

## City Council Resolution

Whereas, public safety is the number one responsibility of City government; and

Whereas, violent crime is now up 9% and citizens are insisting that immediate action be taken to address rising crime; and

Whereas, in order to reduce crime, we need (1) aggressive policing, including full implementation of Blue Crush; (2) stronger state laws, which require violent criminals to serve their entire sentences and hold parents more responsible for their minor children's violent acts; and (3) to create an environment where children choose the right path instead of the wrong one. This situation requires strong and effective action.

Whereas, in one week Mayor Wharton argued for more midnight basketball for young people and, in the next week, asked the public schools to stop playing football Friday nights at 7:00 pm.; and

Whereas, we cannot allow this defeatist attitude to push Memphis to be known nationwide as the city who cannot keep citizens safe after dark; and

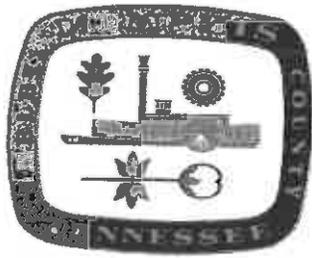
Whereas, from July 2011 through December 2012, Mayor Wharton secretly cut Blue Crush details and as a result, violent crime increased; and after Council realized what had happened, Blue Crush details were reinstated in January 2013, and crime began to fall again; and

Whereas, five months ago, the Council approved and added to the Mayor's proposed police budget, and now we need to make cuts in other departments to hire more police officers by funding an additional police recruit class in Fiscal Year 2015.

Now, Therefore, Be It Resolved that the Memphis City Council amends the FY2015 Operating Budget by transferring \$1,000,000 from our reserve fund to the Police Budget to add to the remaining \$2,000,000 to fully fund an additional Police Recruit Class in FY2015.

November 18, 2014

Jim Strickland  
Chairman



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

Resolution authorizing the financing of \$1,500,000 in Memphis Cook Convention Center Improvements for fiscal year 2015 through the Memphis Center City Revenue Finance Corporation.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Initiating Party is the Division of Finance.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

The funding source is change from general obligations bonds to Local Other.

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

Not applicable.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

Yes. The CIP Budget will be modified to reflect the change in funding source.

## **RESOLUTION AUTHORIZING FINANCING OF CONVENTION CENTER IMPROVEMENTS**

WHEREAS, the Capital Improvement Program of the City of Memphis, Tennessee (the "City") for the 2014-2015 fiscal year includes City financing of improvements to the Memphis Cook Convention Center (the "Convention Center Improvements"); and

WHEREAS, the City wishes to finance the Convention Center Improvements through the Memphis Center City Revenue Finance Corporation ("CCRFC");

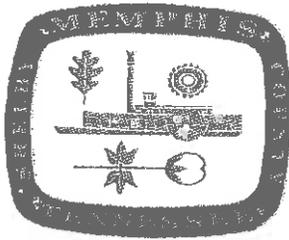
NOW, THEREFORE, BE IT RESOLVED by the Council of the City as follows:

1. CCRFC is hereby requested to issue its bonds, notes or other evidences of indebtedness (the "Bonds") to finance the Convention Center Improvements, in such principal amounts as shall be required, together with costs of issuance and any reserves that may be necessary, to produce funds for the Convention Center Improvements in an amount not to exceed \$1,500,000. The City is hereby authorized to apply to CCRFC for approval of such financing and to pay any CCRFC application, continuing or counsel fees and expenses in connection with such application and the Bonds.
2. The City is hereby authorized to support the payment by CCRFC of the principal of and premium, if any, and interest on the Bonds issued to finance the Convention Center Improvements and related additional expenses, costs and indemnities as may be required under the financing instruments authorized in paragraph 5 below by entering into support contracts or loan agreements with CCRFC.
3. The City is hereby authorized to covenant with CCRFC that the payments by the City under the documents authorized by paragraph 2 above shall be made from appropriate legally available revenues, other than ad valorem tax revenues, of the City to secure the City's obligations thereunder.
4. The Mayor, Comptroller and Director of Finance and Administration, or any of them or their designees (individually or collectively, "Authorized Officers"), are hereby authorized to execute and deliver the documents authorized in paragraph 2 above.
5. The Mayor and other Authorized Officers are hereby authorized to execute, approve or consent to and deliver bond purchase or loan agreements, and/or related covenants and agreements, with respect to loans to be made to CCRFC and the purchase of Bonds by any one or more of Duncan-Williams, Inc., SunTrust Bank, Wells Fargo Bank, National Association, or JPMorgan Chase Bank, N.A. (and participating lenders, if any) for the purposes set forth in this resolution, which agreements may include obligations to pay related additional expenses, costs and indemnities.
6. All actions heretofore undertaken by the Authorized Officers and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.

7. The Authorized Officers and other appropriate officials and employees of the City are hereby authorized to enter into such additional agreements and execute such certificates and documents, and take such other actions, as may be necessary or appropriate to carry out the intent of this resolution and to perform the obligations of the City under the documents authorized by this Resolution.

BE IT FURTHER RESOLVED, that the funding source is changed from General Obligations Bonds to Local Other funding and that the Fiscal Year 2015 Capital Improvement Budget is hereby amended by appropriating \$1,500,000 for the Memphis Cook Convention Center Improvement through Memphis Center City Revenue Finance Corporation and credited as follows:

Project Title:	Memphis Cook Convention Center Improvements
Project Number:	GA01020
Construction Contract:	\$635,000
Furniture Fixture Equipment:	\$ 50,000
Other Cost:	<u>\$815,000</u>
	<u>\$1,500,000</u>



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A SCHEDULE TO THE MASTER LEASE BETWEEN BANC OF AMERICA PUBLIC CAPITAL CORP AND THE CITY OF MEMPHIS, TENNESSEE, IN AN AMOUNT NOT EXCEEDING \$15,500,000, RELATING TO THE ACQUISITION OF SOLID WASTE REFUSE TRUCKS AND TO APPROVE CERTAIN OTHER MATTERS RELATING THERETO FOR THE LEASE.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Initiating Party is the Division of Finance.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

This Resolution does not change any existing Ordinance or Resolution.

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

The resolution does not require a new contract.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

No, this Resolution does not require an expenditure of funds/requires a budget amendment.

**RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A SCHEDULE TO THE MASTER LEASE BETWEEN BANC OF AMERICA PUBLIC CAPITAL CORP AND THE CITY OF MEMPHIS, TENNESSEE, IN AN AMOUNT NOT EXCEEDING \$15,500,000, RELATING TO THE ACQUISITION OF SOLID WASTE REFUSE TRUCKS AND TO APPROVE CERTAIN OTHER MATTERS RELATING THERETO FOR THE LEASE**

**WHEREAS**, on June 30, 2011, the City of Memphis (the "City") solicited and received bids from qualified municipal lease providers to serve as financing agent for the City's proposed acquisition of Packer Bodies, Cab, and Chassis for packer Bodies ("Solid Waste Refuse Trucks"); and

**WHEREAS**, it was determined by the City that the bid submitted by Banc of America Public Capital Corp was the best bid and provides the lowest cost to the City; and

**WHEREAS**, on December 30, 2010, the City entered into a Master Equipment Lease with Banc of America Public Capital Corp (the "Master Equipment Lease") relating to the acquisition of red light camera equipment; and

**WHEREAS**, the proposed lease of the Solid Waste Refuse Trucks (the "Lease Documents") can be added as a schedule to the Master Equipment Lease; and

**WHEREAS**, the Master Equipment Lease is subject to termination for non-appropriation, without cause, in any year; and

**WHEREAS**, Council approval is required prior to the Mayor's execution of the Lease Documents.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis as follows:

Section 1. Authorization of Lease Documents. The form, terms and provisions of the Lease Documents presented to this Council are hereby approved, and all of the terms and provisions thereof, including the annual rentals payable thereunder, are hereby incorporated herein by this reference as if the Lease Documents were set out in this Resolution in its entirety. The Mayor of the City or his designee are hereby authorized, empowered and directed to execute, acknowledge and deliver the Lease Documents. The Lease Documents shall be in substantially the forms as previously approved by Council, with such changes, insertions or omissions as may be deemed reasonably necessary by the persons executing the same, upon advice of counsel, to accomplish the purposes of the transaction contemplated therein and in this Resolution and as shall not be inconsistent with or contrary to such purposes. The execution of the Lease Documents shall constitute conclusive evidence that the Lease Documents and any and all changes thereto have been approved by the persons executing the Lease Documents.

Section 2. Information Reporting. Any officer of the City is hereby authorized to sign and file or cause to be filed a completed I.R.S. Form 8038-G, "Information Return for Tax-Exempt Governmental Obligations," as required by Section 149(e) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 3. Non-Arbitrage Certificate. Any officer of the City is hereby authorized to execute a non-arbitrage certificate in order to comply with Section 148 of the Code, and the applicable income tax regulations thereunder.

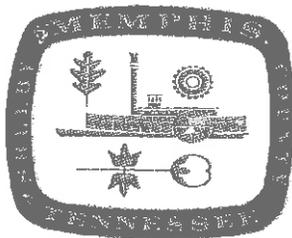
Section 4. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Lease Documents shall be deemed to be a stipulation, obligation or agreement of any commissioner, officer, agent or employee of the City in his individual capacity.

Section 5. General Authority. From and after the execution and delivery of the documents hereinabove authorized and consented to, the Mayor of the City, his designee, and the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the execution and delivery of the Lease Documents and to document compliance with the Code.

Section 6. Actions Ratified, Approved and Confirmed. All acts and doings of the officers of the City which are in conformity with the purposes and intents of this Resolution and the execution, delivery and performance of the Lease Documents shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 7. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof.

Section 8. Repealing Clause. All resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

Amend FY2015 Solid Waste Management Budget by transferring \$1,500,000 from the Transfer Out line to the Capital Outlay line.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

The Public Works Division is the initiating party of this resolution.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

There is no change to an existing ordinance or resolution.

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

The resolution does not require a new contract, or amends an existing contract.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

The resolution does require an expenditure of funds.



## **Resolution to adjust expenses for the payment of Solid Waste Packers.**

**WHEREAS**, the FY 2015 Solid Waste Management Fund budget included funding to lease new packers to restore its fleet, and

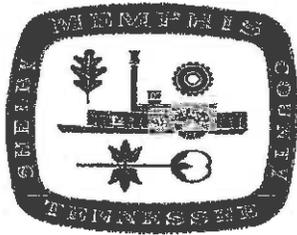
**WHEREAS**, a portion of the fleet is available and needs to be paid for prior to the completion and finalization of the lease agreement, and

**WHEREAS**, the Solid Waste Management Fund budget has sufficient funds for the lease arrangement and the direct pay arrangement, and

**WHEREAS**, it is necessary to pay for a portion of the available packers now; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2015 Solid Waste Budget be and is hereby amended by transferring \$1,500,000 from the "Transfers Out" budget line, established to reimburse the Debt Fund for the lease expense, to the "Capital Outlay" budget line for the purposes of paying for ten (10) of the immediately available packers until such time that the leasing agreement is in place, and

**BE IT FURTHER RESOLVED** that once the leasing agreement is in place that the packers purchased as a result of this resolution will be included in the lease agreement and funding used will be restored to the Solid Waste Management Fund budget.



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

A Resolution to approve Residential Permit Parking on Monroe Ave. between Cooper St. and Cox St.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

The Division of Engineering is the initiating party of this resolution.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

There is no change to an existing ordinance or resolution.

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

The resolution does not require a new contract, or amend an existing contract.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

The resolution does require an expenditure of funds.

## City Council Resolution Template



*A Resolution to approve Residential Permit Parking on Monroe Ave. between Cooper St. and Cox St.*

**WHEREAS**, the Memphis City Council approved an Ordinance to allow Residential Permit Parking for a Pilot duration in the residential areas adjacent to Overton Square; and

**WHEREAS**, Residents on Monroe Ave. between Cooper St. and Cox St. have submitted an application to request Residential Permit Parking on this block; and

**WHEREAS**, An official petition has been returned to the City of Memphis, Division of Engineering certifying that over 75% of the residents on Monroe Ave. between Cooper St. and Cox St. are in favor of Residential Permit Parking on that block;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis, on the Recommendation of the Division of Engineering, that a Pilot Residential Permit Parking zone be established on Monroe Ave. between Cooper St. and Cox St.



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

Resolution to accept funding from United Way of the Mid-South through Memphis Library Foundation for reimbursement of the Database Manager's salary for the LINC/2-1-1 department.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Memphis Public Library and Information Center in the Division of Parks and Neighborhoods.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

N/A

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This is an ongoing contract between Memphis Library Foundation and the City of Memphis.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

This resolution requires a budget amendment.



**A Resolution to accept United Way Grant funds from Memphis Library Foundation for reimbursement of the LINC/2-1-1 Database Manager's salary.**

**WHEREAS**, the City of Memphis, Division of Parks and Neighborhoods, Memphis Public Library and Information Center has received grant funds in the amount of Fifty Thousand, Three Hundred Forty Dollars (\$50,340.00) from Memphis Library Foundation for Memphis Public Library provided by United Way of the Mid-South; and

**WHEREAS**, these funds will be used to pay the salary of the Database Manager in the LINC/2-1-1 Department; and

**WHEREAS**, it is necessary to appropriate the grant funds in the amount of Fifty Thousand, Three Hundred Forty Dollars (\$50,340.00) for the full-time salary of the Database Manager for LINC/2-1-1 ; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that Fifty Thousand, Three Hundred Forty Dollars (\$50,340.00) for LINC/2-1-1 Services be accepted by the City of Memphis.

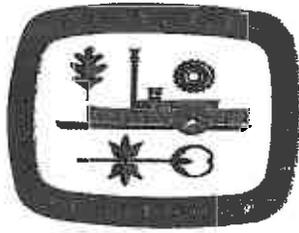
**BE IT FURTHER RESOLVED**, that the Fiscal Year 2015 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for LINC/2-1-1 Services in the amount of Fifty Thousand, Three Hundred Forty Dollars (\$50,340.00) as follows:

Revenue

Memphis Library Foundation	\$50,340.00
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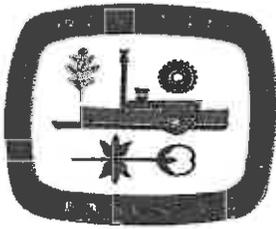
Expenses

Full-time Salary	\$50,340.00
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## **Memphis City Council Summary Sheet**

- 1. This Item is a Resolution seeking approval for the continuation of plans and specification and the taking of bids at an estimated construction cost of \$1,650,000.00.**
- 2. The initiating party is the Division of Parks and Neighborhoods.**
- 3. This Resolution does not change any existing Ordinance or Resolution.**
- 4. This Resolution will require a new construction contract.**
- 5. This will not require an expenditure of funds at this time.**



***Resolution for the continuation of plans and specifications  
and the taking of bids for Wolf River Greenway Improvements – Phase 5B.***

**WHEREAS**, the Council of the City of Memphis did include Greenway Improvements also known as the Wolf River Greenway, Phase 5B, CIP Project Number PK07012, \$212,000 for Architect-Engineering as part of the Fiscal Year 2013 Capital Improvement Budget; and

**WHEREAS**, the Administration proposes to make recreation improvements as part of the Wolf River Greenway, Phase 5B located between Nedra Avenue at McLean Boulevard and Rodney Baber Park at James Road, at an estimated construction cost of \$1,650,000.00; and

**WHEREAS**, the Greenway Improvements CIP Project Number PK07012 has been further defined as Greenway Improvements, Phase 5B, CIP Project Number PK07117; and

**WHEREAS**, the Administration is required to present a preliminary design to the appropriate Council Committee and obtain approval prior to the continuation of the project and taking of bids.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that improvements as part of Greenway Improvements, Phase 5B, CIP Project Number PK07117, is and hereby approved for the completion of plans and specifications and taking of bids at the estimated construction cost of \$1,650,000.00

<b>Project Title:</b>	<b>Greenway Improvements, Phase 5B</b>
<b>Project Number:</b>	<b>PK07117</b>
<b>Total Construction Cost:</b>	<b>\$1,650,000.00</b>

## City Council Resolution

WHEREAS, the Memphis City Council has adopted Rules of Procedure by which it maintains its operation, pursuant to Referendum Ordinance #1852, Section 1, "Legislative Council"; and

WHEREAS, from time to time it becomes necessary to amend said rules in the interest of time and efficiency and it is proper that such amendments be officially approved by the legislative body; and

WHEREAS, the Council Agenda does not accurately reflect the sponsor of resolutions and ordinances, but rather only indicates the Chairman of the committee in which the item was heard; and

WHEREAS, in an effort to provide transparency and accurate information, each item should reflect the sponsor, Council or Administration, in addition to the Committee Chair.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that Council Rules of Procedure, as presently adopted, be and the same are hereby amended as follows:

43. a. Resolutions or Ordinances placed on the agenda shall indicate the sponsor the item as well as the Chairman of the committee.

Example:

**Flinn**

Chairman, Personnel &  
Intergovernmental  
Committee

7. Ordinance to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan (Non-vested employees). Ordinance No. 5572 Sponsored by Administration.

**Flinn**

Chairman, Personnel &  
Intergovernmental  
Committee

8. Ordinance to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan (New hires only). Ordinance No. 5573 Sponsored by Councilman Myron Lowery.

BE IT FURTHER RESOLVED that the Rules of Procedure, as amended above, be and the same are hereby approved and adopted the council.

November 18, 2014

Jim Strickland