

Minutes of Special Item 14 of the
Regular Meeting of the City Council
City of Memphis

June 5, 2012

After the meeting was opened for the transaction of business and a quorum was declared present the Council considered the items on the agenda, including Special Item 14 to wit:

Special Item 14. RESOLUTION allocating and appropriating \$11,914,000.00 of Pyramid Bridge Loan Repayment Proceeds

MOTION: Brown

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery, Morrison and Strickland

ABSTAIN:

NAYS:

Hedgepeth did not vote.

Approved

Whereupon Lowery moved that the minutes for the foregoing item be approved on the date the matter was approved. Collins seconded the motion. The motion was called for a vote as follows:

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Lowery and Morrison

ABSTAIN:

NAYS:

Conrad, Hedgepeth, and Strickland did not vote.

APPROVED

Chairman: Bill Morrison

Date: 6-5-12

Attest:

Valerie C. Srupis
Deputy Comptroller/Council Records



MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

June 5, 2012

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Lee Harris, Reid Hedgepeth, Myron Lowery, Jim Strickland and Chairman Bill Morrison.

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

INVOCATION

The meeting was opened with prayer by Rev. Cynthia M. Grawemeyer from St. Timothy United Methodist Church. Councilman Ford presented Rev. Grawemeyer with a certificate naming her Chaplain of the day.

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.

MINUTES

Approval of the Minutes of the regular meeting of May 15, 2012 with the following motion:

MOTION: Ford
SECOND: Strickland
AYES: Collins, Ford, Fullilove, Harris, Hedgepeth, Lowery, Strickland and Chairman Morrison
Boyd, Brown, Conrad, Flinn and Halbert did not cast a vote

APPROVED

1. **RESOLUTION MODIFYING THE FY2012 CAPITAL IMPROVEMENT BUDGET BY CREATING A NEW PROJECT, AEROTROPOLIS MASTER PLAN, PROJECT NUMBER GA90003 AND AMENDING THE FY2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A CONSTRUCTION ALLOCATION AND APPROPRIATING \$300,000.00 FUNDED BY GO BONDS – GENERAL FROM HOLMES/TCHULAHOMA/GETWELL, PROJECT NUMBER PW01123 TO AEROTROPOLIS MASTER PLAN, PROJECT NUMBER GA90003, FOR MASTER PLANNING WHICH WILL BE USED FOR A LOCAL MATCH.**

MOTION: Halbert

SECOND: Ford

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Harris and Lowery
Conrad, Hedgepeth, Strickland and Chairman Morrison did not cast a vote

APPROVED

CONSENT AGENDA – Items 2-12 may be acted upon by one motion: SEE PAGE 2250 FOR ROLL CALL

2. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish a Motor Vehicle Inspection Fee, up for F I R S T reading.

Ordinance No. 5454

APPROVED, on First reading

3. **ORDINANCE** amending Chapter 48, Code of Ordinances, City of Memphis, so as to establish a Rental Property Permit Fee, up for F I R S T reading.

Ordinance No. 5455

APPROVED, on First reading

4. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish an Environmental Fee, up for F I R S T reading.

Ordinance No. 5456

APPROVED, on First reading

5. **ORDINANCE** amending Chapter 21, Motor Vehicle and Traffic, Motor Vehicle Inspection Bureau, Section 21, 309, Waiver Provisions, to provide for a Financial Hardship Waiver, up for F I R S T reading.

Ordinance No. 5457

APPROVED, on First reading

6. **ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE. THIS TEXT AMENDMENT AFFECTS ALL PROPERTY WITHIN THE CITY OF MEMPHIS AND UNINCORPORATED SHELBY COUNTY, UP FOR F I R S T READING.**

Case No. ZTA 12-001
Ordinance No. 5458

APPROVED, on First reading

7. **ORDINANCE AMENDING THE MEMPHIS CODE OF ORDINANCES AS A COMPANION ITEM TO CASE ZTA 12-001. THIS AMENDMENT AFFECTS ALL PROPERTY WITHIN THE CITY OF MEMPHIS AND UNINCORPORATED SHELBY COUNTY, UP FOR F I R S T READING.**

Companion Case to ZTA 12-001
Ordinance No. 5459

APPROVED, on First reading

8. **ORDINANCE REZONING THE NORTHWEST CORNER OF N. BELLEVUE AND SMITH AVENUE, CONTAINING 0.315 ACRE IN THE COMMERCIAL MIXED USE (CMU-1) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 11-114
Ordinance No. 5447

APPROVED, on Second reading

9. **ORDINANCE REZONING THE SOUTHWEST CORNER OF E. HOLMES ROAD AND RIVERDALE ROAD, CONTAINING 1.47 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 12-102cc
Ordinance No. 5452

APPROVED, on Second reading

10. **ORDINANCE REZONING THE SOUTHWEST CORNER OF S. PERKINS ROAD AND KNIGHT ARNOLD ROAD, CONTAINING 10.92 ACRES IN THE COMMERCIAL MIXED USE (CMU-1) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 12-101
Ordinance No. 5453

APPROVED, on Second reading

11. **ORDINANCE REZONING THE SOUTH SIDE OF I-240; +/-835 FEET EAST OF THOUSAND OAKS COVE, CONTAINING 2.25 ACRES IN THE CONSERVATION AGRICULTURAL FLOODPLAIN (CA[FP]) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 12-103
Ordinance No. 5454

APPROVED, on Second reading

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

- A. Case No. PD 12-305 – Berryhill P.D., Amended
- B. Case No. SUP 12-203 - (Companion Case Z 12-101)

Public Hearing Set for June 19, 2012

ROLL CALL CONSENT ITEMS

MOTION: Flinn – Move Public Hearing date for Item #7 and Item #8 on the Consent Agenda to July 17, 2012

SECOND: Fullilove

Chairman Morrison stated that without objection, Item #7 and Item #8 public hearing will be July 17, 2012.

MAIN MOTION: Ford

SECOND: Strickland

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Strickland and Chairman Morrison

Conrad did not cast a vote

APPROVED, as amended. Item #6 and #7 will have the public hearing on July 17, 2012

MLGW FISCAL CONSENT – Items 13-31 may be acted upon by one motion:

13. **RESOLUTION AWARDDING CONTRACT NO. 11517, DIRECTIONAL BORING, TO MEMPHIS ROAD BORING, INC., IN THE FUNDED AMOUNT OF \$760,400.00.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11280, AERIAL PATROL OF GAS TRANSMISSION RIGHT-OF-WAY, TO TENNESSEE HELICOPTER SERVICES, INC., IN THE FUNDED AMOUNT OF \$31,640.70, FOR A NEW CONTRACT VALUE OF \$143,695.70. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, AUGUST 29, 2012 THROUGH AUGUST 28, 2013, WITH A 3.2% RATE INCREASE TO OFFSET THE ESCALATION PRICE OF AVIATION FUEL).**

APPROVED

- 15. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11411, CONSTRUCT WASHWATER RECOVERY BASIN, WITH ARGO CONSTRUCTION COMPANY, IN THE FUNDED AMOUNT OF \$145,955.00. (THIS CHANGE IS DUE TO THE CITY OF MEMPHIS' PUBLIC WORKS DEPARTMENT ENFORCING ITS SANITARY SEWER ORDINANCE FOR MLGW. AS A RESULT OF THE ORDINANCE, MLGW IS REQUIRED TO INSTALL A BACKWASH WATER MONITORING STATION AND ELIMINATE THE DOMESTIC SEPTIC TANK SYSTEM AT THE MLGW LICHTERMAN WATER PUMPING STATION).

APPROVED

- 16. RESOLUTION AWARDDING CONTRACT FOR POLYETHYLENE PIPE TO ACTION CHEMICAL, INC. IN THE AMOUNT OF \$51,456.00.

APPROVED

- 17. RESOLUTION AWARDDING CONTRACTS FOR VARIOUS WIRE TO UTILICOR IN THE AMOUNT OF \$49,687.00 AND TO STUART C. IRBY IN THE AMOUNT OF \$88,740.75, FOR A TOTAL AMOUNT OF \$138,427.75.

APPROVED

- 18. RESOLUTION AWARDDING 12-MONTH BLANKET CONTRACT FOR METER PEDESTALS TO THE DURHAM COMPANY IN THE AMOUNT OF \$211,760.00.

APPROVED

- 19. RESOLUTION APPROVING THE SELECTION OF PERMAL PRIVATE EQUITY OPPORTUNITIES IV, LP TO MANAGE \$25,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.

APPROVED

- 20. RESOLUTION APPROVING THE SELECTION OF HEADLANDS CAPITAL SECONDARY FUND, LP TO MANAGE \$5,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, AS PART OF A REALLOCATION.

APPROVED

- 21. RESOLUTION APPROVING THE EMPLOYMENT OF THE LAW FIRM OF FISHER & PHILLIPS, LLP ON AN AS-NEEDED BASIS AT THE FOLLOWING HOURLY RATES:

Attorney	-	\$210.00
Associate	-	\$195.00

Law Clerk - \$100.00

APPROVED

- 22. RESOLUTION AWARDDING CONTRACT FOR UC4 APPLICATIONS MANAGER ANNUAL SOFTWARE MAINTENANCE RENEWAL TO UC4 SOFTWARE, INC., IN THE AMOUNT OF \$33,373.00.

APPROVED

- 23. RESOLUTION AWARDDING CONTRACT FOR A ONE-TON AERIAL TOWER TO DOBBS FORD IN THE AMOUNT OF \$79,700.00.

APPROVED

- 24. RESOLUTION AWARDDING CONTRACT FOR EPOXY-COATED PIPE TO SUPPLY LINE OF MEMPHIS IN THE AMOUNT OF \$120,000.00, WHICH INCLUDES ADDITIONAL FUNDS IN THE AMOUNT OF \$8,070.00 FOR POSSIBLE PIPE-LENGTH OVERAGES FOR THE WATKINS AND CYPRESS CREEK PROJECT.

APPROVED

- 25. RESOLUTION AWARDDING CONTRACT FOR COMMUNICATIONS EQUIPMENT TO RAILCOM IN THE AMOUNT OF \$80,323.00.

APPROVED

- 26. RESOLUTION AWARDDING CONTRACT FOR 92 GMI FIRST RESPONDER GAS DETECTORS TO HEATH CONSULTANTS, INC., IN THE AMOUNT OF \$294,400.00.

APPROVED

- 27. RESOLUTION AWARDDING CONTRACT FOR STEEL TRANSMISSION POLES TO TRANSAMERICAN POWER PRODUCTS C/O UTILICOR IN THE AMOUNT OF \$856,554.00.

APPROVED

- 28. RESOLUTION AMENDING CONTRACT BETWEEN MLGW AND GDS ASSOCIATES, INC. FOR PROFESSIONAL CONSULTING SERVICES TO ASSIST MLGW WITH PREPARATION FOR NERC REGISTRATION, PROCESS AND PROCEDURE IMPLEMENTATION, TECHNICAL STUDIES AND EVALUATIONS, AND READINESS ASSESSMENTS. THIS AMENDMENT EXPANDS THE LENGTH OF THE CONTRACT UNTIL DECEMBER 31, 2014, AND RAISES THE CAP ON EXPENDITURES BY AN ADDITIONAL \$193,000.00, FOR A TOTAL NOT TO EXCEED \$442,000.00.

APPROVED

29. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11476, LOPEZ AND ASSOCIATES, WITH LOPEZ AND ASSOCIATES, IN THE FUNDED AMOUNT OF \$20,000.00, FOR A NEW CONTRACT VALUE OF \$60,000.00. (THIS CHANGE PROVIDES ADDITIONAL FUNDING FOR DAY-TO-DAY TEST FUNCTIONS (I.E., APPROVING, REVIEWING AND ANALYZING TESTS).**

APPROVED

30. **RESOLUTION APPROVING REIMBURSEMENT TO THE CITY OF MEMPHIS FOR MLGW'S PORTION OF SERVICES RENDERED BY MERCER FOR THE ADMINISTRATION OF THE PARTIES' SEPARATE HEALTHCARE PLANS IN THE FUNDED AMOUNT OF \$55,356.00.**

APPROVED

31. **RESOLUTION AWARDED CONTRACT FOR HEWLETT PACKARD HARDWARE TO LOGICALIS, INC., IN THE AMOUNT OF \$68,694.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
SECOND: Strickland
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland and Chairman Morrison
Collins and Harris did not cast a vote

APPROVED

32. **APPOINTMENTS**

Memphis and Shelby County Community Redevelopment Agency

Appointment

Shawn Thomas

MOTION: Collins
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Strickland and Chairman Morrison

APPROVED

33. **RESOLUTION APPROVING THE FY2013 BUDGET FOR THE DOWNTOWN MEMPHIS COMMISSION.**

MOTION: Strickland
 SECOND: Boyd
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery,
 Strickland and Chairman Morrison
 Hedgepeth did not cast a vote

APPROVED

34. **RESOLUTION DIRECTING THE CITY TREASURER TO PREPARE TAX BILLS FOR THE VARIOUS UTILITIES AND CARRIERS UTILIZING THE LAST CERTIFIED ASSESSMENT AVAILABLE AS OF JUNE 30, 2012.**

MOTION: Strickland
 SECOND: Boyd
 AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Harris, Lowery, Strickland and
 Chairman Morrison
 Collins, Flinn and Hedgepeth did not cast a vote

APPROVED

36. **RESOLUTION APPROVING THE CAPITAL ACQUISITION BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2013 – 2017.**

Chairman Morrison recognized the following persons who spoke from the audience:

Gordon Alexander, 179 S. Rembert, Memphis, TN 38104
 Cynthia Bailey, 2593 Pojest, Apt. #1, Memphis, TN 38127
 Dan Johnson, 323 Williford, Memphis, TN 38112
 June West, 1650 Peabody Ave., Memphis, N 38104

MOTION: Harris – Move to approve several of the Mayor’s changes to the CIP Budget which includes the following CIP Projects: \$500,000.00 to the Children’s Museum, PK09002, \$250,000.00 to the Memphis Zoo, PK08027, \$280,000.00 to the Mallory Neely House, \$500,000.00 to the Family Safety Center for a total change of 1.53 million dollars to the CIP as recommended by the Mayor. Also, I would like to amend the CIP Budget with respect to our revenue source for sewer assessment and rehab which is project SW05001, there’s no change in G.O. Bonds for that change

SECOND: Ford

Friendly Amendment: Include \$150,000.00 for Penny Hardaway Project

MOTION: Boyd

Councilman Harris accepted Councilman Boyd’s Friendly Amendment.

Also, Mayor Wharton suggested that the Penny Hardaway funding be contingent upon naming a location before any funds are released. Councilman Harris included the Mayor's statement as part of his motion made above. Also, the Administration will report back to City Council.

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Lowery and Chairman Morrison

NAYS: Conrad and Strickland
Hedgepeth abstained

APPROVED, set up as Special Item #1

MOTION: Brown – Remove 2 million out of the CIP Budget for the Chisca Hotel and give the funds to Parks and Community Centers

SECOND: Collins

AYES: Brown and Collins

NAYS: Boyd, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Strickland and Chairman Morrison
Conrad abstained

FAILED, set up as Special Item #2

MOTION: Collins – The developer should acquire an insurance policy up to or greater than the amount the City of Memphis places for them to do business and should they go bankrupt, that insurance policy will indemnify the City of Memphis or pays us back. Also, if the Chisca Hotel is sold by the developer, that the City of Memphis be repaid its investment of 2 million dollars

SECOND: Fullilove

MOTION WITHDRAWN, set up as Special Item #3

MOTION: Lowery – The first part of Councilman Collins motion stands. An insurance policy must be obtained from the organization to repay the City the 2 million dollars

SECOND: Halbert

AYES: Boyd, Brown, Collins, Flinn, Halbert, Lowery and Strickland

NAYS: Conrad, Ford, Fullilove, Harris, Hedgepeth and Chairman Morrison

APPROVED, set up as Special Item #4

MOTION: Halbert – Add an additional \$800,000.00 for maintenance of 35 parks, including the Greenbelt Park

SECOND: Fullilove

AYES: Brown, Collins, Ford, Fullilove, Halbert, Harris, Lowery and Chairman Morrison

NAYS: Boyd, Conrad, Flinn and Strickland
Hedgepeth did not cast a vote

APPROVED, set up as Special Item #5

MAIN MOTION: Strickland
 SECOND: Ford
 AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Harris, Lowery and Chairman Morrison
 NAYS: Collins, Conrad and Strickland
 Hedgepeth did not cast a vote

APPROVED, as amended

37. ORDINANCE ESTABLISHING THE FISCAL YEAR 2013 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5450

Chairman Morrison recognized the following person who spoke from the audience:

- Jack Armstrong, 2477 James Road, Memphis, TN 38127
- Joseph Ballard, 6624 Winding Birch Dr., Memphis, TN 38115
- Donna Bohannon, 5343 Sea Isle Rd., East, Memphis, TN 38119
- Ray Bratcher, 2226 Tidmington Dr., Cordova, TN 38016
- Meg Clifton, 1412 Glen Oaks Dr., Memphis, TN 38119
- Kathleen Cox, 1489 Vinton Ave., Memphis, TN 38104
- Linda Enshes, 1396 Vance Ave., Memphis, TN 38104
- Bennett Foster, 2489 Harvard Ave., Memphis, TN 38112
- Mavilene Goodman, 1275 Theodore, Memphis, TN 38122
- Joe Norman, 5150 Stage Rd., Memphis, TN 38134
- Josue Rodriguez, 128 Angelus St., Memphis, TN 38104
- Russell A. Siegfried, 5764 Rayben Cir., Memphis, TN 38115
- Marjorie E. Steakley 4689 Summerlane Ave., Apt. #5, Memphis, TN 38118
- Michael R. Williams, 638 Jefferson Ave., Memphis, TN 38105

Vice Chairman Ford stated that we will take a recess. Recess at 5:53 p.m. Back in session at 6:05 p.m.

MOTION: Flinn – Amend Section 4 and Section 5 of the Budget Ordinance (see ticker file for amendment)
 SECOND: Strickland

No Vote Required, set up as Special Item #6

Chairman Morrison stated that without objection, the amendment will be added to the Operating Budget.

COUNCILMAN FORD'S PLAN - Bonds

MOTION: Ford – Use 27 million dollars in pension bonds in lieu of OPEB Trust Funds
 SECOND: Lowery
 AYES: Flinn, Ford, Halbert, Strickland and Chairman Morrison
 NAYS: Boyd, Brown, Collins, Conrad, Fullilove, Harris and Lowery
 Hedgepeth did not cast a vote

FAILED, set up as Special Item #7

MOTION: Fullilove – Increase Fire Services Budget by 2 million dollars for 1 ladder truck at Fire Station #28 at 1510 Chelsea
 SECOND: Brown

Friendly Amendment: Add 1 ladder truck to the Fire Station on Getwell

MOTION: Halbert

Councilwoman Fullilove accepted Councilwoman Halbert's Friendly Amendment. Chairman Morrison stated that we are now adding 4 million dollars to the Fires Services Budget for the restoration of 2 ladder trucks.

AYES: Brown, Fullilove and Halbert
 NAYS: Boyd, Collins, Conrad, Flinn, Ford, Harris, Hedgepeth, Lowery, Strickland and Chairman Morrison

FAILED, set up as Special Item #9

MOTION: Harris – Close the following golf courses during the winter months if they lose money: Crockett, Pine Hill, Riverside and Whitehaven
 SECOND: Strickland

Councilman Collins stated that there is a facility in Whitehaven that will be available for use in the winter. Councilman Harris was okay with this.

AYES: Boyd, Collins, Conrad, Flinn, Harris, Hedgepeth, Strickland and Chairman Morrison
 NAYS: Brown, Ford, Fullilove, Halbert and Lowery

APPROVED, set up as Special Item #10

MOTION: Councilman Collins called for the previous question

COUNCILMAN FORD'S PLAN - Trust

MOTION: Ford – Use 20 million dollars in OPEB Trust Funds

SECOND: Strickland
AYES: Flinn, Ford and Harris
NAYS: Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Hedgepeth, Lowery,
Strickland and Chairman Morrison

FAILED, set up as Special Item #8

MOTION: Fullilove – Restore health care cost at 27% for employees
SECOND: Brown
AYES: Brown, Fullilove, Halbert and Harris
NAYS: Boyd, Collins, Conrad, Flinn, Ford, Hedgepeth, Lowery, Strickland and Chairman Morrison

FAILED, set up as Special Item #11

MOTION: Harris – Defund speed cameras at a cost of \$300,000.00
SECOND: Brown
AYES: Brown, Collins, Conrad, Fullilove, Halbert, Harris and Chairman Morrison
NAYS: Boyd, Flinn, Ford, Hedgepeth and Lowery
Strickland did not cast a vote

APPROVED, set up as Special Item #13

COUNCILMAN COLLINS PLAN

MOTION: Collins – Use 16.8 million dollars from reserves and 10 cent for schools
SECOND: Halbert

Friendly Amendment: Allocate 2.5 million dollars to the Edge Board and then come back before Committee to address how the money will be spent

Councilman Collins accepted Councilwoman Halbert's Friendly Amendment.

Friendly Amendment: Put \$400,000.00 back in the Family Service Center

MOTION: Brown

Councilman Collins accepted Councilman Brown's Friendly Amendment.

MOTION WITHDRAWN

Friendly Amendment: Add \$816,132.00, that's \$146,623.00 from Parks & Neighborhoods Administrative M&S and \$669,508.77 associated with the sewer rate increase

MOTION: Harris

Councilman Collins accepted Councilman Harris' Friendly Amendment.

Councilman Morrison asked Roland McElrath for new numbers since we took of loss of \$700,000.00.

Chairman Morrison stated that we will take a 10 minute recess. Recess at 8:39 p.m. Back in session at 9:03 p.m.

Roland McElrath – With the adjustments that have been proposed and approved by the Council, it would require a use of reserves of \$19,642,329.00 to balance the 2013 request.

Chairman Morrison asked Councilman Collins to go over his motion again. Councilman Collins stated: Tax Rate of \$3.11, \$3.01 for Administration, 10 cent for schools, 20 million dollars from OPEB Trust and \$19,642,329.00 from reserves, that is the proposal.

**AYES: Boyd, Brown, Collins, Fullilove, Halbert, Harris and Hedgepeth
NAYS: Conrad, Flinn, Ford, Lowery, Strickland and Chairman Morrison**

APPROVED, set up as Special Item #12

**MAIN MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Collins, Fullilove, Halbert, Harris and Hedgepeth
NAYS: Conrad, Flinn, Ford, Strickland and Chairman Morrison
Lowery abstained**

APPROVED, as amended

35. RESOLUTION ADOPTING THE MEMPHIS CITY SCHOOLS BUDGET.

**MOTION: Strickland
SECOND: Flinn
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Lowery,
Strickland and Chairman Morrison
Hedgepeth did not cast a vote
Ford recused**

APPROVED

38. ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2013, UP FOR T H I R D AND F I N A L READING.

Ordinance no. 5451

Chairman Morrison recognized the following persons who spoke from the audience:

Donna Bohannon, 5343 Sea Isle Rd., East, Memphis, TN 38119

Ray Bratcher, 2226 Tidmington Dr., Cordova, TN 38016
Meg Clifton, 1412 Glen Oaks Dr., Memphis, TN 38119

MOTION: Collins – Amend the Tax Rate Ordinance to reflect \$3.11 from \$3.19

Chairman Morrison stated that without objection, the tax rate will be changed to \$3.11.

MAIN MOTION: Strickland
SECOND: Boyd
AYES: Boyd, Brown, Collins, Fullilove, Halbert, Harris, Hedgepeth and Lowery
NAYS: Conrad, Flinn, Ford, Strickland and Chairman Morrison

APPROVED, as amended

39. **ORDINANCE TO AMEND THE CITY CHARTER SO AS TO REQUIRE THE MAYOR AND COUNCIL TO ADOPT A FIVE YEAR STRATEGIC BUSINESS PLAN AND A SIX YEAR CONSOLIDATED BUDGET THAT INCLUDES BOTH THE OPERATING AND CAPITAL BUDGETS FOR THE CITY AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 2012, UP FOR T H I R D AND F I N A L READING.** (Held from 2/7).

Ordinance No. 5437

Chairman Morrison recognized the following persons who spoke from the audience:

Chad Johnson, 1191 Vance Ave., Memphis, TN 38104
Thomas Malone, 812 Creekside Dr., Memphis, TN 38119

MOTION: Boyd – Hold for 2 weeks

Councilman Conrad agreed to hold this item for 2 weeks. The Chairman stated that without objection, we hold this item for 2 weeks.

Held until June 19, 2012

40. **ORDINANCE TO AMEND AND SUPPLEMENT SECTION 14-4-36, CLOSING OF ADJACENT STREETS AND SIDEWALKS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5448

MOTION: Strickland
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery, Strickland and Chairman Morrison
Hedgepeth did not cast a vote

APPROVED

MOTION: Brown – Suspend the Rules for the purpose of adding an item.
 Resolution to appropriate the Pyramid Bridge Loan #845001 repayment proceeds
 in the amount of \$11,914,000.00

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery,
 Strickland and Chairman Morrison
 Hedgepeth did not cast a vote

APPROVED, rules suspended, item added. Set up as Special Item #14

Chairman Morrison stated that without objection, we will have same night minutes on this item.

41. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND 25-195, UP FOR T H I R D AND F I N A L READING.**
 Ordinance No. 5449

Chairman Morrison recognized the following persons who spoke from the audience:

Larry Anthony, 5150 Stage Rd., Memphis, TN 38134
 Mike Lee, 638 Jefferson Ave., Memphis, TN 38105

MOTION: Strickland

SECOND: Collins

AYES: Boyd, Brown, Collins, Flinn, Ford, Harris, Lowery, Strickland and
 Chairman Morrison

NAYS: Fullilove and Halbert
 Conrad and Hedgepeth did not cast a vote

APPROVED

42. **INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED ONE HUNDRED FIFTY MILLION DOLLARS (\$150,000,000) GENERAL OBLIGATION BONDS, AND BOND ANTICIPATION NOTES ISSUED AS COMMERCIAL PAPER, OF THE CITY OF MEMPHIS, TENNESSEE, PURSUANT TO THE LOCAL GOVERNMENT PUBLIC OBLIGATIONS ACT OF 1986, BEING TITLE 9, CHAPTER 21, OF THE TENNESSEE CODE ANNOTATED, FOR THE PURPOSE OF FINANCING THE COST OF PUBLIC WORKS PROJECTS IN THE CITY.**

MOTION: Strickland

SECOND: Collins

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland and
 Chairman Morrison

NAYS: Harris
Conrad and Hedgepeth did not cast a vote

APPROVED

43. **RESOLUTION APPROVING THE PURCHASE OF PROPERTY LOCATED ON THE WEST SIDE OF WHITTEN ROAD, SOUTH OF THE SOUTH LINE OF CENTURY PARKWAY, FROM WHITTEN PARTNERSHIP, LTD, FOR AND IN CONSIDERATION OF \$1,600,000.00.**

MOTION: Fullilove
SECOND: Ford
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Lowery, Strickland, and Chairman Morrison
Conrad and Hedgepeth did not cast a vote

APPROVED

44. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$2,110,872.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) FROM CURB AND GUTTER – ST, PROJECT NUMBER ST04010, TO CURB & GUTTER 2012, PROJECT NUMBER ST04046, FOR THE CONSTRUCTION OF CURBS AND GUTTERS WHERE EITHER NONE EXIST OR WHERE THERE IS A NEED TO REPAIR OR REPLACE PARTS OF THE CURB AND GUTTER SYSTEM AND FOR A CONSTRUCTION CONTRACT WITH PRECISE CONCRETE.**

MOTION: Strickland
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Lowery, Strickland, and Chairman Morrison
Conrad and Hedgepeth did not cast a vote

APPROVED

MOTION: Lowery – Approve same night minutes for Special Item #14
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Lowery and Chairman Morrison
Conrad, Hedgepeth and Strickland did not cast a vote

APPROVED, set up as Special Item #15

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Morrison recognized the following person who spoke from the audience:

Walter Broady, III, 4256 Ledbetter Cv., Memphis, TN 38109

ADJOURNED MEETING AT 10:02 P.M.

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

Bill Morris

CHAIRMAN

Attest:

Valerie C. Srupis
Deputy Comptroller/Council Records

