

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

March 3, 2020

3:30 P.M. SCHEDULED SESSION

3:45 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 Swearingen, 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 B. Carraway Stokes, from Greater Paradise Baptist Church. Councilwoman Easter-Thomas presented Pastor Stokes 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 February 18, 2020 with the following motion:

MOTION: Colvett
SECOND: Canale

APPROVED, unanimous voice vote

1. **PRESENTATION TO MR. IKE GRIFFITH FROM BROWN BAPTIST CHURCH FOR THE CITY’S SUMMER YOUTH PROGRAM. SPONSORED BY CHAIRWOMAN ROBINSON.**

(Presentation was given by Pastor Bartholomew Orr).

- 2. **RESOLUTION RECOGNIZING MID-SOUTH MISSION OF MERCY FOR THEIR COMMUNITY EFFORTS. THIS RESOLUTION IS SPONSORED BY VICE CHAIRMAN COLVETT AND CHAIRWOMAN ROBINSON. (HELD FROM 2/18)**

MOTION: Colvett
 SECOND: Canale

APPROVED, unanimous voice vote

- 3. **RESOLUTION RECOGNIZING THE RIDGEWAY MIDDLE SCHOOL ROADRUNNERS BOYS BASKETBALL TEAM FOR THEIR 2019-2020 CLASS AAA CHAMPIONSHIP. THIS RESOLUTION IS SPONSORED BY VICE CHAIRMAN COLVETT.**

MOTION: Colvett
 SECOND: Canale

APPROVED, unanimous voice vote

- 4. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED WITHIN THE BLOCK BOUNDED BY FORD, GILLEAS, TRAVIS AND HARAHAN ROADS, CONTAINING +/-1,500 SQUARE FEET IN THE RESIDENTIAL SINGLE-FAMILY – 6 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 2/4; 2/18)**

Case No. SAC 19-11

Applicant: Blessed of God Holiness Church & Christian Center
 McCaskill & Associates, Inc, - Tim McCaskill – Representative

Request: Divesture of a portion of an east-west paper alley

LUCB and OPD recommendation: APPROVAL

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

APPROVED

CONSENT AGENDA – Items #5 - #7 may be acted upon by one motion: See Page 5395 for Roll Call Consent Items.

- 5. **ORDINANCE** amending Chapter 21 of the City of Memphis, Code of Ordinances to add a Section related to the Speed Enforcement Photographic System, up for F I R S T reading. Ordinance No. 5747 is sponsored by the Division of Engineering.

APPROVED, on First reading

- 6. **RESOLUTION APPROVING THE FINAL PLAT FOR GRAHAMWOOD CROSSING PD.**

Case No. (PD 15-307)
Contract No. CR-5321

Resolution approves the final plat located at 4000 Summer Avenue, northeast corner lot in the Summer Avenue/North Grahamwood Street intersection 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 attached standard improvement contract and accept the Bank3 Letter of Credit No. 115 in the amount of \$50,900.00 on behalf of the City of Memphis.

City Engineer recommends approval

APPROVED

- 7. **RESOLUTION APPROVING THE SUPPLEMENT AGREEMENT #1 TO SOUTH SHELBY RNG, LLC.**

Contract No. CR-5295 AM

Resolution approves supplemental agreement #1 located 1,950 feet east of Holmes Road and Malone Road intersection in the City of Memphis, Tennessee. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

(Councilman Carlisle, made a motion to vote on Consent Item #28 separately, without objection)

FISCAL CONSENT AGENDA – Items #8 - #10 may be acted upon by one motion:

- 8. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$485,000.00 FROM THE NATIONAL PARK SERVICE FOR IMPROVEMENTS TO DOUGLASS PARK. DISTRICT 7, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PARKS AND NEIGHBORHOODS. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

- 9. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$58,491.00 FROM THE SHELBY COUNTY SHERIFF’S OFFICE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

- 10. **RESOLUTION ACCEPTING AN IN-KIND DONATION IN THE AMOUNT OF \$300,000.00 FROM THE U.S. SOCCER FOUNDATION AND TARGET CORPORATION FOR INSTALLATION OF SOCCER MINI-PITCHES AT GAISMAN, BERT FERGUSON, AND WILLOW PARKS. DISTRICTS 5 AND 2, SUPER DISTRICT 9. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PARKS AND NEIGHBORHOODS. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT AGENDA – Items #11 - #16 may be acted upon by one motion:

- 11. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11974, CROSS CONNECTION CONTROL SURVEY/INSPECTION WITH MID-SOUTH ENGINEERING CONSULTANTS, LLC IN THE AMOUNT OF \$215,000.00. (THIS CHANGE IS TO RATIFY AND RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING FEBRUARY 21, 2020 THROUGH FEBRUARY 20, 2021, WITH NO INCREASE IN RATES FROM THE PREVIOUS RENEWAL.)**

APPROVED

- 12. **RESOLUTION AWARDING CONTRACT NO. 12142, CARD PAYMENT PROCESSING SERVICES TO CARD CONNECT, LLC - OPTION A IN THE AMOUNT OF \$5,332,000.00.**

APPROVED

- 13. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11775, ROOF MAINTENANCE WITH DAKOTA CORPORATION DBA JESSIE BRYANT ROOFING IN THE AMOUNT OF \$65,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FOURTH AND FINAL ANNUAL RENEWAL TERM FOR THE PERIOD COVERING MAY 9, 2020 THROUGH MAY 8, 2021, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

- 14. **RESOLUTION AWARDING CONTRACT NO.12144, NETTERS GATE AND ADA IMPROVEMENTS TO BARNES & BROWER, INCORPORATED IN THE AMOUNT OF \$99,871.00.**

APPROVED

- 15. **RESOLUTION AWARDING CONTRACT NO. 12075, ELEVATOR MAINTENANCE – BEALE STREET LANDING TO BARNES & BROWER, INCORPORATED IN THE AMOUNT OF \$354,930.00.**

APPROVED

- 16. **RESOLUTION AWARDING CONTRACT TO STUART C. IRBY COMPANY FOR HIGH VOLTAGE RUBBER GLOVES, IN THE AMOUNT OF \$147,884.91.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

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

APPROVED

- 30. **RESOLUTION URGING THE LEGISLATIVE BODY AND THE TENNESSEE GOVERNOR TO PASS LEGISLATION TO ALLOW THE CITY OF MEMPHIS TO RECEIVE ITS TOTAL SHARE OF THE STATE’S SALES TAX REVENUES. THIS RESOLUTION IS SPONSORED BY MEMPHIS CITY COUNCIL. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

31. **RESOLUTION APPROPRIATING \$1,082,813.00 OF THE CITY OF MEMPHIS DIVISION OF POLICE SERVICES CIP PROJECT PD04022, IN-CAR VIDEO ALLOCATION. THE ENTIRE AMOUNT TO INFORMATION TECHNOLOGY WILL BE APPROPRIATED FOR THE EQUIPMENT AND INSTALLATION OF IN-CAR VIDEO. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

32. **RESOLUTION AUTHORIZING THE MEMPHIS AND SHELBY DIVISION OF PLANNING AND DEVELOPMENT TO PROCEED WITH THE SUBMITTAL OF AN APPLICATION FOR REZONING CERTAIN PROPERTIES ALONG LAMAR AVENUE BETWEEN WINCHESTER ROAD AND BELLEVUE BOULEVARD. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

33. **RESOLUTION AMENDING THE FY21 CITY COUNCIL GRANT PROGRAM. THIS RESOLUTION IS SPONSORED BY COUNCILMAN JONES. (REQUEST FOR SAME NIGHT MINUTES).**

(Special Item #1 - Councilwoman Johnson offered a Friendly Amendment requesting that the Administration include the \$2,600,000.00 for the City Council Grant Program in FY21, to ensure equitable distribution amongst all Council Districts, in increments of \$200,000.00 to each Council Member).

MOTION: Johnson
 SECOND: Carlisle
 AYES: Canale, Carlisle, Colvett, Ford, Johnson, Logan, Morgan, Smiley, Swearingen,

Warren and Chairwoman Robinson
NAYS: Easter-Thomas and Jones

APPROVED

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

APPROVED, as amended

17. **APPOINTMENTS**

PENSION BOARD OF ADMINISTRATION

Reappointments

Sharonda Hampton
Paula Polite

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

APPROVED

18. **ORDINANCE TO AMEND CHAPTER 11 ARTICLE 16 OF THE CODE OF ORDINANCES TO PROHIBIT THE USE OF WIRELESS TELECOMMUNICATION DEVICES ON ROADWAYS AND HIGHWAYS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5733 IS SPONSORED BY THE ADMINISTRATION. (HELD FROM 11/19; 2/4; 2/18)**

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

APPROVED, as amended

19. **ORDINANCE TO AMEND A COUNCIL MEETING DATE FOR THE MONTH OF MARCH FROM THE THIRD TUESDAY TO THE FOURTH TUESDAY, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5746 IS SPONSORED BY CHAIRWOMAN ROBINSON.**

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

APPROVED

20. **RESOLUTION REQUESTING THE APPROVAL OF THE SALE OF CITY OWNED SURPLUS PROPERTY ACQUIRED BY THE CITY OF MEMPHIS FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT IN THE AMOUNT OF \$4,500.00, LOCATED AT 0 PONTOTOC AVENUE IN MEMPHIS, SHELBY COUNTY, TENNESSEE 38126 AND FURTHER DESCRIBED AS PARCEL #007016 00002, TO THE ADJACENT PROPERTY OWNER, DJM HOLDINGS, IN ACCORDANCE WITH CITY ORDINANCE SEC 2-16-1(E). DISTRICT 6, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

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

APPROVED

21. **RESOLUTION REQUESTING THE APPROVAL OF THE SALE OF CITY OWNED SURPLUS PROPERTY ACQUIRED BY THE CITY OF MEMPHIS FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT IN THE AMOUNT OF \$1,000, LOCATED AT 2141 GOFF AVENUE IN MEMPHIS, SHELBY COUNTY, TENNESSEE 38114 AND FURTHER DESCRIBED AS PARCEL #047008 00007. THE PROCEEDS FROM THIS SALE SHALL BE DEPOSITED INTO FUND 221 FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. DISTRICT 4, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

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

APPROVED

22. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$1,141,333.00 FROM CIP PROJECT #IS01007 TO PROVIDE FUNDS FOR A PROGRAMMATIC REPLACEMENT OF OBSOLETE EQUIPMENT AND SOFTWARE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF INFORMATION SERVICES.**

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

APPROVED

23. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$2,250,000.00 FROM CIP PROJECT #IS01082 TO PROVIDE FUNDS TO REPLACE THE EXISTING AND OUTDATED TREASURY TAX SYSTEM. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF INFORMATION SERVICES.**

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

APPROVED

24. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$1,700,000.00 FROM CIP PROJECT #IS01062 TO PROVIDE FUNDS FOR REPLACEMENT OF A TWENTY PLUS YEAR OLD PHONE SYSTEM. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF INFORMATION SERVICES.**

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

APPROVED

25. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$500,000.00 FROM CIP PROJECT #IS01083 TO PROVIDE FUNDS TO UPGRADE THE OUTDATED DESKTOP APPLICATION INFRASTRUCTURE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF INFORMATION SERVICES.**

MOTION: Ford
SECOND: Warren

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

APPROVED

26. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$500,000.00 FROM CIP PROJECT #IS01084 TO PROVIDE FUNDS TO UPGRADE THE OUTDATED NETWORK INFRASTRUCTURE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF INFORMATION SERVICES.**

MOTION: Ford

SECOND: Warren

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

APPROVED

27. **RESOLUTION CREATING A TASK FORCE TO PROVIDE OVERSIGHT FOR IMPLEMENTING THE BEST PRACTICES FOR RECRUITING, HIRING, AND RETAINING PUBLIC SAFETY OFFICERS. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN LOGAN, COUNCILWOMAN SWEARENGEN AND CHAIRWOMAN ROBINSON. (HELD FROM 2/18)**

MOTION: Logan

SECOND: Warren

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

APPROVED, as amended

29. **RESOLUTION APPROVING TERMINATION OF SUBLEASE, ASSIGNMENT OF GROUND LEASE AND AMENDMENT TO CERTAIN DOCUMENTS RELATING TO SHERATON MEMPHIS DOWNTON/CONVENTION CENTER HOTEL. DISTRICT 7, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Ford

SECOND: Warren

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

APPROVED

28. **ORDINANCE TO RESCIND REFERENDUM ORDINANCE NO. 5744 AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME**

BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, AND RELATIVE TO AMENDMENTS THERETO PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO ALLOW SPECIFIED PERSONNEL EMPLOYED WITH THE DIVISIONS OF POLICE AND FIRE SERVICES TO RESIDE WITHIN 50 MILES FROM THE CITY OF MEMPHIS, UP FOR F I R S T READING. ORDINANCE NO. 5748 IS SPONSORED BY COUNCILMAN JONES.

(Councilwoman Swarengen made a motion to send this item back to Committee, but after further discussion, she withdrew her motion).

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

FAILED, on First reading

(Special Item #2 - Councilman Colvett made a motion to approve Same Night Minutes for Items #6, #8 - #10, #19 & #30 - #33 from tonight's meeting).

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

APPROVED

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

- Dennis Lynch, 347 N. McLean, Memphis, Tennessee, 38112
- BJ Chester-Tamayo, 317 N. Main Street, Memphis, Tennessee, 38103
- Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:20 P.M.

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

Patrice J. Robinson

CHAIRMAN

Valerie C. Snyder
Deputy Comptroller/Council Records