

July 23, 2024

MINUTES
MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
July 23, 2024

3:30 P.M. SCHEDULED SESSION

3:32 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Chase Carlisle, Yolanda Cooper-Sutton, Michalyn Easter-Thomas, Edmund Ford, Sr., Jerri Green, Rhonda Logan, Philip Spinosa, Jana Swearengen-Washington, Pearl Eva Walker, Jeff Warren, and Janika White.
Chairman JB Smiley, Jr was absent.

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

INVOCATION

The meeting was opened with a prayer by Father Ben Bradshaw from St. Michael Catholic Church.

Vice-Chair Canale led the Pledge of Allegiance.

Councilman Spinosa thanked Father Ben Bradshaw from St. Michael Catholic 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.

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Approval of the Minutes of the regular meeting on July 09, 2024, with the following motion:

MOTION: Swearengen-Washington
 SECOND: Spinosa
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa,
 Swearengen-Washington, Walker, Warren, and White.
 Chairman Smiley was absent.

APPROVED

Vice-Chair Canale requested a moment of silence for the individual who recently lost his life at the Benjamin L. Hooks Central Library.

1. **RESOLUTION HONORING LE BONHEUR CHILDREN'S HOSPITAL FOR ITS UNWAVERING COMMITMENT TO PROVIDING EXCELLENT PEDIATRIC HEALTHCARE. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN COOPER-SUTTON.**

MOTION: Cooper-Sutton
 SECOND: Ford
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa,
 Swearengen-Washington, Walker, Warren, and White.
 Chairman Smiley was absent.

APPROVED

2. **RESOLUTION RECOGNIZING WORLD DROWNING PREVENTION DAY. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN LOGAN.**

MOTION: Logan
 SECOND: Ford
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa,
 Swearengen-Washington, Walker, Warren, and White.
 Chairman Smiley was absent.

APPROVED

3. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON THOMAS STREET FROM FLEMING AVENUE TO MARBLE AVENUE FOR VELMA LOIS JONES. DISTRICT 7, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN WHITE.**

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MOTION: White
 SECOND: Swearengen-Washington
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa,
 Swearengen-Washington, Walker, Warren, and White.
 Chairman Smiley was absent.

APPROVED

4. **ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE 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 SOUTHEAST CORNER OF DEXTER LANE AND CORDOVA ROAD +/- 1,027.43 FEET NORTH OF MACON ROAD BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL SINGLE FAMILY – 6 (R-6) 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. (HELD FROM 5/7; 7/9)**

**CASE NO. Z 24-01
 ORDINANCE NO. 5902**

Vice-Chair Canale recognized the following person(s) who spoke from the audience:

Christine Fox, 244 N. McNeil St., Memphis, Tennessee 38112
Dianne McCalilla, 8518 Farley Ave., Memphis, Tennessee 38016

MOTION: Ford
 SECOND: Spinosa
 AYES: Canale, Carlisle, Easter-Thomas, Ford, Green, Spinosa, and Warren.
 NAYS: Cooper-Sutton and Walker.
 ABSTAIN: Logan
 Swearengen-Washington and White did not cast a vote.
 Chairman Smiley was absent.

APPROVED, on Third and Final Reading

CONSENT AGENDA – Items #5, #7- #9, and #25 were acted upon by one motion; See page 7496 Roll Call Consent Items.

5. **ORDINANCE RENAMING THE LINCOLN PARK PAVILION IN HONOR OF HAZEL MOORE AS THE HAZEL MOORE PAVILION IN THE CITY OF MEMPHIS, UP FOR S E C O N D READING. ORDINANCE NO. 5910 IS SPONSORED BY COUNCILMEMBERS SWEARENGEN-WASHINGTON, WARREN, FORD, LOGAN, AND SPINOSA.**

APPROVED, on Second Reading

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7. **ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, GOVERNING MOTOR VEHICLES AND TRAFFIC, TO AMEND REGISTRATION FEES, UP FOR S E C O N D READING. ORDINANCE NO. 5912 IS SPONSORED BY THE ADMINISTRATION.**

APPROVED, on Second Reading

8. **JOINT ZONING ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD, UP FOR S E C O N D READING. THIS ORDINANCE IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

**CASE NO. ZTA 24-02
ORDINANCE NO. 5909**

APPROVED, on Second Reading

9. **NOTATIONS FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATIONS MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. **Case No. SUP 24-09 – OUTLAND ROAD SPECIAL USE PERMIT**

Located at 3679 Outland Road.

Applicant: ALIEX, LLC/New Development, LLC
David Bray, The Bray Firm (Representative)

Request: Special use permit to allow a convenience store
with gasoline sales

SUGGESTED DATE: August 20, 2024

B. **Case No. MJR 24-20 (SUP 21-39 CORRES.) – UNION AVENUE MAJOR MODIFICATION**

Located at 1925 Union Avenue.

Applicant: EP3 Developers, LLC
Kimley-Horn and Associates, Inc. (Representative)

Request: Major modification to allow a drive-through restaurant
and a time extension for SUP 21-39

SUGGESTED DATE: August 20, 2024

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APPROVED

25. **ORDINANCE TO AMEND AND RESTATE REFERENDUM ORDINANCE 5862 THAT PROPOSED AN AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO MODIFY THE EXISTING REQUIREMENTS FOR QUALIFICATIONS FOR MAYOR AND THE CITY COUNCIL MEMBERS OF THE CITY OF MEMPHIS, UP F I R S T READING. ORDINANCE NO. 5913 IS SPONSORED BY CHAIRMAN SMILEY. (REQUEST TO ADD-ON FOR FIRST READING)**

APPROVED, on First Reading

Councilwoman White moved to remove Item #6 from the Consent Agenda and voted upon separately, without objection.

ROLL CALL CONSENT AGENDA ITEMS:

MOTION: Carlisle

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearengen-Washington, Walker, Warren, and White.
Chairman Smiley was absent.

APPROVED, as amended

6. **REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO ARTICLE XI, § 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), RELATIVE TO THE COMPOSITION OF THE BOARD OF COMMISSIONERS OF MEMPHIS LIGHT, GAS AND WATER DIVISION, UP FOR S E C O N D READING. ORDINANCE NO. 5911 IS SPONSORED BY COUNCILMAN WARREN.**

Vice-Chair Canale recognized the following person(s) who spoke from the audience:

Joe B. Kent, 5111 Flamingo Rd., Memphis, Tennessee 38117

WITHDRAWN

FISCAL CONSENT AGENDA - Item #10 may be acted upon by one motion:

10. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$1,440,000.00 SPECIFICALLY FOR THE IN-SERVICE TRAINING PROGRAM FOR THE TRAINING OF 1,800 COMMISSIONED OFFICERS. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

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ROLL CALL FISCAL CONSENT AGENDA ITEM:

MOTION: Carlisle
 SECOND: Swearengen-Washington
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa,
 Swearengen-Washington, Walker, Warren, and White.
 Chairman Smiley was absent.

APPROVED

MLGW FISCAL CONSENT AGENDA - ITEMS #11 - #17 may be acted upon by one motion:

11. RESOLUTION AWARDDING CONTRACT NO. 12480, OVERHEAD STORAGE TANK PAINTING FOR ARLINGTON STANDPIPE, CASPER CREEK, CLOVERHAVEN, GALLAGHER, PALMER, AND REDWOOD TO G & L TANK SANDBLASTING AND COATINGS, LLC IN THE FUNDED AMOUNT OF \$2,344,410.00.

APPROVED

12. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12240, OVERHEAD WATER STORAGE TANK PAINTING INSPECTIONS WITH MID-SOUTH TANK CONSULTANTS TO CHANGE THE SCOPE, EXTEND THE TERM AND INCREASE THE CURRENT CONTRACT VALUE IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$511,300.00.

APPROVED

13. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12518 (FORMERLY CONTRACT NO. C2499), TREND MICRO SITE BUNDLE WITH UNISTAR-SPARCO COMPUTERS, INC. TO RENEW THE CONTRACT IN THE FUNDED AMOUNT OF \$312,561.00.

APPROVED

14. RESOLUTION AWARDDING CONTRACT NO. 12522 (FORMERLY CONTRACT NO. C2728), OLARWINDS' ENTERPRISE HYBRID CLOUD OBSERVABILITY (HCO) AND SUPPORTING MODULES TO INSIGHT PUBLIC SECTOR, INC. IN THE FUNDED AMOUNT OF \$150,303.24.

APPROVED

15. RESOLUTION RATIFYING THE AWARD OF CONTRACT NO. 12521 (FORMERLY CONTRACT NO. C2707), SERENA BUSINESS MANAGER MAINTENANCE TO VISIONARY INTEGRATION PROFESSIONALS, LLC IN THE FUNDED AMOUNT OF \$231,245.73.

APPROVED

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16. **RESOLUTION APPROVING AN ANNUAL SALARY IN THE AMOUNT OF \$171,000.00 FOR A CANDIDATE FOR THE POSITION OF DIRECTOR OF SAFETY. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

17. **RESOLUTION AWARDED CONTRACT NO. 12484, WATER FILTER SYSTEM UPGRADES TO GRINDER, TABER & GRINDER, INC. IN THE FUNDED AMOUNT OF \$44,599,588.63. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

Councilman Warren made a statement of disclosure regarding his conflict of interest with Item #17.

ROLL CALL MLGW FISCAL CONSENT ITEMS:

MOTION: Spinosa
 SECOND: Swearingen-Washington
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Logan, Spinosa, Swearingen-Washington, Walker, Warren, and White.
 Green did not cast a vote.
 Chairman Smiley was absent.

APPROVED

22. **RESOLUTION TO AMEND THE FY2024 FEDERAL BUDGET BY ACCEPTING AND APPROPRIATING THE EXPENDITURES AND REVENUES FOR THE WEATHERIZATION PROGRAM LIHEAP 20-206 GRANT IN THE AMOUNT OF \$1,213,267.67. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Logan
 SECOND: Swearingen-Washington
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearingen-Washington, Walker, Warren, and White.
 Chairman Smiley was absent.

APPROVED

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23. **RESOLUTION ACCEPTING REPORT OF TENNESSEE COMPTROLLER REGARDING PLAN OF REFUNDING FOR THE TENTH SUPPLEMENTAL RESOLUTION SUPPLEMENTING THE ELECTRIC SYSTEM REVENUE OBLIGATIONS MASTER RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED TWO HUNDRED MILLION DOLLARS (\$200,000,000) PRINCIPAL AMOUNT OF ELECTRIC SYSTEM REVENUE AND REVENUE REFUNDING BONDS, SERIES 2024 (THE "BONDS"). ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY MLGW. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Spinosa

SECOND: Carlisle

AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearingen-Washington, Walker, Warren, and White.
Chairman Smiley was absent.

APPROVED

24. **TENTH SUPPLEMENTAL RESOLUTION SUPPLEMENTING THE ELECTRIC SYSTEM REVENUE OBLIGATIONS MASTER RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED TWO HUNDRED MILLION DOLLARS (\$200,000,000) PRINCIPAL AMOUNT OF ELECTRIC SYSTEM REVENUE AND REVENUE REFUNDING BONDS, SERIES 2024. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY MLGW. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Spinosa

SECOND: Carlisle

AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearingen-Washington, Walker, Warren, and White.
Chairman Smiley was absent.

APPROVED

18. **ORDINANCE TO AMEND AND RESTATE REFERENDUM ORDINANCE NO. 5877 THAT PROPOSED AN AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS, PURSUANT TO ARTICLE XI, § 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE PROVISIONS FOR THE REGULATION OF DEADLY WEAPONS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5908 IS SPONSORED BY COUNCILMAN WARREN.**

MOTION: Swearingen-Washington

SECOND: Spinosa

AYES: Canale, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearingen-Washington, Walker, Warren, and White.
Carlisle did not cast a vote.
Chairman Smiley was absent.

APPROVED, on Third and Final Reading

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19. **RESOLUTION TO APPROVE A USE AGREEMENT BETWEEN THE CITY OF MEMPHIS THROUGH ITS DIVISION OF PARKS AND MIRACLE LEAGUE OF MEMPHIS, TO FUNDRAISE AND PROJECT MANAGE THE CONSTRUCTION ACCESSIBLE BALLFIELD AT TOBEY PARK. DISTRICT 5, SUPER DISTRICT 9. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Spinosa

SECOND: Green

AYES: Canale, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearngen-Washington, Walker, Warren, and White.

Carlisle did not cast a vote.

Chairman Smiley was absent.

APPROVED

20. **RESOLUTION REQUESTING ADDITIONAL FUNDS REQUEST FOR AN EXISTING CONTRACT TO TRANSFER AND APPROPRIATE ADDITIONAL CONSTRUCTION FUNDS FOR STORM WATER CIPP 2022, PROJECT NUMBER ST03222, TO REPAIR/REHAB EXISTING DAMAGED STORM DRAINPIPES USING CIPP PROCESS AT VARIOUS LOCATIONS. THIS IS THE THIRD YEAR OF A THREE-YEAR CONTRACT. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Swearngen-Washington

SECOND: Green

AYES: Canale, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearngen-Washington, Walker, Warren, and White.

Carlisle and Cooper-Sutton did not cast a vote.

Chairman Smiley was absent.

APPROVED

21. **RESOLUTION REQUESTING ADDITIONAL FUNDS REQUEST FOR AN EXISTING CONTRACT TO TRANSFER AND APPROPRIATE ADDITIONAL CONSTRUCTION FUNDS FOR SW22201-INSTALL CIPP ANNUAL 2022 TO REPAIR/REHAB EXISTING DAMAGED SANITARY SEWER PIPES USING CIPP PROCESS AT VARIOUS LOCATIONS. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Swearngen-Washington

SECOND: Spinosa

AYES: Canale, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearngen-Washington, Walker, Warren, and White.

Carlisle and Cooper-Sutton did not cast a vote.

Chairman Smiley was absent.

APPROVED

July 23, 2024

(Special Item #1 – Approval of Same Night Minutes for Items #10, #16, #17, #22, #23, and #24 from tonight’s meeting.)

MOTION: Swearengen-Washington

SECOND: Spinosa

AYES: Canale, Easter-Thomas, Ford, Green, Logan, Spinosa, Walker, Warren, and White.
Carlisle, Cooper-Sutton, and Swearengen-Washington did not cast a vote.
Chairman Smiley was absent.

APPROVED

Vice-Chair Canale recognized the following person(s) who spoke from the audience:

(23 SPEAKER CARDS FOR PUBLIC COMMENTS ARE ARCHIVED IN COUNCIL RECORDS.)

MEETING ADJOURNED AT 5:20 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.

Valerie C. Sripes
Deputy Comptroller/Council Records


CHAIRMAN