

MINUTES

**TELEPHONIC MEETING OF OCTOBER 20, 2020 RECESSED MEETING TO
NOVEMBER 3, 2020 MEETING OF THE CITY COUNCIL CITY OF MEMPHIS**

OCTOBER 20, 2020

3:29 P.M. MEETING RECONVENED

(After the meeting was re-opened for the transaction of business and a quorum was declared present, Vice Chairman Colvett made a motion to adjourn the October 20, 2020 City Council Meeting; this was seconded by Councilman Carlisle, without objection.)

(Chairwoman Robinson adjourned the October 20, 2020 City Council Meeting being that there wasn't any unfinished business, without objection.)

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, October 20, 2020, 3:29 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

ADJOURNED MEETING AT 3:30 P.M.

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

Patricia J. Robinson
CHAIRMAN ✓

Attest:

Valerie C. Snyper
Deputy Comptroller/Council Records

MINUTES

TELEPHONIC MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

November 3, 2020

3:30 P.M. SCHEDULED SESSION

3:30 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 Swearngen, Jeff Warren and Chairwoman Patrice Robinson.

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

INVOCATION

The meeting was opened with telephonic prayer by Pastor Uliasea Little from Christ Baptist Church. Councilman Smiley thanked Pastor Little for being the Chaplain of the Day.

Chairwoman Robinson asked Councilman Carlisle to lead the Pledge of Allegiance.

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 October 20, 2020 with the following motion:

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

APPROVED

1. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 590 EAST RAINES ROAD, CONTAINING 0.26 ACRE IN THE COMMERCIAL MIXED USE – 1 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 10/6; 10/20)**

Case No. SUP 20-07

Held until November 17, 2020

2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 5050 SUMMER AVENUE, CONTAINING +/-0.7 ACRES IN THE COMMERCIAL MIXED USE – 3 (CMU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 20-09

Held until November 17, 2020

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT PARTS OF 4704 YALE ROAD, CONTAINING 1.7 ACRES IN THE COMMERCIAL MIXED USE – 2 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 20-10

Held until November 17, 2020

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT PARTS OF 3372 AUSTIN PEAY HIGHWAY, CONTAINING 67 ACRES (WHOLE PARCEL) IN THE COMMERCIAL MIXED USE – 2 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 20-13

Held until November 17, 2020

22. **ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B, TO REQUIRE THE BOARD OF ETHICS TO ESTABLISH AN ONLINE PORTAL TO REQUIRE LOBBYISTS TO REGISTER MEMPHIS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5752 IS SPONSORED BY COUNCILMAN MORGAN AND COUNCILMAN CARLISLE. (HELD FROM 6/16;7/7;7/21; 9/1: 9/15; 10/6; 10/20)**

Held until November 17, 2020

23. **ORDINANCE AMENDING AND RESTATING CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES GOVERNING THE CITY PENSION SYSTEM, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5763 IS SPONSORED BY THE ADMINISTRATION. (HELD FROM 10/20)**

Held until November 17, 2020

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

- 5. **ORDINANCE AMENDING CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS, UP FOR SECOND READING. ORDINANCE NO. 5764 IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS.**

APPROVED, on Second reading

- 6. **NOTATION FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. PD 20-11 – PYRAMID USED CARS

Public Hearing Set for November 17, 2020

- 7. **RESOLUTION ACCEPTING JB HUNT (4640 S. MENDENHALL RD) AND AUTHORIZING RELEASE OF THE BOND.**

(Contract No. CR-5305)

Resolution approves the public improvements located at the intersection of East Shelby Drive and South Mendenhall Road in the Northeast corner lot in the City of Memphis, Tennessee. Resolution also authorizes the release of Performance Bond No. 107070485 in the amount of \$258,300.00 held as a security for the standard improvement contract.

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Colvett

SECOND: Warren

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

APPROVED

FISCAL CONSENT AGENDA – Item #8 & # 24 - #28 may be acted upon by one motion:

8. **RESOLUTION ACCEPTING, ALLOCATING, AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$9,035.00 FROM THE STATE OF TENNESSEE, OFFICE OF THE SECRETARY OF STATE, TN STATE LIBRARY AND ARCHIVES (TSLA). ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY LIBRARY SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

24. **RESOLUTION APPROPRIATING \$2,863,363.56 OF ASSIGNED FUND BALANCE FOR THE PURPOSE OF MEETING CONTRACTUALLY OBLIGATED CAPITAL EXPENDITURES FOR IMPROVEMENTS TO FEDEX FORUM. THIS RESOLUTION IS SPONSORED BY EXECUTIVE AND FINANCE DIVISIONS.**

APPROVED

25. **RESOLUTION ACCEPTING \$15,000,000.00 FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CLEAN WATER STATE REVOLVING LOAN FUND, SRF 2021-451, CIP PROJECT #SW05001 FOR THE CITY-WIDE SEWER COLLECTION SYSTEM ASSESSMENT AND REHABILITATION PROGRAM. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

26. **RESOLUTION TRANSFERRING AND APPROPRIATING CONSTRUCTION FUNDS IN THE AMOUNT OF \$1,616,303.00 TO REHABILITATE A FLOOD CONTROL PUMP STATION ON NORTH SECOND STREET NEAR MARBLE AVENUE FUNDED BY 95% STORM WATER REVENUE BONDS AND 5% SEWER CAPITAL PAY-GO. (DISTRICT 7, SUPER DISTRICT 9). THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

27. **RESOLUTION TRANSFERRING AND APPROPRIATING CONSTRUCTION FUNDS IN THE AMOUNT OF \$80,403.00 TO REHABILITATE A FLOOD CONTROL PUMP STATION ON NORTH SECOND STREET NEAR MARBLE AVENUE FUNDED BY 95% STORM WATER REVENUE BONDS AND 5% SEWER. (DISTRICT 7, SUPER DISTRICT 9). THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

- 28. **RESOLUTION REMOVING THE FY2021 CAPITAL PAY GO FUNDING SOURCE OF \$30,000,000.00 AND REPLACE IT WITH AN ALLOCATION AND APPROPRIATION OF \$115,000,000.00 REVENUE BOND SEWER ASSESSMENT AND REHAB PROJECT #SW05001. (ALL COUNCIL DISTRICTS). THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

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

APPROVED

- 21. **APPOINTMENTS**

MEMPHIS ALCOHOL COMMISSION

APPOINTMENT

CLAUDETTE BOYD

CIVILIAN LAW ENFORCEMENT REVIEW BOARD

APPOINTMENTS

MICHAEL LONESOME-ETNYRE
ASIA DIGGS MEADOR

MEMPHIS AND SHELBY COUNTY BUILDING CODE AUTHORITY

APPOINTMENTS

CARLOS FIFER
MEGHAN MEDFORD

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

APPROVED

MLGW FISCAL CONSENT AGENDA – Items #9 - #20 may be acted upon by one motion:

9. **RESOLUTION AWARDING CONTRACT NO. 12101, CREDIT INFORMATION SERVICES TO EXPERIAN, IN THE FUNDED AMOUNT OF \$451,278.00.**

APPROVED

10. **RESOLUTION TO APPROVE AND RATIFY CONTRACT NO. 12235, JASPERSOFT REPORTING SOFTWARE TO TIBCO, IN THE AMOUNT NOT TO EXCEED \$70,500. (THE TERM OF THIS SOFTWARE SUBSCRIPTION IS FOR 3 YEARS FROM THE DATE OF JUNE 1, 2019.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11976, LARGE DIRECTIONAL DRILLING WITH ALLIANCE UTILITIES, INCORPORATED, IN THE ESTIMATED FUNDED AMOUNT OF \$1,181,960.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING JANUARY 1, 2021 THROUGH DECEMBER 31, 2021 IN THE AMOUNT OF \$2,290,500.00; OF WHICH \$1,108,540.00 WILL BE ABSORBED IN THE CURRENT CONTRACT VALUE, BASED ON ESTIMATED QUANTITIES, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11945, WELD TESTING AND INSPECTION SERVICES WITH AIT INSPECTION SERVICES, IN THE FUNDED AMOUNT OF \$7,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING JANUARY 1, 2021 THROUGH DECEMBER 31, 2021 IN THE AMOUNT OF \$44,625.00; OF WHICH \$37,625.00 WILL BE ABSORBED IN THE CURRENT CONTRACT VALUE, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

13. **RESOLUTION AWARDING CONTRACT NO.12188, GAS LEAK SURVEY TO HEATH CONSULTANTS, INC., IN THE FUNDED AMOUNT OF \$1,062,034.00.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT NO.12187, POLE INSPECTION TO OSMOSE UTILITIES SERVICES, INC., IN THE FUNDED AMOUNT OF \$5,153,760.00.**

APPROVED

- 15. **RESOLUTION AWARDING CONTRACT NO. 12173, NO. 3 FILTER MEDIA INSTALLATION, TO LANDMARK CONSTRUCTION GENERAL CONTRACTOR INC., IN THE FUNDED AMOUNT OF \$159,162.00.**

APPROVED

- 16. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12062, ENVIRONMENTAL ABATEMENT SERVICES WITH GENERAL CONSTRUCTION SERVICES, INCORPORATED IN THE FUNDED AMOUNT OF \$1,000,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2021 THROUGH DECEMBER 31, 2021, WITH NO INCREASE IN RATES FROM THE PREVIOUS TERM.)**

APPROVED

- 17. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12034, ENVIRONMENTAL ABATEMENT SERVICES WITH NORTHWEST CONTRACTING SERVICES, INCORPORATED, IN THE FUNDED AMOUNT OF \$3,000,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2021 THROUGH DECEMBER 31, 2021, WITH NO INCREASE IN RATES FROM THE PREVIOUS TERM.)**

APPROVED

- 18. **RESOLUTION AMENDING PURCHASE ORDER NUMBER 7020002 FOR PAPER LEAD CABLE, THREE SINGLE CONDUCTOR TO UNIVERSAL SCAFFOLD AND EQUIPMENT, TO COVER THE PERIOD FROM DECEMBER 20, 2019 THROUGH DECEMBER 20, 2022, FOR AN ADDITIONAL AMOUNT OF \$3,751,293.00.**

APPROVED

- 19. **RESOLUTION AWARDING CONTRACT NO. 12159, ONLINE TRAINING PROVIDER, TO SKILLSOFT CORPORATION, IN THE FUNDED AMOUNT OF \$64,069.70.**

APPROVED

- 20. **RESOLUTION AWARDING CONTRACT NO. 12216, UPS/PDU ELECTRIC OPERATIONS MAINTENANCE, TO ELECTRONIC POWER SYSTEMS, INC., IN THE FUNDED AMOUNT OF \$129,822.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Morgan
SECOND: Smiley

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

APPROVED

(Special Item #1 – Vice Chairman Colvett made a motion to approve same night minutes for Items #7 & #8 from tonight’s meeting.)

(Vice Chairman Colvett did not have any comment cards to read)

(Councilman Colvett made a motion to recess the November 3, 2020 meeting, until November 17, 2020. This was seconded by Councilman Carlisle.)

RECESSED MEETING AT 3:58 P.M.



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

Patrice J. Robinson
CHAIRMAN

Attest:

Valerie C. Spruis
Deputy Comptroller/Council Records

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, November 3, 2020, 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

INSTRUCTIONS OF STEPS TO VIEW THE November 3, 2020 MEMPHIS CITY COUNCIL MEETING

Take notice, the Memphis City Council will meet on **Tuesday, November 3, 2020 at 1:30 p.m.** However, due to Coronavirus disease (COVID-19) health and safety concerns, the public is not permitted to attend the meeting in-person. Instead, the public is permitted to participate in the meeting in the following manner: (I) Electronically, via live-stream, (II) Radio, via 88.5 FM (WQOX), and (III) Electronically, via digital archive.

A. Electronically, via live-stream

To view the Tuesday, November 3, 2020 Memphis City Council meeting electronically, via live-stream, follow the steps below:

- (1) Access the internet,
- (2) Go to the Memphis City Council's "Watch Meetings Online" page at <https://www.memphistn.gov/cms/One.aspx?portalID=11150816&pageID=15334953>
- (3) At 1:30 p.m., click on the November 3, 2020 Memphis City Council meeting
- (4) Begin viewing the November 3, 2020 Memphis City Council meeting electronically via live-stream
- (5) Click on the November 3, 2020 "Agenda" tab to view the agenda documents

B. Radio, via 88.5 FM (WQOX)

To listen to the Tuesday, November 3, 2020 Memphis City Council meeting by radio, via 88.5 FM (WQOX), follow the steps below:

- (1) Access a radio with FM-capabilities,
- (2) At 3:30 p.m., turn the radio dial to 88.5 FM (WQOX),
- (3) Begin listening to the November 3, 2020 Memphis City Council meeting by radio via 88.5 FM (WQOX)

C. Electronically, via digital archive

To listen to the Tuesday, November 3, 2020 Memphis City Council meeting electronically, via digital archive, follow the steps below:

- (1) Access the internet **after** the November 3, 2020 Memphis City Council meeting,
- (2) Go to the Memphis City Council's "Archived Videos" page at https://www.memphistn.gov/government/city_council/watch_public_meetings_online/city_council_archived_videos
- (3) Press play on the November 3, 2020 "City Council Full Meeting" tab
- (4) Begin viewing the November 3, 2020 Memphis City Council meeting electronically via digital archive
- (5) Click on the November 3, 2020 "Agenda" tab to view the agenda documents
- (6) Click on the November 3, 2020 "Minutes" tab to view the meeting minutes

Note: Public comments may be submitted to the Memphis City Council twenty-four (24) hours prior to the November 3, 2020 meeting. To submit your public comment, please email Patrice.robinson@memphistn.gov with your (a) full name, (b) full street address, (c) phone number, (d) agenda item, if applicable, and (e) comment. For more information, please call (901) 636-6786.

Thank you for your patience during this time. We look forward to continuing our work on your behalf as a thirteen-member council working to make Memphis a safe, healthy, and prosperous city for all!

With earnest appreciation,



**Patrice Jordan Robinson
Chairwoman, Memphis City Council**