

July 12, 2022

MINUTES
MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
July 12, 2022

3:30 P.M. SCHEDULED SESSION

3:45 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Frank Colvett, Edmund Ford, Sr., Cheyenne Johnson, Martavius Jones, Worth Morgan, Patrice Robinson, JB Smiley, Jr., Jeff Warren, and Chairwoman Jamita Swearengen.
Chase Carlisle, Michalyn Easter-Thomas, and Rhonda Logan were absent

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

INVOCATION

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

Chairwoman Swearengen led the Pledge of Allegiance.

Councilmember Colvett thanked Reverend Paul McLain 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.

Approval of the Minutes of the regular meeting of June 21, 2022, with the following motion:

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

July 12, 2022

36. **RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE APPROVING AN ECONOMIC IMPACT PLAN FOR THE LEGACY AT COUNTRYWOOD ECONOMIC DEVELOPMENT AREA. DISTRICT 1, SUPER DISTRICT 9. THIS RESOLUTION IS SPONSORED BY EDGE. (REQUEST FOR SAME NIGHT MINUTES)**

Chairwoman Swarengen recognized the following person(s) who spoke from the audience:

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

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

APPROVED

37. **RESOLUTION FOR ECONOMIC DEVELOPMENT INITIATIVE – ONE BEALE CONVENTION CENTER COMMITMENT DISTRICT 6, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY COUNCILMEMBERS FORD, SR., ROBINSON, MORGAN, SMILEY, JR., JOHNSON, CANALE AND WARREN. (REQUEST FOR SAME NIGHT MINUTES)**

Chairwoman Swarengen recognized the following person(s) who spoke from the audience:

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

Councilmember Colvett motioned to hold this Item until July 14, 2022, without objection.

Held until July 14, 2022

41. **RESOLUTION TO APPROPRIATE \$3,000,000 IN ARPA FUNDING TO DESIGNATE PROMISE CDC AS PROJECT MANAGER AND FISCAL AGENT TO ADDRESS THE FOOD DESERT IN THE NORTH MEMPHIS AREA. DISTRICT 7, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

July 12, 2022

APPROVED

42. **RESOLUTION INTRODUCING THE REPRODUCTIVE AUTONOMY IS NECESSARY (RAIN) ACT. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN SMILEY. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Chairwoman Swearengen

SECOND: Johnson

AYES: Ford, Jones, Robinson, Smiley, Warren, and Chairwoman Swearengen.

ABSTAIN: Johnson and Morgan.

Canale and Colvett did not cast a vote.

Carlisle, Easter-Thomas, and Logan were absent.

APPROVED

43. **RESOLUTION TO ALLOCATE AND APPROPRIATE \$250,000 FROM THE FY23 CITY COUNCIL COMMUNITY IMPACT FUND TO THE STEM CENTER AT WHITEHAVEN HIGH SCHOOL. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY COUNCILMEMBERS ROBINSON, FORD, CARLISLE, CANALE, WARREN AND JOHNSON. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Chairwoman Swearengen

SECOND: Jones

AYES: Ford, Johnson, Jones, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.

Canale and Colvett did not cast a vote.

Carlisle, Easter-Thomas, and Logan were absent.

APPROVED

5. **RESOLUTION APPROVING THE APPEALS OF MARY DONALD; PEDRO, MAGDALENA, AND ARACELI RODRIGUEZ; JESSE AND ANGELA CLAYTON; BILLY AND BARBARA AGEE; LEWIS AND ELAINE CRAFTON; PEGGY AND JUDITH DUFFY; AND O'RANE M. CORNISH SR SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING A SITE PLAN REVIEW FOR TWO WAREHOUSES WITHIN THE RAINES ROAD PLANNED URBAN DEVELOPMENT AT THE PROPERTY LOCATED AT 4310 TCHULAHOMA ROAD.**

CASE NO. MJR 22-23

Chairwoman Swearengen recognized the following person(s) who spoke from the audience:

Mary Donald, 3183 Blue Bonnet Rd., Memphis, Tennessee 38118

O'Rane M. Cornish Sr., 3767 New Getwell Rd., Memphis, Tennessee 38118

July 12, 2022

9. **RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT AT 3903 FLAXWOOD LANE AND TWO ADJACENT PARCELS. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 22-01

MOTION: Johnson

SECOND: Warren

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

APPROVED

10. **RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT THE PARCEL BETWEEN 6580 POPLAR AVENUE AND 6584 POPLAR AVENUE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 22-04

MOTION: Johnson

SECOND: Colvett

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

APPROVED

11. **RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 6685 SHELBY DRIVE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 22-07

Councilmember Colvett motioned to hold this Item until July 26, 2022, without objection.

Held until July 26, 2022

12. **RESOLUTION APPROVING THE PARKVIEW PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 1914 POPLAR AVENUE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 22-09

MOTION: Johnson

SECOND: Warren

July 12, 2022

CASE NO. Z 22-03
ORDINANCE NO. 5831

APPROVED

16. RESOLUTION APPROVING THE ENGINEERING PLANS FOR 3965 OLD GETWELL RD- MECHANICAL SYSTEMS COMPANY DRAINAGE AND ACCEPTING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

CONTRACT NO. CR-5410

17. RESOLUTION APPROVING THE FINAL PLAT FOR WOODLAND HILLS II PD, PHASE 15 PART OF AREA 7 (COUNTY) AND ACCEPTING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

CONTRACT NO. CR-5411

18. RESOLUTION APPROVING THE ENGINEERING PLANS FOR LUCKY SELF-STORAGE – 325 G.E. PATTERSON AVENUE AND ACCEPTING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

CONTRACT NO. CR-5412

19. RESOLUTION APPROVING THE FINAL PLAT FOR MALLORY ANNEX, PHASE 1 (B.O.A. CASE #20-58) AND ACCEPTING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

CONTRACT NO. CR-5413

20. RESOLUTION APPROVING THE FINAL PLAT FOR EPPING FOREST SUBDIVISION SECTION D

APPROVED

CONTRACT NO. CR-5414

21. RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR WOODLAND HILLS II PD, PHASE 13, PD 19-09 CO (COUNTY) AND AUTHORIZING RELEASE OF THE BOND. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

(CONTRACT NO. CR-5369)

July 12, 2022

MLGW FISCAL CONSENT AGENDA -ITEMS #25- #32 may be acted upon by one motion:

25. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 11362, ELECTRONIC FORMS ROUTING WITH BP LOGIX IN THE FUNDED AMOUNT OF \$257,543.66. (THIS CHANGE IS TO UPGRADE THE EXISTING SOFTWARE LICENSE TO THE PROCESS DIRECTOR SUBSCRIPTION LICENSE, RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE AND SUPPORT SERVICES FOR THE PERIOD COVERING AUGUST 1, 2022, THROUGH JULY 31, 2027. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY BP LOGIX.)**

APPROVED

26. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 12023, AERIAL PATROL OF GAS TRANSMISSION RIGHT-OF-WAY WITH TENNESSEE HELICOPTER SERVICES, INC., IN THE FUNDED AMOUNT OF \$70,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FOURTH AND FINAL ANNUAL RENEWAL TERM FOR THE PERIOD COVERING AUGUST 29, 2022 THROUGH AUGUST 28, 2023, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

27. **RESOLUTION AWARDED CONTRACT NO. 12360, PROFESSIONAL ENGINEERING SERVICES TO HDR ENGINEERING, INC. IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$2,000,000.00.**

APPROVED

28. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12315, NEW CANADA ROAD 24 "MAIN WITH ENSCOR, LLC, IN THE FUNDED AMOUNT OF \$105,062.58. (THIS CHANGE IS TO RATIFY AND INCREASE THE CONTRACT VALUE IN THE FUNDED AMOUNT OF \$105,062.58 TO PURCHASE 24" DISJ PIPE. DUE TO RISING MATERIAL COSTS, AMERICAN PIPE WAS NOT ABLE TO HONOR THEIR INITIAL QUOTE TO ENSCOR, LLC. THE TERM OF THE CONTRACT WILL REMAIN FOR THE PERIOD COVERING FEBRUARY 24, 2022, THROUGH FEBRUARY 23, 2025.)**

APPROVED

29. **RESOLUTION AWARDED CONTRACT NO. 12357, SHAW FILTER VALVE REPLACEMENT TO BARNES AND BROWER, INC., IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$862,220.00.**

APPROVED

30. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12251, AERATOR MAINTENANCE WITH R. P. SERVICES, INC., IN THE FUNDED AMOUNT OF \$306,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST ANNUAL RENEWAL TERM COVERING THE PERIOD AUGUST 25, 2022, THROUGH AUGUST 24, 2023. THIS RENEWAL REFLECTS A 2% INCREASE IN RATES, IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, FROM THE**

July 12, 2022

34. **RESOLUTION APPROVING THE DONATION OF A PORTION OF CITY-OWNED PROPERTY FOR A NOMINAL FEE IN THE AMOUNT OF (\$1.00) LOCATED AT 292 RR ROW, MEMPHIS, TN 38103 PARCEL #012001 00065. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Warren

SECOND: Jones

AYES: Colvett, Ford, Johnson, Robinson, Warren, and Chairwoman Swearengen.

Jones and Morgan did not cast a vote.

Canale, Carlisle, Easter-Thomas, Logan, and Smiley were absent.

APPROVED

35. **RESOLUTION REQUESTING APPROVAL OF DOWNTOWN MEMPHIS COMMISSION'S FY23 BUDGET. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY DOWNTOWN MEMPHIS COMMISSION.**

MOTION: Johnson

SECOND: Warren

AYES: Colvett, Ford, Johnson, Jones, Morgan, Warren, and Chairwoman Swearengen.

Robinson did not cast a vote.

Canale, Carlisle, Easter-Thomas, Logan, and Smiley were absent.

APPROVED

(Special Item #1 - Councilmember Jones motioned to approve same night minutes for Items #16 - 24, #33, #36 - #42 from tonight's meeting.)

MOTION: Johnson

SECOND: Warren

AYES: Colvett, Ford, Johnson, Jones, Morgan, Robinson, and Chairwoman Swearengen.

Warren did not cast a vote.

Canale, Carlisle, Easter-Thomas, Logan, and Smiley were absent.

APPROVED

Chairwoman Swearengen recognized the following person(s) who spoke from the audience:

Walter Brody, 4256 Labette Cv., Memphis, Tennessee 38109

Tim Birchett, 6625 Brister St., Apt 5, Memphis, Tennessee 38111

Dr. Yvonne D. Nelson, 3519 McCorkle Rd., Memphis, Tennessee 38116