



**CITY COUNCIL
MEETING AGENDA
October 10, 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 (September 26, 2023)

VI. ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

VII. ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION commemorating September 15th to October 15th as Hispanic Heritage Month. This Resolution is sponsored by Councilwoman Easter-Thomas.
2. RESOLUTION acknowledging the Pro Bono legal work of the Access Justice Committee and declaring October as "Pro Bono Month." This Resolution is sponsored by Councilwoman Easter-Thomas.
3. RESOLUTION approving an Honorary Street Name Change on 317 Tillman Street between Mimosa Avenue and Yale Avenue for Walter Cleveland Casey Sr, Director of Lester Community Center. This Resolution is sponsored by Councilman Morgan.
4. RESOLUTION approving an Honorary Street Name Change on Mississippi Boulevard between East Georgia Avenue and East E.H. Crump Boulevard for Nat D. Williams, visionary trailblazer in the music and radio industry. This Resolution is sponsored by Councilwoman Johnson.

- 5. RESOLUTION honoring the 75th Anniversary of WDIA Radio Station. This Resolution is sponsored by the Memphis City Council.

PUBLIC HEARING

- 6. RESOLUTION approving the appeal of Robert Gordon on behalf of MidtownMemphis.org seeking to overturn the action of the Memphis and Shelby County Land Use Control Board approving special exception to Section 8.4.9 to allow four (4) stories in height at the subject property located at 34, 40, 42, and 48 S. McLean Blvd. This Resolution is sponsored by the Division of Planning and Development. **(Held from 9/26)**
 Johnson
 Chairman,
 Planning
 & Zoning
 Committee

Case No. SE 23-01

Applicant: Robert Gordon

Appellee: Land Use Control Board

Request: Overturn a decision of the Land Use Control Board

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; Public Hearing Required

20 NOTICES WERE MAILED ON SEPTEMBER 8, 2023

DIVISION OF PLANNING AND DEVELOPMENT

7. Johnson
Chairman,
Planning
& Zoning
Committee

RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 2206 East Shelby Drive. This Resolution is sponsored by the Division of Planning and Development.

Case No. SUP 23-19

Applicant: Beruk Properties, LCC
David Bray of the Bray Firm (Representative)

Request: To allow a convenience store with gasoline sales in the CMU-1 District.

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)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

8. **REFERENDUM ORDINANCE** to amend, pursuant to Article XI, § 9 of the Constitution of the State of Tennessee (Home Rule Amendment), provisions of the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended, relative to partisan elections for the Offices of the Mayor and City Council Members and to repeal all provisions of the City’s Charter inconsistent with this Amendment, up for F I R S T reading. Ordinance No. 5883 is sponsored by Chairman Jones.

Easter-Thomas
Chairman,
Personnel & Governmental
Affairs
Committee

ACTION REQUESTED: Adopt the Ordinance on First Reading

9. **REFERENDUM ORDINANCE** to amend, pursuant to Article XI, § 9 of the Constitution of the State of Tennessee (Home Rule Amendment), provisions of the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended, relative to application of City Charter Referendum Ordinance No. 1794 to city municipal elections, up for F I R S T reading. Ordinance No. 5884 is sponsored by Councilmembers Smiley, Johnson, Logan, and Warren.

Easter-Thomas
Chairman,
Personnel & Governmental
Affairs
Committee

ACTION REQUESTED: Adopt the Ordinance on First Reading

10. **ORDINANCE** to create a Police Advisory and Review Committee, up for F I R S T reading. Ordinance No. 5885 is sponsored by the Administration.

Logan
Chairman,
Public Safety & Homeland
Security
Committee

ACTION REQUESTED: Adopt the Ordinance on First Reading

GENERAL ORDINANCE - SECOND READING

11. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 33, Article II, Division IV, to codify the existing 2017 Sewer Policy that precludes the extension of sanitary sewer infrastructure and acceptance of additional flow to the Memphis Sewer System from Residential, Commercial, and Industrial developments in Unincorporated Shelby County, up for S E C O N D reading. Ordinance No. 5882 is sponsored by the Administration.

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

ACTION REQUESTED: Adopt the Ordinance on Second Reading

ZONING ORDINANCE - FIRST READING

12. **ZONING ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, to authorize a Zoning Use District reclassification for land located on the south side of Cornell St. between Felts Station Rd. and Thomas St. by taking the land out of the Residential Urban – 3 (RU-3) Use District and including it in the Heavy Industrial (IH) Use District, up for F I R S T reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 23-11
Ordinance No. 5886

Applicant: Marcino Pigram
David Bray of the Bray Firm (Representative)

Request: Rezoning of +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)

DPD recommendation: REJECTION

LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on First reading.

ZONING ORDINANCE - SECOND READING (None)

NOTATIONS FROM DPD (None)

ENGINEERING DIVISION (None)

GENERAL ITEMS (None)

FISCAL CONSENT AGENDA

13. RESOLUTION allowing the City of Memphis through the Division of Police Services to accept grant funds in the amount of \$5,805,282.00 from the State of Tennessee Office of Criminal Justice Programs (OCJP) for the FY2024 Violent Crime Intervention Fund (VCIF) Hot Spot Grant. 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

14. RESOLUTION approving Change No. 3 to Contract No. 12267 (Formerly Purchase Order # 7017597), MicroFocus License Renewal with Thomas Consultants, Incorporated (This change is to ratify and renew annual software maintenance, support services, and licenses for a 12-month term for the period covering July 1, 2023 through June 30, 2024), in the funded amount of \$448,095.90.
15. RESOLUTION approving Change No. 5 to Contract No. 12034, Environmental Abatement Services with Northwest Contracting Services, Incorporated; (This change is to increase the current contract value to complete various projects requested by MLGW through the end of the calendar year of 2023) in the funded amount of \$1,250,000.00.
16. RESOLUTION approving Change No. 3 to Contract No. 12348 (solicited under Contract No. 12294), Temporary Employment Services for Skilled Craftsman/Technical with Resource Management Group to ratify and increase the current contract value (The term of the contract will remain through January 18, 2024) in the funded amount of \$1,100,000.00.
17. RESOLUTION approving Change No. 3 to Contract No. 12103, Worker's Compensation Stop Loss Brokering with Willis of Tennessee, Inc., (This change is to renew the current contract for the third of four annual renewal terms for the period covering October 1, 2023 through October 31, 2024) in the funded amount of \$360,481.00.

REGULAR AGENDA

APPOINTMENTS

18. **HEALTH, EDUCATION AND HOUSING FACILITY BOARD**
Easter-
Thomas Appointment
Chairman,
Personnel & Cliff Henderson
Governmental
Affairs Katie Shotts
Committee

GENERAL ORDINANCE THIRD AND FINAL READING

19. **ORDINANCE** to amend Chapter 41 - Wreckers or Towing Operators of the Code of Ordinances of Memphis, Tennessee, so as to update fees prescribed, up for T H I R D and F I N A L reading. Ordinance No. 5876 is sponsored by Councilman Canale. (Held from 7/11; 7/25; 8/8; 8/22; 9/12; 9/26)
Logan
Chairman,
Public Safety & Homeland
Security **ACTION REQUESTED:** Take whatever action Council deems advisable
Committee

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS

20. RESOLUTION requesting the Finance Division to reverse the unauthorized debit from the City Council Division for \$350,000.00 and comply with Resolution to allocate \$350,000.00 to The Works, Inc. as approved on June 13, 2023. This Resolution is sponsored by Chairman Jones.
Jones
Chairman,
Executive
Session **ACTION REQUESTED:** Adopt the Resolution

ENGINEERING DIVISION

21. RESOLUTION to appropriate funds in the amount of (\$400,000.00) in other project cost to implement the FY24 Urban Art Plan, CIP Project #EN24301. Districts 4 & 5, Super District 9. This Resolution is sponsored by the Division of Engineering.
Smiley
Chairman,
Public Works,
Solid Waste & **ACTION REQUESTED:** Adopt the Resolution
General Services
Committee

22. RESOLUTION to transfer and appropriate construction funds in the amount of (\$150,000.00) for Sidewalk improvements at Northlake Apartments. Project #EN01116. District 1, Super District 9. This Resolution is sponsored by the Division of Engineering.

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

ACTION REQUESTED: Adopt the Resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

23. RESOLUTION appropriating funds in the amount of (\$153,000.00) for CIP Project #FS02032, EMA Sirens. All Council Districts. This Resolution is sponsored by Fire Services.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the Resolution

DIVISION OF GENERAL SERVICES

24. RESOLUTION appropriating FY24 allocations in the amount of (\$2,000,000.00) for CIP Project #GS01049 -Coke Adaptive Reuse. District 4, Super District 8. This Resolution is sponsored by General Services.

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

ACTION REQUESTED: Adopt the Resolution

25. RESOLUTION appropriating FY24 Funds in the amount of (\$2,000,000.00) for Project #GS22202- City Hall Improvements. District 7, Super District 8. This Resolution is sponsored by General Services.

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)

MEMPHIS PARKS (None)

DIVISION OF POLICE SERVICES

26. RESOLUTION to appropriate funds in the amount of (\$8,000,000.00) for Police Services CIP Project #PD02016, New Mount Moriah Station. District 4, Super District 8. This Resolution is sponsored by Police Services.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the Resolution

27. RESOLUTION to appropriate funds in the amount of (\$1,000,000.00) for the Police Services CIP Project #PD04022, In- Car Video. All Council Districts. This Resolution is sponsored by Police Services.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the Resolution

28. RESOLUTION to appropriate funds in the amount of (\$1,500,000.00) for the City of Memphis Police Services CIP Project #PD02013, Police Academy Renovation District 7, Super District 8. This Resolution is sponsored by Police Services.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the Resolution

29. RESOLUTION to appropriate funds in the amount of (\$8,000,000.00) for Police Services CIP Project #PD04031, Axon Enterprise Solution. All Council Districts. This Resolution is sponsored by Police Services.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the Resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

30. RESOLUTION to transfer and appropriate construction funds in the amount of (\$92,692.00) to fund installation of stormwater improvements associated with the Accelerate Memphis project located at E. Shelby Dr. and Tchulahoma Rd. in Oakhaven. Accelerate Memphis: Oakhaven, Project #ST02024. Districts 3 & 6, Super District 8. This Resolution is sponsored by the Division of Public Works.

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

ACTION REQUESTED: Adopt the Resolution

31. RESOLUTION to transfer and appropriate construction funds in the amount of (\$143,432.00) to fund installation of stormwater improvements associated with the Accelerate Memphis project located on Vollintine Ave. in Klondike. Accelerate Memphis: Klondike, (ST AM: Klondike), Project #ST03205. District 7, Super District 8. This Resolution is sponsored by the Division of Public Works.

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

ACTION REQUESTED: Adopt the Resolution

32. RESOLUTION to transfer and appropriate construction funds in the amount of (\$771,004.86) to fund installation of stormwater improvements associated with the Accelerate Memphis project located on Park Ave. in Orange Mound. Accelerate Memphis: Orange Mound, (ST AM: Orange Mound) Project #ST03205. District 4, Super District 8. This Resolution is sponsored by the Division Public Works.

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

ACTION REQUESTED: Adopt the Resolution

DIVISION OF SOLID WASTE (None)

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT