

MINUTES

**RECESSED MEEETING OF THE CITY COUNCIL
CITY OF MEMPHIS**

June 25, 2013

3:30 P.M. MEETING RECONVENED

After the meeting was opened for the transaction of business and a quorum was declared present, the Council the meeting from June 18, 2013 was reconvened.

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

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.

3. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2014 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.** (Held from 6/4; 6/18)

Ordinance No. 5509

ORDINANCE to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2013 through June 30, 2014.

MOTION: Collins – Strike 100 layoffs and replace them with the elimination of 50 commissioned police vacancies, elimination of 20 commissioned firefighter vacancies and 2.5% reduction in Police budget

SECOND: Halbert

Councilman Strickland asked Attorney Wade for a ruling on Councilman Collins motion since the layoffs had been approved already. After a response from Council Attorney Allen Wade, Councilman Collins motion was ruled out of order.

MOTION RULED OUT OF ORDER, set up as Special Item #2

MOTION: Collins – Restore Weight and Measures in the amount of \$501,000.00

SECOND: Brown

MOTION WITHDRAWN, set up as Special Item #3

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

FAILED, set up as Special Item #4**Councilman Ford's Amendments**

MOTION: Ford – Amend the previous budget presentation from June 18, 2013
Additional Items – Elimination of Weights and Measures Program
 Restoration for Community Centers/Parks - \$600,000
 Start-up funding for the Library Strategic Plan - \$600,000
 Code Enforcement (+11) and Capital - \$700,000
 MATA funding - \$606,000
 Healthcare premiums - \$4,000,000.00
 Partial Reinstatement of M&S - \$1,500,000.00
 9 cent tax increase (Fund Balance/Debt Service) - \$9,000,000.00
 Reinstate the 4.62% salary reinstatement
Total Proposed Additions - \$17,006,000.00

SECOND: Hedgepeth

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

Tracy Harwell, 590 Washington Ave., Memphis, TN 38103
 Maurice James, 590 Washington Ave., Memphis, TN 38103
 Sharon McGhee, 590 Washington Ave., Memphis, TN 38103
 Gary Young, 590 Washington Ave., Memphis, TN 38103

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

APPROVED, set up as Special Item #1

MOTION: Boyd – Restore the elimination of Weights and Measures Program
 SECOND: Chairman Ford

Vice Chairman Strickland stated that without objection we will reconsider this item.

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

FAILED, set up as Special Item #5

Vice Chairman Strickland called for a 10 minute recess at 5:35 p.m. Back in session at 5:50 p.m.

MOTION: Ford – Fund Weights and Measures
SECOND: Brown

Vice Chairman Strickland stated that without objection we will reconsider this item.

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

APPROVED, set up as Special Item #6

MOTION: Harris – Eliminate \$8,000 in catering services for City Council

After a discussion from Attorney Wade, Councilman Harris’ motion was the same as Councilman Strickland’s motion that was previously voted on.

NO ACTION TAKEN ON THIS MOTION

MOTION: Harris – Suspend the Rules for the purpose of considering the catered lunch expenses of the Memphis City Council
SECOND: Strickland
AYES: Boyd, Conrad, Flinn, Harris and Strickland
NAYS: Brown, Collins, Fullilove, Halbert, Hedgepeth, Lowery, Morrison and Chairman Ford

FAILED, set up as Special Item #7

MOTION: Harris – 4.6% only given to those employees who have not received an increase in 2 years if it exceeded or equaled 4.6%. Councilman Harris amended his motion by excluding the employees who got a salary increase due to the living wage requirement or a step increase
SECOND: Strickland

Friendly Amendment: Exclude adjustments to the employees who received salary increases due to discrimination

MOTION: Strickland

Councilman Harris accepted Councilman Strickland’s Friendly Amendment.

Friendly Amendment: Adjustment for those employees who got step increases due to a promotion

Councilman Harris accepted Councilman Strickland's Friendly Amendment.

MOTION WITHDRAWN, set up as Special Item #8

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

FAILED, Operating Budget, minus the Legal Office, not approved

MOTION: Harris – Suspend the Rules to reconsider all aspects of Councilman Collins budget
 SECOND: Morrison

MOTION WITHDRAWN

MOTION: Hedgepeth – Reconsider the 2014 Operating Budget
 SECOND: Morrison

Chairman Ford stated that without objection the 2014 Operating Budget is reconsidered.

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

APPROVED, set up as Special Item #9

MOTION: Hedgepeth – Eliminate Weights and Measures from the budget in the amount of \$501,000
 SECOND: Strickland
 AYES: Conrad, Flinn, Hedgepeth, Lowery, Morrison and Strickland
 NAYS: Boyd, Brown, Collins, Fullilove, Halbert, Harris and Chairman Ford

FAILED, set up as Special Item #10

MOTION: Harris – Reconsider Councilman Collins budget as a whole

NO ACTION TAKEN ON THIS MOTION

Councilman Collins requested a recess at 6:49 p.m. Back in session at 7:21 p.m.

MOTION: Lowery – Every employee in Weights and Measures will have a job as directed and found by the City administration that while the function of Weights and

Measures will be eliminated that the Council is directing the administration to find a position for every employee in Weights and Measures

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

FAILED, set up as Special Item #11

MOTION: Harris – Substitute the Operating Budget that was voted on previously with Councilman Collins Budget

SECOND: Hedgepeth

Friendly Amendment: Add 2.4 million for Summer Youth

MOTION: Fullilove

NO ACTION TAKEN ON THIS MOTION

Friendly Amendment: Remove 50 commissioned Police vacancies, 20 commissioned firefighter vacancies and have 50 layoffs

MOTION: Boyd

Councilman Collins accepted Councilman Boyd's Friendly Amendment.

COUNCILMAN COLLINS BUDGET

MOTION: Collins – Amend the 2014 Budget as presented by myself and Councilman Harris

- a. Eliminate Non-Public Safety vacancies (\$2,652,876)
- b. Transfer of street lights (\$6,003,367)
- c. 2.5% reduction of Police Services (\$5,939,468.70)
- d. Eliminate 50 commissioned police vacancies (\$1,000,000.00)
- e. Eliminate 20 commissioned firefighter vacancies (500,000.00)
- f. Reduce headcount by 300 through attrition (9,450,000.00)
- g. HR – 70/30 Insurance split (\$1,900,000.00)
- Total Reductions (\$27,445,711.70)**
- h. Restoration of 4.6% \$12,500,000.00
- i. Miscellaneous impasse \$308,000.00
- j. .07 for reserve \$7,952,000.00
- k. Restore 1/2 of community centers \$600,000.00
- l. Fund 1/2 Library Strategic Plan \$1,400,000.00
- m. Code Enforcement \$700,000.00
- n. MATA \$606,000.00
- o. Healthcare premium increase \$4,208,000.00

Total Additions \$28,274,000.00
 Total needed above proposed tax rate \$828,288.30
 Tax Rate 3.37

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

FAILED, set up as Special Item #12

MOTION: Lowery - Reinstate the Ford budget minus Weights and Measures
 SECOND: Hedgepeth
 AYES: Boyd, Flinn, Hedgepeth, Lowery, Morrison and Chairman Ford
 NAYS: Brown, Collins, Conrad, Fullilove, Halbert, Harris and Strickland

FAILED, set up as Special Item #13

Chairman Ford announced that we will take a ten minute break. 8:35 p.m. Reconvened at 8:57 p.m.

MOTION: Morrison – Amend Councilman Ford’s budget to eliminate the 100 layoffs to replace those with 105 vacant positions eliminated, Weights and Measures will stay the same, and everything passed in the budget will stay the same
 SECOND: Boyd

MOTION WITHDRAWN, set up as Special Item #14

MOTION: Lowery – Substitute 100 layoffs for 105 vacant positions cut, no layoffs, Weights and Measures stays the same, and everything else in the budget stays the same
 SECOND: Boyd
 AYES: Boyd, Fullilove and Lowery
 NAYS: Conrad, Flinn, Halbert, Harris, Hedgepeth, Morrison, Strickland and Chairman Ford
 Brown and Collins abstained

FAILED, set up as Special item #15

MOTION: Hedgepeth – Approve the Ford budget with Weights and Measures in it
 SECOND: Fullilove

Councilwoman Fullilove withdrew her motion.

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

FAILED, set up as Special Item #16

MAIN MOTION: Brown – Approve Collins Budget – Eliminate 50 commissioned police vacancies, eliminate 20 commissioned firefighter vacancies, reduce 300 through attrition, 70/30 split, restore 4.6%, .07 for reserve, restore ½ of community centers, fund ½ Library Strategic Plan, increase Code Enforcement complement by 10 with materials, add MATA in at \$606,000, healthcare premium increase of 4.2, accept the compromise of 50 layoffs in return for an increase rate of \$3.40

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Fullilove, Halbert, Harris and Lowery

NAYS: Conrad, Flinn, Hedgepeth, Morrison, Strickland and Chairman Ford

APPROVED, Collins Budget, as amended. Minus the City Attorney's Office. Set up as Special Item #17

MOTION: Brown – Approve City Attorney's portion of the budget

SECOND: Fullilove

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

Flinn, Hedgepeth and Morrison did not cast a vote
Strickland recused

APPROVED, City Attorney's Budget only

4. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2014, UP FOR T H I R D AND F I N A L READING.** (Held from 6/4; 6/18)
Ordinance No. 5510

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

Yvonne Burton, 442 Dove Valley, Collierville, TN 38017
Arthur Everett, 7556 Lowrance Rd., Memphis, TN 38125
Samantha D. Rajapakse, 5261 Algiers Dr., Memphis, TN 38116

MOTION: Strickland

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Halbert, Harris and Lowery

NAYS: Conrad, Flinn, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Ford

FAILED

2. **RESOLUTION APPROVING THE CAPITAL ACQUISITION BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2014-2018.** (Held from 6/4; 6/18)

MOTION: Strickland

SECOND: Harris

MOTION: Harris – Strike 3.5 million to build a bridge for International Paper

SECOND: Fullilove

Friendly Amendment: Reduce to 1.7 million

MOTION: Morrison

Councilman Harris did not accept Councilman Morrison’s Friendly Amendment.

NO ACTION TAKEN ON THIS MOTION. Set up as Special Item #19

MOTION: Strickland – Reduce from 3.5 to 1.8 million

SECOND: Morrison

Friendly Amendment: Contingent upon Shelby County matching 50/50

MOTION: Conrad

Councilman Strickland accepted Councilman Conrad’s Friendly Amendment.

AYES: Boyd, Conrad, Flinn, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford

NAYS: Brown, Collins, Fullilove, Halbert and Harris

APPROVED, set up as Special Item #20

MOTION: Strickland – 1.8 million from International Paper, plus 1 million from State Museum, plus 1.7 million from International Paper if the County does not match, put all the money in repaving

SECOND: Collins

Friendly Amendment: \$800,000 for sidewalks at Corning Elementary

MOTION: Collins

Councilman Strickland accepted Councilman Collins Friendly Amendment.

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

NAYS: Lowery
Hedgepeth abstained

APPROVED, set up as Special Item #21

MOTION: Morrison - Add 1.35 million for Cobblestone and Water Taxi Project
SECOND: Boyd

Friendly Amendment: RDC come back before Council before launching the project

MOTION: Collins

Councilman Morrison accepted Councilman Collins Friendly Amendment.

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

APPROVED, set up as Special Item #22

MOTION: Fullilove – Add 1.5 million from Winchester Perkins Project for Southbrook Mall
SECOND: Harris

Friendly Amendment: Reduce to \$980,000

MOTION: Harris

Councilwoman Fullilove accepted Councilman Harris' Friendly Amendment, but instead of \$980,000 she accepted a Friendly Amendment of 1 million dollars.

MOTION: Fullilove – Take 1.5 million from Heritage Trails Project for Southbrook Mall
SECOND: Harris
AYES: Brown, Collins, Fullilove, Halbert and Harris
NAYS: Boyd, Conrad, Flinn, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford

FAILED, set up as Special Item #23

MOTION: Collins – Strike 1 million from Crosstown Project and put back into the CIP Budget
SECOND: Halbert
AYES: Brown, Collins, Fullilove and Halbert
NAYS: Boyd, Flinn, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford
Conrad recused

FAILED, set up as Special Item #24

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

Cathie Auxier, 10840 Monterey Forest Cove, Eads, TN 38028

Theodora Brown Ard, 1439 Snowden, Apt. #2, Memphis, TN 38107
 Deandre Brown, 2360 Clear Park, Memphis, TN 38127
 Angela Busigo, 1489 N. Graham St., Memphis, TN 38108
 Myron Drane, 3625 Faxon St., Memphis, TN 38122
 Bennett Foster, 2010 Court Ave., Memphis, TN 38104
 Paul Garner, 1577 Court Ave., Apt. #2, Memphis, TN 38104
 Jewell Jones, 1477 Kansas St., Memphis, TN 38109
 Georgia King, 741 Adams Ave., Apt. #101, Memphis, TN 38105
 Schaeffer Mallory, 60 N. Willett, Apt. #1, Memphis, TN 38104
 Jose Rodriguez, 2010 Court Ave., Memphis, TN 38104
 Shahin Samiei, 4125 Hilldale Ave., Memphis, TN 38117
 Laura Sullivan, 2081 Evelyn Ave., Memphis, TN 38104
 Brad Watkins, 2010 Court Ave., Memphis, TN 38104
 Toni Whitfield, 1238 Semmes St., Apt. #1, Memphis, TN 38114

MOTION: Fullilove – Take 1.8 million from International Paper and \$250,000 from Edge and add to MATA’s budget

NO ACTION TAKEN ON THIS MOTION

After a discussion by Council members, it was determined that you cannot take CIP money and move it into the operating budget.

MOTION: Fullilove – 1 million from CIP for MATA

NO ACTION TAKEN ON THIS MOTION

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

APPROVED, as amended. Minus the Crosstown Project. Set up as Special Item #25

MOTION: Fullilove – Divide the question – Crosstown Project
 SECOND: Harris
 AYES: Flinn, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford
 NAYS: Brown, Collins, Fullilove
 Conrad recused
 Boyd and Halbert did not cast a vote

APPROVED, Crosstown Project Only. Set up as Special Item #26

MOTION: Fullilove – Reconsider the vote on the Tax Rate

Chairman Ford stated that without objection, the vote on the Tax Rate is reconsidered

MOTION: Fullilove – Tax Rate of \$3.40
SECOND: Collins
AYES: Boyd, Brown, Collins, Fullilove, Halbert, Harris and Lowery
NAYS: Conrad, Flinn, Hedgepeth, Morrison, Strickland and Chairman Ford

APPROVED, Tax Rate \$3.40

- 1. **RESOLUTION AMENDING THE SEVERANCE PACKAGE RESOLUTION TO ADD WEIGHTS AND MEASURES EMPLOYEES.** (Held from 6/18)

DROPPED

- 5. **RESOLUTION EXTENDING THE FRANCHISE AGREEMENT BETWEEN THE CITY OF MEMPHIS AND XO COMMUNICATIONS FOR 60 DAYS.**

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of June 18, 2013 for Items 33, 34, 35, 40, 41, 46, 47, 48, 49 and 50 with the following motion:

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

APPROVED, set up as Special Item #27

MINUTES

Approval of the Minutes of the recessed meeting of June 18, 2013 on June 25, 2013 for Items 2, 3, 4, 5, Special Item #18 and Special Item #26 with the following motion:

MOTION: Halbert - Separate the vote on the minutes for the Crosstown Project and the other part of the CIP

Chairman Ford stated that without objection, we will vote on the items separately

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

APPROVED, Minutes for Crosstown Project Only

MOTION: Strickland – Other part of the CIP Budget
SECOND: Collins
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Harris, Lowery, Morrison, Strickland and Chairman Ford
NAYS: Halbert
Hedgepeth did not cast a vote

APPROVED, Other part of the CIP Budget. Set up as Special Item #29

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

APPROVED, balance of same night minutes. Set up as Special Item #28

ADJOURNED MEETING AT 12:30 A.M.

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

C H A I R M A N

Attest:

Deputy Comptroller/Council Records