cameron Ellis  
The Reaves Firm – Tim McCaskill (Representative)

Request: Two large homes (quadplexes)

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

10.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

RESOLUTION approving the Poplar Ridgefield Planned Development at the subject property located at 109 Ridgefield Road. This resolution is sponsored by the Division of Planning and Development.

Case No. PD 21-37

Applicant: Goodwin Investments, LLC  
Cindy Reaves of SR Consulting, LLC (Representative)

Request: 2-lot residential single-family 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**

11.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

RESOLUTION approving the Houston Levee Trails Planned Development, Fifth Amendment at the subject property located at 0 Highway 64, +/- 1676 feet east of Houston Levee. This resolution is sponsored by the Division of Planning and Development.

Case No. PD 21-38

Applicant: Gary D. Picket, Ellen K. Miller, and Mary Bowen Living Trust  
Cindy Reaves of SR Consulting, LLC (Representative)

Request: Car wash establishment

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** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCE- FIRST READING

12. **ORDINANCE** to amend Chapter 25-200, Section 1 of the City of Memphis Code of Ordinances governing the city's pension system to allow certain individuals to extend participation in the Deferred Retirement Option Plan, up for **F I R S T** reading. Ordinance No. 5813 is sponsored by the Administration.
- Carlisle  
Chairman,  
Personnel &  
Governmental  
Affairs  
Committee
- ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

13. **ORDINANCE** to establish Meeting dates for 2022, up for **S E C O N D** reading. Ordinance No. 5812 is sponsored by Chairman Colvett.
- Colvett  
Chairman,  
Executive  
Session
- ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE – FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

### NOTATIONS FROM DPD (None)

### ENGINEERING DIVISION

14. **RESOLUTION** approving the engineering plans entitled **CAPTAIN D'S SITE GETWELL @ SHELBY DRIVE (SHELBY & GETWELL) (Request for Same Night Minutes)**

Contract No. CR-5390

Resolution approves the engineering plans for a development within the present limits of Memphis and located at 4735 Getwell Road in the City of Memphis, Tennessee. 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 Performance Bond in the amount of \$68,100.00 on behalf of the City.

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION approving the final plat entitled OVERTON SQUARE PD, PHASE 4, LOT 3 (PD 18-31, FORMERLY PD 11-317) and authorizing release of the bond.

(Contract No. CR-5307)

Resolution accepts the final plat located approximately 240 linear feet north of Monroe Avenue & Cooper Street intersection on the west side of Cooper Street in Memphis, Tennessee. Resolution also authorizes the release of the Triumph Bank Letter of Credit Company No. 264 in the amount of \$47,100.00.

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving the final plat for FIRESTONE AUTO COMPLETE (10001 US-64) PD 15-332 and authorizing release of the bond.

(Contract No. CR-5350)

Resolution approves the final plat located at 10001 US Hwy 64 (Stage Road) east of Houston Levee Road intersection on the south side of US Hwy 64 within the present limits of Shelby County, Tennessee. Resolution also authorizes the release of the Travelers Casualty & Surety Company of America Performance Bond No. 107269479 in the amount of \$78,100.00.

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving the final plat entitled HOLMES/TCHULAHOMA PD, PHASE 6 (PD 98-301CC) and authorizing release of the bond.

(Contract No. CR-5347)

Resolution approves the final plat located at the northeast corner lot of Tchulahoma Road and Tchulatech Drive east to Meltech Boulevard/Cove and north to Holmes Road within the present limits of Memphis, Tennessee. Resolution also authorizes the release of the Federal Insurance Company Performance Bond No. K09617127 in the amount of \$293,000.00.

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEMS** (None)



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## **FISCAL CONSENT AGENDA**

**(NONE)**



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## MLGW FISCAL CONSENT

18. RESOLUTION approving Contract No. 12224, Interlocal Agreement between Memphis Light, Gas and Water Division of the City of Memphis, Tennessee, the Shelby County Government and the Town of Collierville, Tennessee for sewer billing services in Shelby County, Tennessee for addresses located in the Cotton Creek Area, which includes the subdivisions of Kirkland Estates, Cotton Creek and Fox Hollow Farms (Phases I and II) in Shelby County, Tennessee.
19. RESOLUTION approving Change No. 1 to Contract No. 12349, Aventx Oracle Attachment Printer Software Maintenance with STR Software Company, in the funded amount of \$34,830.00 (\$11,610.00 annually). (This change is to renew purchase order 158180 under Contract No. 12349 for a three-year term for the period covering February 1, 2022 through January 31, 2025.)
20. RESOLUTION awarding Contract No. 12294, Temporary Employment Services for Clerical Support to Millennium Search, LLC, in the funded amount of \$1,267,579.99.
21. RESOLUTION awarding Contract No. 12347, Temporary Employment Services for General Laborer to Millennium Search, LLC, in the funded amount of \$2,555,411.97.
22. RESOLUTION awarding Contract No. 12348, Temporary Employment Services for Skilled Craftsman/Technical to Resource Management Group, in the funded amount of \$141,214.04.
23. RESOLUTION approving Change No. 1 to Contract No. 12134, UAV Flight Inspection of Overhead Electric Lines to Allen & Hoshall, Inc., in the funded amount of \$121,572.04. (This change is to renew the current contract for the first of four annual renewal terms for the period covering March 1, 2022 through February 28, 2023, with no increase in rates from the previous term.)
24. RESOLUTION approving Change No. 1 to Contract No. 12148, Steel Transmission Structure Inspection Services with Osmose Utilities Services, Inc., in the funded amount of \$3,039,714.76. (This change is to increase the current contract value to cover additional repairs for the MLGW steel transmission structures at and below the ground line that were not included in the initial repair cost. The term of the contract will remain the same for the period covering November 2, 2020 through November 1, 2022.)
25. RESOLUTION approving the execution of Contract No. 12325 between MLGW and the City of Germantown for the sale to Germantown providing certain MLGW water infrastructure assets

within the previously annexed area by Germantown, for a purchase price of \$58,588.65.

26. RESOLUTION approving Change No. 1 to Contract No. 12118, Generator Maintenance and Emergency Repairs with Cummins Sales and Service in the funded amount of \$25,000.00. (This change is to renew the current contract for the first of four annual renewal terms for the period covering January 8, 2022 through January 7, 2023, with no increase in rates from the previous term.)
27. RESOLUTION awarding a purchase order to Automotive Tool Group for three-phase bypass recloser switches, in the amount of \$1,369,200.00.
28. RESOLUTION approving Change No. 1 to Contract No. 12310, Administration Building Garage Structural Repairs Services with Zellner Construction Services, LLC, in the funded amount of \$1,517,218.56. (This change is to increase the current contract value for additional structural repairs (\$1,206,829.17), slab replacement for the South Entrance Plaza (\$295,389.39), and contingency funds for any additional emergency repairs (\$15,000.00).
29. RESOLUTION approving Change No. 1 to Contract No. 12120, Trash Removal Services with BFI Waste Services, LLC dba Republic Services of Memphis, in the funded amount of \$185,316.44. (This change is to renew the current contract for the first of four annual renewal terms in the amount of \$145,316.44 for the period covering January 4, 2022 through January 3, 2023. In addition, MLGW is requesting contingency funds in the amount of \$40,000.00 for any unforeseen trash pickups at various MLGW construction sites.)
30. RESOLUTION awarding Contract No. 12298, Janitorial Services to Mason's Professional Cleaning Service, LLC, in the funded amount of \$242,200.00.
31. RESOLUTION approving Change No. 4 to Contract No. 11921, General Pest Control and Termite Services with Nu Era Pest Control, in the funded amount of \$38,240.00. (This change is to ratify and renew the current contract for the fourth and final annual renewal term for the period covering November 1, 2021 through October 31, 2022, with no increase in rates from the previous year.)
32. RESOLUTION awarding a purchase order to Automotive Tool Group for transition tees in the amount of \$381,696.00.
33. RESOLUTION approving hourly rates for work performed by the law firm of Archibald & Halmon, P.C. employed on an "as needed" basis, be increased to the following hourly rates: Partners - \$350; Senior Associates - \$275; Junior Associates - \$225; Paralegals - \$85.00 and Harriett Miller Halmon - \$400.
34. RESOLUTION approving the law firm of Black, McLaren, Jones, Ryland & Griffie be employed to represent MLGW in insurance matters at the following hourly rates: Michael G. McLaren - \$300; Holly J Renken - \$250; and Paralegal - \$125.



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## REGULAR AGENDA

**APPOINTMENTS** (None)

**GENERAL ORDINANCE THIRD AND FINAL READING**

35. Smiley  
Chairman,  
Public Works,  
Solid Waste &  
General Services  
Committee
- ORDINANCE** to amend Ordinance No. 5708 of the City of Memphis Code of Ordinances known as the "Housing Code" or the "2015 International Property Maintenance Code, as amended for Memphis, TN (IPMC)". To Update and or Add provisions related to Mold, Lead, Fee Schedule, Trees, Inoperable Vehicles, and Condemnation, up for T H I R D and F I N A L reading. Ordinance No. 5811 is sponsored by the Public Works Division.

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**

36. Smiley  
Chairman,  
Public Works,  
Solid Waste &  
General Services  
Committee
- RESOLUTION** requesting the approval of the sale of City owned property known as 273 E. Maryland Avenue, Memphis TN 38126, Parcel ID #013033 00007 for (\$850.00). District 6, Super District 8. This resolution is sponsored by General Services.
- 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**

37. RESOLUTION authorizing final payment of FY22 tax equivalent payment from  
Robinson Memphis Light Gas and Water division’s gas system and total distribution of the  
Chairman, FY22 tax equivalent payment to taxing jurisdictions in Shelby County, Tennessee.  
MLG&W All Council Districts. This resolution is sponsored by MLGW Division.  
Committee

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION authorizing final payment of FY22 tax equivalent payment from  
Robinson Memphis Light Gas and Water division’s electric system and total distribution  
Chairman, of the FY22 tax equivalent payment to taxing jurisdictions in Shelby County,  
MLG&W Tennessee. All Council Districts. This resolution is sponsored by MLGW Division.  
Committee

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**

39. RESOLUTION to accept the final report of the City Council Renaming Commission.  
Smiley All Council Districts. This resolution is sponsored by Councilwoman Easter-Thomas.  
Chairman,  
Public Works,  
Solid Waste &  
General Services  
Committee

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION vetoing report and recommendation of MLGW/IBEW Impasse  
Committee approving the last best offer of IBEW. All Council Districts. This  
resolution is sponsored by Councilman Canale.

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS AND

REQUEST FOR SAME NIGHT MINUTES

**ITEM #14, ITEMS #37-#38, AND ITEMS #42-#45**

41. DEPUTY CITY COURT CLERK

Carlisle  
Chairman,  
Personnel &  
Governmental  
Affairs  
Committee

Appointment

Calvin Williams

SNM

Will be held to December 21, 2021

42. RESOLUTION to accept, allocate and appropriate grant funds in the amount of (\$63,315.00) to the City of Memphis/Memphis Public Library & Information Center from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives. All Council Districts. This resolution is sponsored by the Library Division. **(Request for Same Night Minutes)**

Easter-  
Thomas  
Chairman,  
Public Service,  
Arts, Libraries, &  
Youth Initiatives  
Committee

ACTION REQUESTED: Adopt the resolution

SNM

43. RESOLUTION to amend the Council FY22 grant allocations. All Council Districts. This resolution is sponsored by Councilman Ford. **(Request for Same Night Minutes)**

Morgan  
Chairman,  
Budget  
Committee

ACTION REQUESTED: Adopt the resolution

SNM

44. RESOLUTION to transfer and appropriate a contract construction allocation in the amount of (\$750,000.00) to Furniture, Fixtures and Equipment in Ensley Pump Repair 2021 Project #ST03223 for the pump repair at Ensley Flood Control Pumping Station. Council District 6, Super District 8. This resolution is sponsored by the Division of Public Works. **(Request for Same Night Minutes)**

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

ACTION REQUESTED: Adopt the resolution

SNM

45. RESOLUTION approving an Honorary Street Name Change of Dunn Avenue between Airways Boulevard and Hays Road for Adolph "Young Dolph" Robert Thornton, Jr. District 4, Super District 8. This resolution is sponsored by Councilman Smiley, Councilman Jones, Councilman Warren and Councilwoman Robinson. **(Request for Same Night Minutes)**

Colvett  
Chairman,  
Executive  
Session  
Committee

ACTION REQUESTED: Adopt the resolution

SNM