

May 2, 2023

MINUTES

MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

May 2, 2023

3:30 P.M. SCHEDULED SESSION

4:21 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with a prayer by Reverend Paul McLain, Associate Rector of Calvary Episcopal Church.

Chairman Jones led the Pledge of Allegiance.

Councilman Colvett thanked Reverend Paul McLain, Associate Rector of Calvary Episcopal Church.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original ordinances, resolutions, and supporting documents, including an audio recording of Council's deliberations is 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.

May 2, 2023

Approval of the Minutes of the regular meeting on April 25, 2023, with the following motion:

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

APPROVED

33. **ORDINANCE TO AMEND THE CODE OF ORDINANCE OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY, MANAGEMENT, TO REQUIRE ANY CONTRACTS FOR THE EXTERIOR MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF \$3,000,000.00, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5863 IS SPONSORED BY COUNCILMEMBERS JONES, FORD, JOHNSON, LOGAN, SWEARENGEN-WASHINGTON, AND WARREN. (HELD FROM 4/25)**

Held until May 16, 2023

37. **RESOLUTION REQUESTING THE CITY ATTORNEY TO PROVIDE AN OPINION ON THE CITY OF MEMPHIS CHARTER'S RESIDENCY REQUIREMENT FOR CANDIDATES FOR MEMPHIS CITY COUNCIL AND MAYOR. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY CHAIRMAN JONES.**

Withdrawn

1. **RESOLUTION RECOGNIZING ASIAN AMERICAN & PACIFIC ISLANDER HERITAGE MONTH. THIS RESOLUTION IS SPONSORED BY CHAIRMAN JONES. (HELD FROM 4/25)**

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

APPROVED

2. **RESOLUTION TO HONOR THE MEMPHIS SHOWBOATS FOR BEING A PROFESSIONAL AMERICAN FOOTBALL TEAM BASED IN MEMPHIS, TENNESSEE. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN SWEARENGEN-WASHINGTON.**

May 2, 2023

MOTION: Swearengen-Washington

SECOND: Smiley

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson
Smiley, Swearengen-Washington, Warren, and Chairman Jones.

APPROVED

3. **RESOLUTION HONORING THE REDISTRICTING COMMITTEE MEMBERS FOR THEIR EXEMPLARY WORK AND CONTRIBUTIONS BY SERVING ON THE 2022-2023 MEMPHIS CITY COUNCIL REDISTRICTING COMMITTEE. THIS RESOLUTION IS SPONSORED BY COUNCILMEMBERS EASTER-THOMAS AND JOHNSON.**

MOTION: Easter-Thomas

SECOND: Johnson

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson
Smiley, Swearengen-Washington, Warren, and Chairman Jones.

APPROVED

4. **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 AT THE NORTHWEST CORNER OF N. FRONT STREET AND A.W. WILLIS AVENUE BY TAKING THE LAND OUT OF THE HEAVY INDUSTRIAL (IH) USE DISTRICT AND INCLUDING IT IN THE MIXED USE (MU) USE DISTRICT, 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.**

**CASE NO. Z 23-03
ORDINANCE NO. 5864**

MOTION: Johnson

SECOND: Carlisle

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

APPROVED, on Third and Final Reading

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5. **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 AT 5591 PIDGEON ROOST ROAD BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, 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.**

**CASE NO. Z 23-04
ORDINANCE NO. 5865**

MOTION: Johnson

SECOND: Carlisle

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

APPROVED, on Third and Final Reading

CONSENT AGENDA – Items #6- #8, were acted upon by one motion; See page 6988 Roll Call Consent Items.

6. **ORDINANCE TO REVISE AND CHANGE CERTAIN COUNCIL DISTRICTS DUE TO POPULATION CHANGES REFLECTED IN THE 2020 FEDERAL CENSUS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICAL, UP FOR F I R S T READING. ORDINANCE NO. 5869 IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS AND CHAIRMAN JONES.**

APPROVED, on First Reading

7. **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 41 WRECKERS OR TOWING OPERATORS, TO ALLOW IMPOUNDED VEHICLES TO BE STORED ON PRIVATE, STORAGE LOTS, UP FOR S E C O N D READING. ORDINANCE NO. 5868 IS SPONSORED BY THE ADMINISTRATION.**

APPROVED, on Second Reading

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8. **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 EXTREME NORTHWEST OF THE SUBJECT PROPERTY LOCATED AT 0 MALONE ROAD OF APPROXIMATELY 3.18 ACRES BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, UP FOR S E C O N D READING. THIS ORDINANCE IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

**CASE NO. Z 23-05
ORDINANCE NO. 5867**

APPROVED, on Second Reading

Chairman Jones recognized the following person(s) who spoke from the audience:

Lisa D Bennett, 4321 Royal Palace Cove, Memphis, Tennessee 38128

ROLL CALL CONSENT AGENDA ITEMS:

MOTION: Carlisle

SECOND: Robinson

AYES: Canale, Ford, Johnson, Logan, Robinson, Smiley, Swearingen-Washington, Warren, and Chairman Jones.

ABSTAIN: Carlisle and Morgan

Colvett and Easter-Thomas did not cast a vote.

APPROVED

Chairman Jones recessed the meeting for five minutes

MLGW FISCAL CONSENT AGENDA - ITEMS #9 - #30 may be acted upon by one motion:

9. **RESOLUTION AWARDING A PURCHASE ORDER TO ENGINEERED SEALING COMPONENTS FOR ELECTRIC SMART METERS IN THE AMOUNT OF \$1,052,702.16.**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12352, SMITH DRIVING TO SMITH SYSTEM, INCORPORATED, TO EXPAND THE CONTRACT SCOPE AND INCREASE THE CURRENT CONTRACT VALUE IN THE FUNDED AMOUNT OF \$202,000.00.**

APPROVED

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11. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12188, GAS LEAK SURVEY WITH HEATH CONSULTANTS, INC. TO RATIFY AND RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$1,200,000.00.

APPROVED

12. RESOLUTION AWARDED CONTRACT NO. 12401 (SOLICITED UNDER CONTRACT NO. 12346), MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (WATER) TO FISHER & ARNOLD, INCORPORATED, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

13. RESOLUTION AWARDED CONTRACT NO. 12400 (SOLICITED UNDER CONTRACT NO. 12346), MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (GAS) TO BARGE DESIGN SOLUTIONS, INCORPORATED, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

14. RESOLUTION AWARDED CONTRACT NO. 12405 (SOLICITED UNDER CONTRACT NO. 12346), MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (WATER) TO GRESHAM SMITH IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

15. RESOLUTION AWARDED CONTRACT NO. 12404 (SOLICITED UNDER CONTRACT NO. 12346), MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (GAS) TO GRESHAM SMITH IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

16. RESOLUTION AWARDED CONTRACT NO. 12399 (SOLICITED UNDER CONTRACT NO. 12346), MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (ELECTRIC) TO GRESHAM SMITH, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

17. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12053, LOCAL DIAL TONE SERVICES WITH AT&T TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$172,735.00.

APPROVED

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18. RESOLUTION AWARDING CONTRACT NO. 12403 (SOLICITED UNDER CONTRACT NO. 12346), MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (WATER) TO ALLEN & HOSHALL, INCORPORATED IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

19. RESOLUTION AWARDING CONTRACT NO. 12402 (SOLICITED UNDER CONTRACT NO. 12346), MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (GAS) TO ALLEN & HOSHALL, INCORPORATED IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

20. RESOLUTION AWARDING CONTRACT NO. 12346, MLGW UTILITY RELOCATIONS FOR STREET IMPROVEMENT PROJECT (ELECTRIC) TO ALLEN & HOSHALL, INCORPORATED IN THE FUNDED AMOUNT NOT-TO-EXCEED \$500,000.00.

APPROVED

21. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12286, MLGW UTILITY PAYMENT CENTERS WITH FIRSTECH, INCORPORATED TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$297,009.00.

APPROVED

22. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 12060, DOT DRUG AND ALCOHOL TESTING WITH MID-SOUTH DRUG TESTING, INCORPORATED TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$125,000.00.

APPROVED

23. RESOLUTION APPROVING THE LAW FIRM OF GLANKLER BROWN, PCCC, TO BE EMPLOYED ON AN AS NEEDED BASIS AT THE FOLLOWING HOURLY RATES: PARTNERS/MEMBERS - \$300 – \$350; ASSOCIATES - \$225 - \$300; AND PARALEGAL/ASSISTANTS - \$175 - 220.

APPROVED

24. RESOLUTION APPROVING THE LAW FIRM OF HARRIS, SHELTON, HANOVER, WALSH, PLLC, TO BE EMPLOYED ON AN AS NEEDED BASIS AT THE FOLLOWING HOURLY RATES: PARTNERS/MEMBERS - \$300 - \$350; ASSOCIATES - \$200 - \$250.

APPROVED

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25. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 12043, PROPERTY & BOILER INSURANCE WITH FM GLOBAL TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT, BASED ON APPROVED RATES, NOT-TO-EXCEED \$2,905,827.00.**

APPROVED

26. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12238, ELECTRIC SUBSTATION CONSTRUCTION AND MAINTENANCE SERVICES WITH RMS ENERGY COMPANY, LLC TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT EQUAL TO APPROVED CONTRACT LICENSING LIMIT BY TENNESSEE STATE BOARD FOR LICENSING CONTRACTORS (NOT TO EXCEED \$10,000,000.00 FOR THIS RENEWAL PERIOD).**

APPROVED

27. **RESOLUTION AWARDDING A PURCHASE ORDER TO GLOBAL POWER COMPONENTS FOR A SWITCHGEAR IN THE AMOUNT OF \$1,999,712.00.**

APPROVED

28. **RESOLUTION AWARDDING A PURCHASE ORDER TO AUTOMOTIVE TOOL GROUP FOR THREE-PHASE BYPASS RECLOSER SWITCHES IN THE AMOUNT OF \$1,388,400.00.**

APPROVED

29. **RESOLUTION AWARDDING A PURCHASE ORDER TO DOBBS PETERBILT FOR THE PURCHASE OF SIX-YARD AND TEN-YARD DUMP TRUCKS IN THE AMOUNT OF \$463,674.00.**

APPROVED

30. **RESOLUTION AWARDDING CONTRACT NO. 12409, TRASH REMOVAL SERVICES TO BFI WASTE SERVICES, LLC DBA REPUBLIC SERVICES OF MEMPHIS IN THE FUNDED AMOUNT OF \$348,232.32.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Robinson

SECOND: Canale

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

APPROVED

May 2, 2023

38. **RESOLUTION AMENDING HOUSING AND COMMUNITY DEVELOPMENT’S FY23 FEDERAL BUDGET BY APPROPRIATING THE EXPENDITURES AND REVENUES FOR THE 2022 LOW INCOME HOUSING ENERGY ASSISTANCE PROGRAM FUNDING. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Colvett

SECOND: Robinson

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

APPROVED

31. **MEMPHIS LANDMARKS COMMISSION**

Appointment

Michael Winter

PUBLIC ART OVERSIGHT COMMITTEE

Appointment

Kate Roberts

MOTION: Johnson

SECOND: Smiley

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

APPROVED

May 2, 2023

36. **RESOLUTION TO AMEND THE FY24 MEMPHIS CITY COUNCIL COMMUNITY GRANT PROGRAM. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY CHAIRMAN JONES.**

MOTION: Carlisle

SECOND: Swearngen-Washington

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

APPROVED

32. **ORDINANCE TO AMEND TITLE 6, CHAPTER 92, TO EXTEND THE SUNSET CLAUSE FOR THE EQUAL BUSINESS OPPORTUNITY PROGRAM, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5866 IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Carlisle

SECOND: Warren

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

APPROVED, on Third and Final Reading

34. **ORDINANCE RENAMING SOUTH SECOND STREET BETWEEN BEALE STREET AND G.E. PATTERSON AVENUE AS REPRESENTATIVE BARBARA COOPER STREET, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5846 IS SPONSORED BY THE MEMPHIS CITY COUNCIL. (HELD FROM 2/21; 3/7. 3/21; 4/25)**

Held until May 16, 2023

35. **ORDINANCE SUPPLEMENTING AND AMENDING THE 2021 MEMPHIS MUNICIPAL CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE RELATIVE TO ANIMALS AND HORSE DRAWN CARRIAGES: PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED HEREIN; AND PROVIDING WHEN SUCH AMENDMENTS TO THE CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5843 IS SPONSORED BY THE ADMINISTRATION. (HELD FROM 2/7; 3/7; 3/21; 4/11; 4/25)**

Chairman Jones recognized the following person(s) who spoke from the audience:

Suzy Hollenbach, 5243 Laurie Ln., Memphis, Tennessee 38120

Donna M Fields, 490 S. Holmes., Memphis, Tennessee 38111

Gilbert Barnes Carter III, 37 West Waldorf Ave., Memphis, Tennessee 38109

Held until May 16, 2023

May 2, 2023

(Special Item #1 – Approval of same night minutes for Item #38, from tonight’s meeting.)

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

APPROVED

Chairman Jones recognized the following person(s) who spoke from the audience:

- Male Atkins, 62 N Main St., Memphis, Tennessee 38103
- Vincent Springgs III, 440 N. McNeil., Memphis, Tennessee 38112
- Amber Sherman, 6070 N. Belle Grove Cv., Memphis, Tennessee 38115
- Lj Abraham, 199 S. McLean Blvd., Memphis, Tennessee 38104
- Lucci Cherum, 3160 Spottswood Ave., Memphis, Tennessee 38111
- Gilbert Barnes Carter III, 37 West Waldorf Ave., Memphis, Tennessee 38109
- Beth Hoffberg, 717 S Riverside Dr., Memphis, Tennessee 38103
- Charles Todd, 787 Alice Ave., Memphis, Tennessee 38106

MEETING ADJOURNED AT 6:06 p.m.

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

CHAIRMAN

Deputy Comptroller/Council Records