

February 20, 2024

MINUTES

MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

February 20, 2024

3:30 P.M. SCHEDULED SESSION

3:47 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, Janika White, and Chairman JB Smiley, Jr.

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

INVOCATION

The meeting was opened with a prayer by Pastor Charlie A. Caswell, Jr. from Impact Church.

Chairman Smiley led the Pledge of Allegiance.

Councilwoman Green thanked Pastor Charlie A. Caswell, Jr. from Impact 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.

February 20, 2024

Approval of the Minutes of the regular meeting on February 06, 2024, with the following motion:

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

APPROVED

2. **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 3545 SOUTH THIRD STREET. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. SUP 23-26

Held until March 05, 2024

3. **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 391 WESTERN PARK DRIVE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. SUP 23-36

Held until March 05, 2024

4. **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 2426 LAMAR AVENUE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. SUP 24-01

Held until March 05, 2024

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5. **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 OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER ROAD FROM THE RESIDENTIAL SINGLE FAMILY – 6 (R-6) 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. (HELD FROM 12/19; 1/9; 1/23)**

**CASE NO. Z 23-13
ORDINANCE NO. 5890**

Held until March 05, 2024

7. **RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR LUCKY SELF-STORAGE – 325 G. E. PATTERSON AVENUE [CR-5412] AND RELEASING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)**

(CONTRACT NO. CR-5412)

Held until March 05, 2024

Chairman Smiley recognized the Stax Music Academy to perform Lift Every Voice and Sing .

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON LOONEY AVENUE BETWEEN AYERS STREET AND HASTINGS STREET FOR REVEREND O.C. COLLINS, JR. DISTRICT 7, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS.**

MOTION: Easter-Thomas

SECOND: Swearngen-Washington

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

APPROVED

CONSENT AGENDA – Items #6, #8, and #9 were acted upon by one motion; See page 7317 Roll Call Consent Items.

6. **RESOLUTION APPROVING ENGINEERING PLANS FOR CONWOOD II DEVELOPMENT (2024) AND ACCEPTING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)**

CONTRACT NO. CR-5453

APPROVED

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8. **RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR WOODLAND HILLS II PD, PHASE 15, PART OF AREA 7 (COUNTY) [CR-5411] (REQUEST FOR SAME NIGHT MINUTES)**

(CONTRACT NO. CR-5411)

APPROVED

9. **RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR HOLMES AND MINERAL WELLS PD, 1ST AMENDMENT, PARCEL A1 AND C PHASE 17 [CR-5387] AND RELEASING BOND. (REQUEST FOR SAME NIGHT MINUTES)**

(CONTRACT NO. CR-5387)

APPROVED

ROLL CALL CONSENT AGENDA ITEMS:

MOTION: Carlisle

SECOND: Swearingen-Washington

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

APPROVED

21. **RESOLUTION TO TRANSFER AND APPROPRIATE CONTRACT CONSTRUCTION FUNDS IN THE AMOUNT OF \$500,000.00 FROM SIDEWALKS COVERLINE, PROJECT NUMBER PW24200 TO FY24 CITY OWNED SIDEWALK, PROJECT # PW-TBD FOR SIDEWALK REPAIRS IN VARIOUS LOCATIONS. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Swearingen-Washington

SECOND: Warren

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

APPROVED

(Special Item #1 – A motion to divide the question by removing Item #10 from MLGW Fiscal Consent.)

MOTION: Spinosa

SECOND: Walker

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

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APPROVED

MLGW FISCAL CONSENT AGENDA - ITEMS #11 - #18 may be acted upon by one motion:

11. RESOLUTION AWARDING CONTRACT NO. 12432. RIGHT-OF-WAY MOWING, TO ENLIGHTENMENT INC. D.B.A. APS FACILITY MAINTENANCE, IN THE FUNDED AMOUNT OF \$2,034,340.00.

APPROVED

12. RESOLUTION AWARDING A THIRTY-SIX-MONTH BLANKET PURCHASE ORDER NUMBER 1793765, TO HARCROS CHEMICALS INCORPORATED FOR THE PURCHASE OF SODIUM HEXAMETAPHOSPHATE, IN THE AMOUNT OF \$2,052,750.00.

APPROVED

13. RESOLUTION APPROVING CHANGE NO. 20 TO CONTRACT NO. 9955, PARTIAL FUNDING OF POLLUTION CONTROL-GROUND WATER QUALITY CONTROL PROGRAM WITH MEMPHIS & SHELBY COUNTY HEALTH DEPARTMENT TO AUTHORIZE THE ANNUAL FEE PAYMENT IN THE FUNDED AMOUNT \$141,512.25.

APPROVED

14. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11292, CASHIERING SYSTEM REPLACEMENT WITH SYSTEM INNOVATORS TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$51,034.61.

APPROVED

15. RESOLUTION APPROVING THE RATIFICATION OF PURCHASE ORDER NUMBER 7009932 TO HOWARD INDUSTRIES, INC., FOR SINGLE PHASE POLE TYPE DISTRIBUTION TRANSFORMERS FOR AN ADDITIONAL AMOUNT OF \$224,318.64.

APPROVED

16. RESOLUTION AWARDING PURCHASE ORDER NUMBER 1793579, TO BRIGHTER DAYS AND NITES, INC., IN THE AMOUNT OF \$513,700.00 FOR ARRESTERS.

APPROVED

17. RESOLUTION AWARDING A TWELVE-MONTH BLANKET PURCHASE ORDER NUMBER 1793574 FOR CONTROL CABLE TO AUTOMOTIVE TOOL GROUP IN THE AMOUNT OF \$767,566.00.

APPROVED

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18. **RESOLUTION APPROVING THE RATIFICATION OF PURCHASE ORDER NUMBER 7016472 TO HOWARD INDUSTRIES, INC., FOR SINGLE PHASE PAD MOUNT DISTRIBUTION TRANSFORMERS FOR AN ADDITIONAL AMOUNT OF \$3,783,970.64.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS:

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

APPROVED, as amended

(Special Item #2 – A motion to refer Item #10 back to MLGW Committee for review.)

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

APPROVED

22. **RESOLUTION TO TRANSFER AND APPROPRIATE CONTRACT CONSTRUCTION FUNDS IN THE MOUNT OF \$1,000,000.00 FROM CURB/GUTTER MISC LOC COVERLINE, PROJECT NUMBER ST03211 TO FY24 CURB AND GUTTER PROJECT NUMBER ST-TBD FOR CURB AND GUTTER REPLACEMENTS IN VARIOUS LOCATIONS IN THE CITY. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

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23. **RESOLUTION TO TRANSFER AND APPROPRIATE CONTRACT CONSTRUCTION FUNDS IN THE AMOUNT OF \$1,000,000.00 FROM ADA CURB RAMP COVERLINE, PROJECT NUMBER PW24300 TO FY24 ADA RAMPBID GROUP 68, PROJECT NUMBER PW-TBD FOR ADA CURB RAMP IMPROVEMENTS IN VARIOUS LOCATIONS. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Swearengen-Washington

SECOND: Carlisle

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

APPROVED

24. **RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A WIFIA MASTER PROGRAM VIA A WIFIA MASTER AGREEMENT BETWEEN THE UNITED STATES ENVIRONMENT PROTECTION AGENCY AND THE CITY IN A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$50,470,000.00 FOR THE PURPOSE OF PROVIDING FUNDING FOR VARIOUS IMPROVEMENTS TO THE STORM WATER SYSTEM. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Carlisle

SECOND: Spinosa

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

APPROVED

25. **RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,300,000.00 OF STORM WATER SYSTEM REVENUE BONDS OF THE CITY OF MEMPHIS, TENNESSEE, FOR THE PURPOSE OF FINANCING VARIOUS IMPROVEMENTS TO THE STORM WATER SYSTEM. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Carlisle

SECOND: Spinosa

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

APPROVED

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26. **RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,300,000.00 AGGREGATE PRINCIPAL AMOUNT OF STORM WATER SYSTEM REVENUE BONDS OF THE CITY OF MEMPHIS, TENNESSEE, FOR THE PURPOSE OF FINANCING VARIOUS IMPROVEMENTS TO THE STORM WATER SYSTEM. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Carlisle

SECOND: Warren

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

APPROVED

27. **RESOLUTION TO AMEND THE MEMPHIS CITY COUNCIL RULES OF PROCEDURE. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY CHAIRMAN SMILEY. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Carlisle

SECOND: Spinosa

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

APPROVED

19. **ORDINANCE TO ESTABLISH MEMPHIS COUNCIL MEETING DATES FOR 2024, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5896 IS SPONSORED BY CHAIRMAN SMILEY, JR.**

MOTION: Canale

SECOND: Spinosa

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

APPROVED

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(Special Item #3 – A motion to hold Item #20.)

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

FAILED

20. **ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, SECTION 2-19 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TO CREATE HEALTH BENEFITS FOR ELECTED OFFICIALS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5895 IS SPONSORED BY CHAIRMAN JONES. (HELD FROM 1/9; 2/6)**

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

Cherryl Pignes Crite, 856 Faxon Ave., Memphis, Tennessee 38105
Vanessa Coburn, 3078 Calvert Ave., Memphis, Tennessee 38108
Melissa Renard, 3642 Marion Ave., Memphis, Tennessee 38111
Mary Phebus, 3638 Dagmar St., Memphis, Tennessee 38128
Kendrick Simpson, 4950 Kimball Ave., Memphis, Tennessee 38117
Cameron Stephens, 8898 Lanthorn Cv., Memphis, Tennessee 38016

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

FAILED

(Special Item #4 – Approval of Same Night Minutes for Items #6, #8, #9, and #21- #27, from tonight’s meeting.)

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

February 20, 2024

APPROVED

Chairman Smiley stated that PD 23-25, located at 1230 N. Watkins St., will be heard on March 19, 2024 City Council Meeting.

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

Joe B. Kent, 511 Flamingo Rd., Memphis, Tennessee 38117

Walter Broady, 4256 Ledbetter Cv., Memphis, Tennessee 38109

MEETING ADJOURNED AT 6:28 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

Valerie C. Snipes
Deputy Comptroller/Council Records