

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**January 7, 2020**

**3:30 P.M. SCHEDULED SESSION**

**3:37 P.M. MEETING COMMENCED**

**ROLL CALL:** J. Ford Canale, Chase Carlisle, Frank Colvett, Jr., Michalyn Easter-Thomas, Edmund Ford, Sr., Cheyenne Johnson, Martavius Jones, Rhonda Logan, Worth Morgan, JB Smiley, Jr., Jamita Swearengen, Jeff Warren and Chairwoman Patrice Robinson.

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Pastor Ivory Jackson from Faith Temple Ministries Church. Councilwoman Logan presented Pastor Jackson with a certificate naming him Chaplain of the Day.

**These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.**

Approval of the Minutes of the regular meeting of December 17, 2019 with the following motion:

**(Special Item #1 - Councilman Jones made a motion to remove Item #29-Approval of the 2020 increase in Electric Revenues, from the Minutes and hold until January 21, 2020).**

- MOTION: Jones
- SECOND: Morgan
- AYES: Canale, Carlisle, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen and Chairwoman Robinson
- NAYS: Colvett and Warren

**APPROVED**

MAIN MOTION: Colvett  
 SECOND: Canale  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan,  
 Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

**APPROVED**, as amended (The Minutes for Item #29, from 12/17/2019 will be held until January 21, 2020)

1. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 2405 ELVIS PRESLEY, CONTAINING +/-0.88 ACRE IN THE COMMERCIAL MIXED USE – 3 (CMU – 3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 12/17)**

Case No. SUP 19-31

Applicant: Above and Beyond Auto, Inc.  
 David Bray, The Bray Firm – Representative

Request: Auto Sales

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett  
 SECOND: Canale  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan,  
 Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

**APPROVED**, as amended

2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED WITHIN THE BLOCK BOUNDED BY ADAMS AVENUE, POPLAR AVENUE, AND NORTH SECOND STREET, CONTAINING +/- 1.57 ACRES IN THE CENTRAL BUSINESS DISTRICT (CBD). THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 19-36

Applicant: City of Memphis, NCE Realty, and Capital Group, LLC  
 Memphis Hotel Venture LLC  
 Kimley-Horn and Associates, Inc. – Jarmon Peregoy- Representative

Request: To allow a hotel

LUCB and OPD recommendation: APPROVAL, with conditions

Chairwoman Robinson recognized the following person who spoke from the audience:  
 Charles Belenky, 5019 Welchshire Avenue, Memphis, Tennessee, 38117

MOTION: Colvett  
 SECOND: Morgan  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan,  
 Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

**APPROVED**

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 3605 CARNES AVENUE, CONTAINING +/-0.72 ACRES IN THE RESIDENTIAL SINGLE-FAMILY-6 (R-6) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. PD 19-19

Applicant: Petrauskas Capital LLC & Raymond Sharkus  
 Laurynas Petrauskas – Representative

Request: 7-lot residential single-family planned development

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett  
 SECOND: Canale  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan,  
 Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

**APPROVED**

4. **RESOLUTION APPROVING A STREET AND ALLEY CLOSURE LOCATED ON THE PUBLIC RIGHT OF WAY OF WAGNER, 100 FEET NORTH OF THE NORTH LINE OF JACK TUCKER TO UNION AVENUE, CONTAINING +/-0.04 ACRES IN THE CENTRAL BUSINESS DISTRICT (CBD) AND HISTORIC OVERLAY (H) DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SAC 19-10

Applicant: One Union Place Condominium Association Inc.  
 Greg Marcom, The Reaves Firm, Inc. – Representative

Request: Abandon the excess public right-of-way of Wagner adjacent to the side of 35 Union

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett  
 SECOND: Canale  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan,  
 Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

**APPROVED**

- 5. **ORDINANCE REZONING THE WEST SIDE OF WEST DODD ROAD; +/-208.75 FEET SOUTH OF WEST ROAD, CONTAINING 5.60 ACRES IN THE HEAVY INDUSTRIAL (IH) DISTRICT, UP FOR T H I R D AND F I N A L READING. THIS ORDINANCE IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. Z 19-04  
Ordinance No. 5745

Applicant: Ms. Ola Richardson  
Ms. Ola Richardson – Representative

Request: Conservation Agriculture (CA) District

LUCB and OPD recommendation: APPROVAL

MOTION: Colvett

SECOND: Canale

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

**APPROVED**

**FISCAL CONSENT AGENDA – Items #6 - #9 & #26 may be acted upon by one motion:**

- 6. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$17,500.00 FROM INTERNATIONAL PAPER FOUNDATION. THE FUNDS WILL BE USED FOR “LIT MEETS REC” LITERACY PROGRAMMING AT COMMUNITY CENTERS. THIS RESOLUTION IS SPONSORED BY PARKS DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

**APPROVED**

- 7. **RESOLUTION ACCEPTING A DODGE RAM TRUCK WITH A VALUE OF \$37,000.00 FROM SHELBY COUNTY GOVERNMENT TO BE USED BY THE CITY OF MEMPHIS OFFICE OF EMERGENCY MANAGEMENT FOR HAZARDOUS MATERIAL CLEAN-UP RESPONSE AS WELL AS CARRY THE EMERGENCY TORNADO SIREN ACTIVATION EQUIPMENT. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

**APPROVED**

- 8. **RESOLUTION ACCEPTING A REIMBURSEMENT FUNDING IN THE AMOUNT OF \$769,656.69 FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR EXPENSES INCURRED FOR HURRICANE DORIAN. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

**APPROVED**

- 9. **RESOLUTION ACCEPTING A REIMBURSEMENT FUNDING IN THE AMOUNT OF \$11,375.06 FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR EXPENSES INCURRED FOR HURRICANE DORIAN. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

**APPROVED**

- 26. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$100,500.00 FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR THE FY19 PORT SECURITY GRANT PROGRAM (PSGP). THIS RESOLUTION IS SPONSORED BY FIRE SERVICES. (REQUEST FOR SAME NIGHT FISCAL CONSENT AND MINUTES)**

**APPROVED**

**ROLL CALL FISCAL CONSENT ITEMS**

MOTION: Colvett  
 SECOND: Morgan  
 AYES: Canale, Carlisle, Colvett, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson  
 Easter-Thomas did not cast a vote

**APPROVED**

- 27. **RESOLUTION ACCEPTING GRANT FUNDS FROM SHELBY COUNTY GOVERNMENT FOR THE CITY OF MEMPHIS OBDC & HCD TO ADMINISTER TRAINING PROGRAMS AND PROVIDE SUPPORT FOR ENERGY EFFICIENCY ACTIVITIES. THIS RESOLUTION IS SPONSORED BY THE FINANCE DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Ford  
 SECOND: Canale  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

**APPROVED**

**MLGW FISCAL CONSENT AGENDA – Items #10 - #17 may be acted upon by one motion:**

- 10. **RESOLUTION AWARDED A PURCHASE ORDER TO UNISTAR SPARCO COMPUTERS, INC., FOR THE PURCHASE OF MAINTENANCE AND SUPPORT FOR APPLICATION XTENDER SOFTWARE, IN THE AMOUNT OF \$59,889.00.**

**APPROVED**

11. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11090, SERENA MASTER LICENSE AGREEMENT WITH MICROFOCUS (FORMERLY SERENA SOFTWARE, INC.), IN THE FUNDED AMOUNT OF \$174,751.68. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THREE YEARS FOR THE PERIOD COVERING JULY 29, 2020 THROUGH JULY 28, 2023 IN THE FUNDED AMOUNT OF \$174,751.68 OR \$58,250.56 ANNUALLY. THIS RENEWAL REFLECTS A 3% INCREASE IN RATES FOR A THREE YEAR RENEWAL FROM THE PREVIOUS RENEWAL BASED AN INCREASE IN LICENSE QUANTITIES. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY MICROFOCUS (FORMERLY SERENA SOFTWARE, INCORPORATED).**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10908, MOBILE DATA WITH ABB ENTERPRISE SOFTWARE, INCORPORATED, IN THE FUNDED AMOUNT OF \$240,367.31. (THIS CHANGE IS TO RATIFY AND RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT SERVICES FOR THE MOBILE DISPATCHING SYSTEM, MOBILE MAPPING, AND STREET LEVEL ROUTING THROUGH THE CUSTOMER INFORMATION SYSTEM (CIS) COVERING THE PERIOD JANUARY 1, 2020 THROUGH DECEMBER 31, 2020. THIS RENEWAL REFLECTS A 1.81% INCREASE FROM THE PREVIOUS RENEWAL BASED ON THE CONSUMER PRICING INDEX (CPI). MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY ABB ENTERPRISE SOFTWARE, INCORPORATED.)**

**APPROVED**

13. **RESOLUTION AWARDDING A STRATEGIC ALLIANCE PURCHASE ORDER TO ALSTOM GRID, LLC, FOR HIGH VOLTAGE INSTRUMENT TRANSFORMERS AND POWER LINE CARRIER EQUIPMENT, IN AN AMOUNT NOT TO EXCEED \$605,000.00 FOR A 60-MONTH PERIOD WITH THE OPTION TO RENEW TWO ADDITIONAL SINGLE YEAR TERMS.**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11912, 10 MBPS ETHERNET – NETTERS/ARLINGTON WITH AT&T, IN THE FUNDED AMOUNT OF \$23,785.44. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT TERM FOR 24 MONTHS COVERING THE PERIOD JULY 22, 2020 THROUGH JULY 21, 2022, WITH NO INCREASE IN RATES FROM THE ORIGINAL TERM. MLGW IS REQUESTING CONTINUOUS SERVICE OF THE ACQUIRED SYSTEM, WHICH**

**CAN ONLY BE PERFORMED BY AT&T DUE TO AT&T HAVING PROPRIETARY RIGHTS TO THE SOFTWARE.)**

**APPROVED**

- 15. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11896, INTERNET SERVICE PROVIDER WITH WINDSTREAM ENTERPRISE, IN THE FUNDED AMOUNT OF \$55,200.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT TERM FOR 24 MONTHS COVERING THE PERIOD MAY 1, 2020 THROUGH APRIL 30, 2022, WITH NO INCREASE IN RATES FROM THE ORIGINAL TERM. MLGW IS REQUESTING CONTINUOUS SERVICE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY WINDSTREAM ENTERPRISE.)**

**APPROVED**

- 16. **RESOLUTION AWARDING A PURCHASE ORDER TO HEATEC, INC., FOR A REGENERATION GAS HEATER, IN THE AMOUNT OF \$165,654.00.**

**APPROVED**

- 17. **RESOLUTION AWARDING A THIRTY-SIX MONTH PURCHASE ORDER TO T. R. MILLER MILL COMPANY, INC., FOR VARIOUS SIZES OF SOUTHERN YELLOW PINE POLES, IN THE AMOUNT OF \$2,712,976.34.**

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

- MOTION: Morgan
- SECOND: Swearengen
- AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

**APPROVED**

**(Special Item #2 – Councilman Carlisle made a motion to suspend the rules and add the Mayor’s Reappointments/Appointments from the Committee Meeting Schedule to the Agenda)**

- MOTION: Carlisle
- SECOND: Warren
- AYES: Canale, Carlisle, Colvett, Ford, Morgan and Warren
- NAYS: Easter-Thomas, Jones, Logan, Smiley, Swearengen and Chairwoman Robinson
- Johnson did not cast a vote

**FAILED**

18. **APPOINTMENTS**

**MEMPHIS BOARD OF ETHICS**

APPOINTMENT

KAREN R. WILLIAMS

**MEMPHIS AREA TRANSIT AUTHORITY**

APPOINTMENT

MICHELLE ROBINSON MCKISSACK

REAPPOINTMENTS

ROBERT CLARK  
MICHAEL FULTON

**CIVIL SERVICE COMMISSION**

REAPPOINTMENT

STEPHEN BILLER

**MEMPHIS & SHELBY COUNTY DOWNTOWN MEMPHIS COMMISSION**

REAPPOINTMENTS

BENJAMIN ORGEL  
CHERYL PESCE

**ECONOMIC DEVELOPMENT GROWTH ENGINE BOARD**

REAPPOINTMENTS

JOHNNY MOORE  
AL BRIGHT  
MARK J. HALPERIN

Chairwoman Robinson recognized the following person who spoke from the audience:  
Joe B. Kent, 5111 Flamingo, Memphis, Tennessee, 38117

MOTION: Carlisle  
SECOND: Warren  
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Morgan, Smiley, Swearngen, Warren,  
Swearngen and Chairwoman Robinson



Logan abstained  
Ford and Jones did not cast a vote

**APPROVED**

- 25. **RESOLUTION AMENDING FUNDING SOURCES FOR THE PURPOSE OF FUNDING THE CLEAN PATHWAYS INITIATIVE PROGRAM – LIFELINE TO SUCCESS AND FREEDOM FROM UNNECESSARY NEGATIVE (FFUN), 501(C) 3 ORGANIZATIONS IN THE AMOUNT OF \$300,000.00. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

MOTION: Smiley  
 SECOND: Warren  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

**APPROVED**

- 19. **RESOLUTION AUTHORIZING THE REDEMPTION OF PREVIOUSLY SOLD DELINQUENT 2015 PROPERTY TAX RECEIVABLES IN AN AMOUNT NOT EXCEEDING \$1,500,000.00. THIS RESOLUTION IS SPONSORED BY FINANCE DIVISION.**

MOTION: Jones  
 SECOND: Warren  
 AYES: Canale, Carlisle, Colvett, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson  
 Easter-Thomas did not cast a vote

**APPROVED**

- 20. **RESOLUTION AUTHORIZING THE REDEMPTION OF PREVIOUSLY SOLD DELINQUENT 2016 PROPERTY TAX RECEIVABLES IN AN AMOUNT NOT EXCEEDING \$1,600,000.00. THIS RESOLUTION IS SPONSORED BY FINANCE DIVISION.**

MOTION: Jones  
 SECOND: Morgan  
 AYES: Canale, Carlisle, Colvett, Ford, Johnson, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson  
 Easter-Thomas and Jones did not cast a vote

**APPROVED**

21. **RESOLUTION RECOGNIZING A CERTAIN POSITION AS APPOINTED AND EXEMPT FROM CIVIL SERVICES AND TO CLARIFY THE STATUS OF THE EMPLOYEE. THIS RESOLUTION IS SPONSORED BY FIRE DIVISION.**

MOTION: Warren  
SECOND: Colvett  
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

**APPROVED**

22. **RESOLUTION TRANSFERRING ALLOCATIONS IN THE AMOUNT OF \$345,000.00 FROM CIP PROJECT NUMBER GS20101 MAJOR MOD (ROOFING) TO CIP PROJECT NUMBER CD01101. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES DIVISION.**

MOTION: Smiley  
SECOND: Colvett  
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

**APPROVED**

23. **RESOLUTION TRANSFERRING AND APPROPRIATING CONSTRUCTION FUNDS IN THE AMOUNT OF \$731,390.00 TO REPAIR THE ROOF ON A FLOOD CONTROL PUMP STATION AT CYPRESS CREEK. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

MOTION: Smiley  
SECOND: Jones  
AYES: Canale, Carlisle, Colvett, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson  
Easter-Thomas did not cast a vote

**APPROVED**

24. **RESOLUTION TRANSFERRING AND APPROPRIATING CONSTRUCTION FUNDS IN THE AMOUNT OF \$2,750,000.00 TO REPAIR AND REHAB EXISTING DAMAGED SANITARY SEWER PIPE USING CIPP PROCESS AT VARIOUS LOCATIONS. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

MOTION: Smiley  
SECOND: Carlisle  
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

**APPROVED**

**(Special Item #3 - Councilman Colvett made a motion to approve Same Night Minutes for Items #6, #7, #8, #9, #26 & #27, from tonight's meeting).**

MOTION: Colvett  
SECOND: Canale  
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

**APPROVED**

Chairwoman Robinson recognized the following people who spoke from the audience:

- Donna Bohannon, 5343 Sea Isle, Memphis, Tennessee, 38119
- Trudy Stamps, 1801 Whatling Street, Cordova, Tennessee, 38016
- Charles Belenky, 5019 Welchshire Avenue, Memphis, Tennessee, 38117
- Dennis Lynch, 347 N. McLean, Memphis, Tennessee, 38112
- Steven Simmons, 781 Leath Street, Memphis, Tennessee, 38107

**ADJOURNED MEETING AT 5:17 P.M.**

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

  
CHAIRMAN

Attest:

  
Deputy Comptroller/Council Records

