

CITY OF MEMPHIS

COUNCIL REGULAR MEETING
 Tuesday , October 20, 2020, 3:30 p.m.

SUPPORTING DOCUMENTS

ITEM #	DESCRIPTION	PAGE #
	PRESENTATIONS	
1	RESOLUTION designating October as Breast Cancer Awareness Month and recognizing Susan G. Komen Memphis Mid-South.	A
	PLANNING AND DEVELOPMENT Public Hearings & Ordinances Refer to Separate OPD Package on Public Hearing Items	
2	RESOLUTION approving a special use permit located at 590 East Raines Road, containing 0.26 acre in the Commercial Mixed Use – 1 District. Case No. SUP 20-07	221
3	RESOLUTION approving a special use permit located at 580 Belt Line Street, 584 Belt Line Street, 579 Boston Street, 2638 Southern Avenue and 2650 Southern Avenue, containing 0.9 acre in the Commercial Mixed Use – 1 and Residential Urban – 1 Districts. Case No. SUP 20-08	1
4	RESOLUTION approving a special use permit located at 3169 Kirby Parkway – Parcel ID # 093200 00221 containing +/- 9.61 acres in the Residential Urban – 3 (RU-3) District. Case No. SUP 20-11	40
5	RESOLUTION approving a special use permit located at part of 2939 South Third Street and part of 2920 New Horn Lake Road, containing 7 acres in the Employment and Heavy Industrial District. Case No. SUP 20-12	93
6	RESOLUTION approving a street/alley closure located west of Pond Street and +/-170 feet south of East McLemore Avenue, containing +/-1,591 square feet in the Residential Single-Family–6 (R-6) District. Case No. SAC 20-17	122
7	ORDINANCE No. 5762 rezoning 580 and 584 Belt Line Street, containing 0.2 acres located in the Residential Urban – 1 District, Case No. Z 20-8- final READING	193
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8	ORDINANCE No. 5764 amending Chapter 12 of the City of Memphis Code of Ordinances, so as to update the Code of Ordinances related to sidewalks, up for F I R S T reading.	1
9	RESOLUTION accepting OPEN ARMS CARE MOSAIC SUBDIVISION. LOTS 1 & 2 and authorizing release of the Bancorp South Bank Letter of Credit No. 161000986028 in the amount of \$76,100.00 held as security for the standard improvement contract	3

NOTE—THE REFERENCES TO THE PAGE NUMBERS USED IN THE ABOVE TABLE FOR SEPARATE PACKAGES FOR ZONING PUBLIC HEARINGS AND ZONING ORDINANCES ARE THE PAGE NUMBERS USED IN THE SEPARATE PACKAGES FOR THOSE ITEMS

10	RESOLUTION accepting OPEN ARMS CARE SUBDIVISION, LOTS 2 & 3 (Old Dexter Road) and authorizing release of Performance Bond No. SU1155093 in the amount of \$82,500.00 held as security for the standard improvement contract.	4
11	RESOLUTION accepting THE OAKS AT DEXTER PD (PD-04-332) and authorizing release of Performance Bond No. 104145537 in the amount of \$79,200.00 held as security for the standard improvement contract.	5
12	RESOLUTION approving the engineering plans AEROTROPOLIS PD, PHASE 2, RDX AMERICAN WAY FACILITY and authorizing the proper officials to execute the standard improvement contract and accept Performance Bond No. 5424252 in the amount of \$110,800.00 on behalf of the City of Memphis. Case No. CR-5341	6
13	RESOLUTION approving the engineering plans TPA GROUP WAREHOUSE-HOLMES & AIRWAYS PROJECT and authorizing the proper officials to execute the attached standard improvement contract and accept Performance Bond No. US00100628SU20A in the amount of \$230,000.00 on behalf of the City of Memphis. Case No. CR-5342	7
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14	RESOLUTION to accept, allocate and appropriate grant funds in the amount of \$33,964.00 for professional fees grants & awards from the United Way of Greater Nashville for the Memphis Public Library and Information Center's LINC211 SNAP outreach. (Request for same night minutes)	8
15	RESOLUTION to accept a donation of a trash dumpster awarded to the Memphis Police Division estimated value of \$150.00 from Republic Services. (Request for same night minutes)	10
16	RESOLUTION to accept a donation in the amount of \$500.00 from 901 Parkinson's Fighters to the Memphis Police Division to be used to fund MPD Boxing Gym operational activities. (Request for same night minutes)	12
MLGW FISCAL CONSENT AGENDA		
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	<ul style="list-style-type: none"> • Joyce Selina Love • Margot Ferster Payne <p>MEMPHIS AND SHELBY COUNTY BUILDING CODE ADVISORY BOARD</p> <ul style="list-style-type: none"> • Ian C. Engstrom • Carter Hord • Andre D. Jones 	
34	ORDINANCE No. 5752 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 annually and to file their state mandated disclosure statements with the City of Memphis, up for T H I R D and F I N A L reading. (Held from 6/16)	61
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41	RESOLUTION to amend the FY2021 Operating budget to accept a reimbursement in the amount not to exceed \$22,000.00 from the FBI for expenditures by MPD Homicide Violent Crime Unit.	103
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WHEREAS, the Memphis City Council recognizes Susan G. Komen Memphis-Midsouth Mississippi for promoting the health of all Memphians impacted by breast cancer, a disease that affects all ages, genders, races, and income levels; and

WHEREAS, founded in 1992, Susan G. Komen Memphis-Midsouth Mississippi has provided approximately \$11.6 million in direct grants and partnered with major hospitals to extend its service area to cover 14 counties within Tennessee and the entire state of Mississippi; and

WHEREAS, breast cancer is the most prevalent cancer in the world today and both women and men are directly affected by this disease; in 2020 about 276,480 new cases of invasive breast cancer will be diagnosed in women and 2,620 cases will be diagnosed in men in the United States; and

WHEREAS, there is a continuing gap in treatment outcomes for underserved populations diagnosed with breast cancer prompting Susan G. Komen Memphis-Midsouth Mississippi to dedicate its resources to provide funding for breast health services, breast cancer education, and outreach for more women and men in need; and

WHEREAS, for twenty-eight years Susan G. Komen Memphis-Midsouth Mississippi has hosted an annual 5K event, Race for the Cure, and for every dollar raised 25% goes to breast cancer research and 75% of the lifesaving funds are used within the community; and

WHEREAS, Susan G. Komen is second only to the United States government in funding breast cancer research and Komen Memphis-Midsouth Mississippi has contributed over \$3.5 million to direct breast cancer research.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council stands in solidarity with those battling breast cancer and those at risk for breast cancer and proclaim that the month of October 2020 be known as


Breast Cancer Awareness Month

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council honors all citizens touched by breast cancer and extends sincere gratitude to Susan G. Komen Memphis-Midsouth Mississippi for 27 years of service and dedication to promoting health and awareness and continuing the fight to end breast cancer.

Adopted: October 20, 2020



Frank Colvett, Jr.
Memphis City Council



Patrice Jordan Robinson
Memphis City Council, Chairwoman

ORDINANCE NO. 5764

ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS

WHEREAS, the process for sidewalk construction and maintenance has been established by Chapter 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council now wishes to further address the state of sidewalks within the City of Memphis, many of which are in need of repair, replacement, or caulking; and

WHEREAS, the Memphis City Council is of the belief that addressing the state of sidewalks, i.e., those in disrepair, will work to gradually improve the physical condition of our neighborhoods, and thus, the City as a whole; and

WHEREAS, Section 12-28-2 (D) of the City of Memphis Code of Ordinances states that “the *lot owner* shall assume the responsibility of installation, maintenance and repair of the required sidewalks along the lot frontage(s) upon occupying the structure on the lot.”; and

WHEREAS, in an effort to prevent current lot owners, who have failed to properly maintain their section of sidewalk, from passing their repair duties to subsequent purchasers, the Memphis City Council now wishes to require the inspection, and if necessary, repair, replacement, or caulking of sidewalks, driveway aprons, or inlets prior to closing on the property; and

WHEREAS, local municipalities have established similar measures, the Memphis City Council wishes to do the same, ultimately for the benefit of our citizens, and the betterment of our City.

NOW THEREFORE BE IT RESOLVED, (Additions underlined in bold italics and deletions identified with strikethrough)

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-17 (A)-(H), which shall be titled and read as follows:

12-28-17. – Duty of property owners prior to closing.

(A) It shall be the duty of the property owners of properties within the City of Memphis to keep the sidewalks, driveway aprons, and inlets abutting their property in good repair.

(B) Property owners who receive notice from the City Engineer, or his or her lawfully authorized representative, to repair, replace, or caulk sidewalks, driveway aprons, or inlets abutting their property must do so prior to closing on the property.

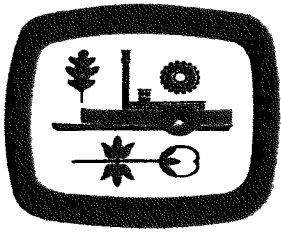
- (C) An arrangement, such as escrowing the bid amount for the required repair is acceptable.
- (D) A permit is required, at no cost, for any repair or replacement of the property owner's sidewalks, driveway aprons, and/or inlets.
- (E) No permit is required if inspection by the City Engineer, or his or her legally authorized representative, determines that only caulking is needed.
- (F) Repair or replacement of sidewalks, driveway aprons, or inlets shall not start without an approved permit.
- (G) A final inspection of the repair, replacement, and/or caulking is required prior to closing on the property.
- (H) Repair, replacement, or caulking of sidewalks, driveway aprons, or inlets should be conducted according to the provisions provided by Chapter 12-12, Chapter 12-24, and Chapter 12-28, except as specifically approved by the City Engineer.

SECTION 2. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-18, which shall be titled and read as follows:

12-28-18. – Transfer of property.

The City Engineer, or his or her lawfully authorized representative, shall provide to the finance department a record of damaged sidewalks, driveway aprons, and inlets as they are inspected. Such notice shall be filed on the tax records for the property and will provide a notification of such to all parties requesting tax data during the sale or transfer of the property.

Sponsor:
Councilwoman Michalyn Easter-Thomas



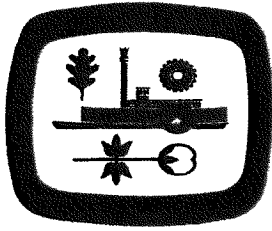
RESOLUTION accepting Open Arms Care Mosaic Subdivision, Lots 1 & 2 and authorizing release of bond.

WHEREAS, Facilities Development Group, LLC is the Developer has completed the public improvement with the City of Memphis as shown on the engineering plans of **Open Arms Care Mosaic Subdivision, Lots 1 & 2** located east of the Reese Road and Kate Bond intersection on the southeast side of Reese Road in the City of Memphis, Tennessee.

WHEREAS, all of the public improvements required by the standard improvement contract for the project are completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans of **Open Arms Care Mosaic Subdivision, Lots 1 & 2, CR-5284** and the completion of the public improvements therein, be and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED that the BancorpSouth Bank Letter of Credit No. 161000986028 in the amount of \$76,100.00 held as security for the standard improvement contract is ordered released.



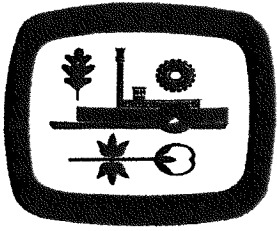
RESOLUTION accepting Open Arms Care Subdivision, Lots 2 & 3 (Old Dexter Road) and authorizing release of bond.

WHEREAS, Facilities Development Group, LLC is the Developer has completed the public improvement with the City of Memphis as shown on the engineering plans of **Open Arms Care Subdivision, Lots 2 & 3 (Old Dexter Road)** located on the northeast corner of Old Dexter Road and Dexter Lane intersection in the City of Memphis, Tennessee.

WHEREAS, all of the public improvements required by the standard improvement contract for the project are completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans of **Open Arms Care Subdivision, Lots 2 & 3, CR-5298** and the completion of the public improvements therein, be and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED that the Performance Bond No. SU1155093 in the amount of \$82,500.00 held as security for the standard improvement contract is ordered released.



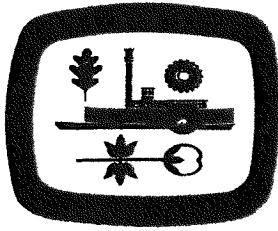
RESOLUTION accepting The Oaks at Dexter (PD-04-332) and authorizing release of bond.

WHEREAS, Kemmons Wilson, Inc. is the Developer has completed the public improvement with the City of Memphis as shown on the final plat of **The Oaks at Dexter PD (PD-04-332)** located on the south side of Dexter Road, west of Germantown Parkway in the City of Memphis, Tennessee.

WHEREAS, all of the public improvements required by the standard improvement contract for the project are completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the final plat of **The Oaks at Dexter PD (PD-04-332), CR-4993** and the completion of the public improvements therein, be and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED that the Performance Bond No. 104145537 in the amount of \$79,200.00 held as security for the standard improvement contract is ordered released.



RESOLUTION approving the engineering plans entitled **Aerotropolis PD, Phase 2, RDX American Way Facility**

WHEREAS, **RDX Holdings, LLC** is the Developer of certain property within the present limits of City of Memphis, located at 4590 & 4594 American Way, approximately 850 linear feet southwest of the S. Perkins Road intersection in the City of Memphis, Tennessee as indicated on the engineering plans entitled **Aerotropolis PD, Phase 2, RDX American Way Facility** and

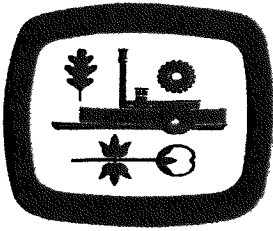
WHEREAS, the developer desires to develop the property reflected on the engineering plans and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **RDX Holdings, LLC** and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Aerotropolis PD, Phase 2, RDX American Way Facility** be and is hereby approved.

BE IT FURTHER RESOLVED, that the proper officials be and are hereby authorized to execute the attached standard improvement contract and accept Performance Bond No. 5424252 in the amount of \$110,800.00 on behalf of the City of Memphis.



RESOLUTION approving the engineering plans entitled TPA Group Warehouse– Holmes & Airways Project

WHEREAS, **Holmes & Airways Partners, LLC** is the Developer of certain property within the present limits of City of Memphis, located on the southeast corner lot in the Holmes Road and Airways Boulevard intersection in the City of Memphis, Tennessee as indicated on the engineering plans entitled **TPA Group Warehouse – Holmes & Airways Project** and

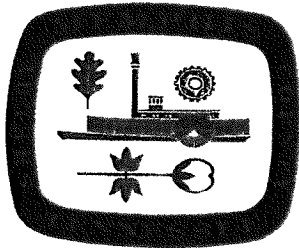
WHEREAS, the developer desires to develop the property reflected on the engineering plans and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Holmes & Airways Partners, LLC** and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

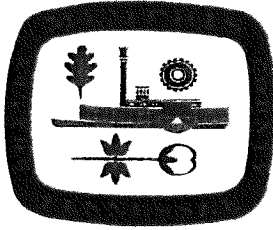
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **TPA Group Warehouse – Holmes & Airways Project** be and is hereby approved.

BE IT FURTHER RESOLVED, that the proper officials be and are hereby authorized to execute the attached standard improvement contract and accept Performance Bond No. US00100628SU20A in the amount of \$230,000.00 on behalf of the City of Memphis.



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
This item is a resolution to accept, allocate and appropriate grant funds in the amount of Thirty-Three Thousand, Nine Hundred Sixty Four Dollars and Zero Cents (\$33,964.00) for professional fees/grants/& awards from the United Way of Greater Nashville for the Memphis Public Library and Information Center's LINC211 SNAP outreach.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Public Library & Information Center has drafted this resolution and is recommending City Council approval. The funds associated with this grant will benefit all City Council Districts.
- 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 amendment requires a new contract with the United Way of Greater Nashville and the City of Memphis.
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This program requires an FY21 budget amendment to accept, allocate and appropriate grant funds for LINC 2-1-1 Professional Fees/Grants & Awards.



A Resolution to accept, allocate and appropriate grant funds in the amount of Thirty Three Thousand Nine Hundred Sixty Four Dollars and Zero Cents (\$33,964.00) for professional fees/grants/& awards from the United Way of Greater Nashville for the Memphis Public Library and Information Center's LINC211 SNAP outreach.

WHEREAS, the City of Memphis, Division of Library Services, Memphis Public Library & Information Center has received grant funds in the amount of Thirty Three Thousand Nine Hundred Sixty Four Dollars and Zero Cents (\$33,964.00) from the United Way of Greater Nashville for the Memphis Public Library and Information Center's LINC211; and

WHEREAS, these funds will be used for LINC211 in the form of professional fees/grants/ & awards; and

WHEREAS, matching funds for the professional fees/grants/ & awards will come from the Memphis Public Library & Information Center's Operating Budget; and

WHEREAS, it is necessary to accept, allocate, and appropriate the grant funds in the amount of Thirty Three Thousand Nine Hundred Sixty Four Dollars and Zero Cents (\$33,964.00) for professional fees/grants/& awards to deliver SNAP outreach;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that grant funds in the amount of Thirty Three Thousand Nine Hundred Sixty Four Dollars and Zero Cents (\$33,964.00) for LINC211 SNAP outreach be accepted by the City of Memphis;

BE IT FURTHER RESOLVED, that the FY21 Operating Budget be and is hereby amended by allocating and appropriating the revenues and expenditures for LINC211 SNAP outreach in the amount of Thirty Three Thousand Nine Hundred Sixty Four Dollars and Zero Cents (\$33,964.00) as follows:

Revenue

United Way of Greater Nashville	
Federal Funds	<u>\$33,964.00</u>
TOTAL	\$33,964.00

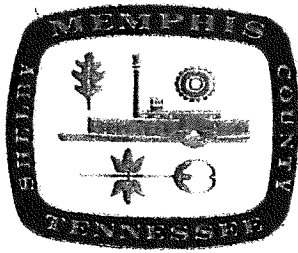
Expenditures

Professional Fees/Grants/& awards	<u>\$33,964.00</u>
TOTAL	\$33,964.00



Memphis City Council Summary Sheet

1. Resolution seeking acceptance of a donation the City of Memphis Division of Police Services has been awarded a donation of one (1) trash dumpster with an estimated monetary value of One Hundred Fifty dollars and 0/100 (\$150.00) from Republic Services.
2. Resolution will not change an existing ordinance or resolution.
3. Resolution will not require a new contract or amendment to an existing contract.
4. Resolution will not require an expenditure of funds equal to the amount of the donation will not require a budget amendment.



RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded a donation of one (1) trash dumpster with an estimated monetary value of One Hundred Fifty dollars and 0/100 (\$150.00) from Republic Services; and

WHEREAS, the donation is to be used for Memphis Police Bomb Unit operational activities; and

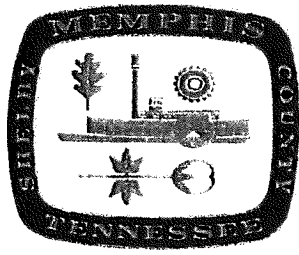
WHEREAS, it is necessary to accept the donation for Fiscal Year 2021; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the donation of one (1) trash dumpster with an estimated monetary value of One Hundred Fifty dollars and 0/100 (\$150.00); be accepted by the City of Memphis.



Memphis City Council Summary Sheet

1. Resolution seeking acceptance of a donation the City of Memphis Division of Police Services has been awarded a donation in the amount of Five Hundred dollars and 00/100 (\$500.00) from 901 Parkinson's Fighters; and the donation is to be used to fund Memphis Police Department's Boxing Gym operational activities.
2. The City of Memphis Division of Police Services is awarded these funds and will serve as the fiscal agent.
3. Resolution will not change an existing ordinance or resolution.
4. Resolution will not require a new contract or amendment to an existing contract.
5. Resolution will require an expenditure of funds equal to the amount of the donation and a budget amendment.



RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded a donation in the amount of Five Hundred dollars and 00/100 (\$500.00) from 901 Parkinson's Fighters; and

WHEREAS, the donation is to be used to fund Memphis Police Department's Boxing Gym operational activities; and

WHEREAS, it is necessary to accept the donation and amend the Fiscal Year 2021 Operating Budget to establish funds; and

WHEREAS, it is necessary to appropriate the funds in the amount of Five Hundred dollars and 00/100 (\$500.00) received from 901 Parkinson's Fighters as stated in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the donation Five Hundred dollars and 00/100 (\$500.00); be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal year 2021 Operating Budget be and is hereby amended by appropriating the Revenues for the various donations as follows:

REVENUES

Miscellaneous Revenue (049623)

Crime Prevention	140503-049623	\$500.00
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EXPENDITURES

^{materials} Miscellaneous Supplies (052342)

Crime Prevention	140503-052342	\$500.00
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RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020, approved the purchase of Software As A Service (SAAS) software upgrade and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2020 fiscal year budget; and

WHEREAS, the Software As A Service (SAAS) is software that provides analysis and code management for the 12.2.9 Upgrade and Patch Management. This SAAS Software will identify all of our existing custom code that must be changed to meet the 12.2.9 Standard Upgrade. The SAAS software provides impact analysis for Oracle E-Business Suite upgrades, patches, customizations, and business driven changes while combining test management functionality and automatic script creation in one platform/solution; and

WHEREAS, a bid was opened on September 8, 2020 for Software As A Service (SAAS) in accordance with MLGW's Sole/Single Source Policy. The Software As A Service (SAAS) has been defined as sole source by MLGW's Manager Enterprise Resource Planning Department because Panaya, Inc. is the only authorized distributor for Software As A Service (SAAS) software. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of SAAS software from Panaya, Inc. in the amount of \$60,000.00 chargeable to the MLGW 2020 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Panaya, Inc. for Software As A Service (SAAS) software upgrade in the amount of \$60,000.00.

The Software As A Service (SAAS) is software that provides analysis and code management for the 12.2.9 Upgrade and Patch Management. This SAAS Software will identify all of our existing custom code that must be changed to meet the 12.2.9 Standard Upgrade. The SAAS software provides impact analysis for Oracle E-Business Suite upgrades, patches, customizations, and business driven changes while combining test management functionality and automatic script creation in one platform/solution.

A bid was opened on September 8, 2020 for Software As A Service (SAAS) in accordance with MLGW's Sole/Single Source Policy. The Software As A Service (SAAS) has been defined as sole source by MLGW's Manager Enterprise Resource Planning Department because Panaya, Inc. is the only authorized distributor for Software As A Service (SAAS) software. This award complies with all applicable laws and policies.

The 2020 budgeted amount for Enterprise Resource Planning is \$174,216.00; the amount spent to date is \$7,452.00; leaving a balance available of \$166,764.00; of which \$60,000.00 will be spent on this purchase order in 2020; leaving a balance of \$106,764.00; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Panaya, Inc. is approved for furnishing:

1 – ORACLE Release Management Core engine for Enterprise Activities at \$30,000.00 total;

1 – ORACLE Vendor Patches Analysis R12.1 Items: VD-ORCL-PATCH, RDX-PROF SERVICE-1 at \$30,000.00 total;

Totaling \$60,000.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery 2 weeks after receipt of order; terms net 30 days.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved Change No. 2 to Contract No. 11966, MLGW Network Upgrade and Enhancement with ConvergeOne, Incorporated (*formerly Venture Technologies, Incorporated*) to ratify and renew the current contract in the funded amount of \$577,285.29, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to procure network equipment replacement components for end-of-life products in the MLGW corporate network with turn-key installation and support services. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to ratify and renew the current contract for the second of four (4) annual renewal terms for the period covering September 27, 2020 through September 26, 2021 in the funded amount of \$577,285.29, with a decrease in rates from the previous term. This decrease in rates is due to less equipment being replaced in the contract term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$1,705,463.72; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 11966, MLGW Network Upgrade and Enhancement with ConvergeOne, Incorporated (*formerly Venture Technologies, Incorporated*) to renew the current contract in the funded amount of \$577,285.29 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

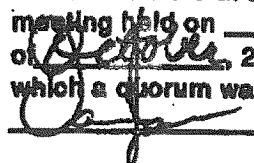
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 11966, MLGW Network Upgrade and Enhancement with ConvergeOne, Incorporated (*formerly Venture Technologies, Incorporated*) to ratify and renew the current contract in the funded amount of \$577,285.29.

The project scope is to procure network equipment replacement components for end-of-life products in the MLGW corporate network with turn-key installation and support services. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to ratify and renew the current contract for the second of four (4) annual renewal terms for the period covering September 27, 2020 through September 26, 2021 in the funded amount of \$577,285.29, with a decrease in rates from the previous term. This decrease in rates is due to less equipment being replaced in the contract term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$1,705,463.72.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 11966, MLGW Network Upgrade and Enhancement with ConvergeOne, Incorporated (*formerly Venture Technologies, Incorporated*) to ratify and renew the current contract in the funded amount of \$577,285.29, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular special meeting held on 7th day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 awarded Contract No. 12168, External Auditing Services to Clifton Larson Allen, LLP in the funded amount of \$889,200.00, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to perform external auditing services and provide reports with respect to the financial statements of MLGW Electric, Gas and Water Divisions. The audits shall be conducted in accordance with Governmental Auditing Standards issued by the Comptroller of the Treasury, State of Tennessee; and

WHEREAS, the Request for Proposal was advertised using MLGW's On-line Bid Notification Systems on April 20, 2020. MLGW solicited 40 respondents and received eight (8) proposals on June 1, 2020, with the most responsive proposal being from Clifton Larson Allen, LLP. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. Contract No. 12168, External Auditing Services to Clifton Larson Allen, LLP in the funded amount of \$889,200.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12168, External Auditing Services to Clifton Larson Allen, LLP in the funded amount of \$889,200.00.

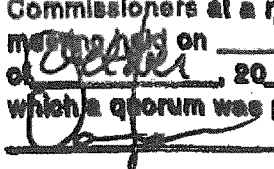
The project scope is to perform external auditing services and provide reports with respect to the financial statements of MLGW Electric, Gas and Water Divisions. The audits shall be conducted in accordance with Governmental Auditing Standards issued by the Comptroller of the Treasury, State of Tennessee.

The Request for Proposal was advertised using MLGW's On-line Bid Notification Systems on April 20, 2020. MLGW solicited 40 respondents and received eight (8) proposals on June 1, 2020, with the most responsive proposal being from Clifton Larson Allen, LLP. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of award of Contract No. 12168, External Auditing Services to Clifton Larson Allen, LLP in the funded amount of \$889,200.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 14 day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 awarded Contract No. 12151, Line Clearance Minor to ABC Professional Tree Services, Incorporated in the funded amount of \$30,040,152.24, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to trim and/or remove all trees and brush; trim trees in drop crotch and lateral cut trimming methods; perform other utility forestry services, including chemical spraying, transmission right-of-way clearing and mowing, clean-up and disposal of materials; and to provide clearance for the wires of MLGW. The location will be defined by Division work order within Memphis and Shelby County, Tennessee; and

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 26, 2020. MLGW solicited 22 bidders and received four (4) bids on July 28, 2020 with the lowest and best bid being from ABC Professional Tree Services, Incorporated in the amount of \$30,040,152.24. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12151, Line Clearance Minor to ABC Professional Tree Services, Incorporated in the funded amount of \$30,040,152.24 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12151, Line Clearance Minor to ABC Professional Tree Services, Incorporated in the funded amount of \$30,040,152.24.

The project scope is to trim and/or remove all trees and brush; trim trees in drop crotch and lateral cut trimming methods; perform other utility forestry services, including chemical spraying, transmission right-of-way clearing and mowing, clean-up and disposal of materials; and to provide clearance for the wires of MLGW. The location will be defined by Division work order within Memphis and Shelby County, Tennessee.

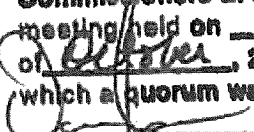
The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 26, 2020. MLGW solicited 22 bidders and received four (4) bids on July 28, 2020 with the lowest and best bid being from ABC Professional Tree Services, Incorporated in the amount of \$30,040,152.24. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12151, Line Clearance Minor to ABC Professional Tree Services, Incorporated in the funded amount of \$30,040,152.24 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 awarded Contract No. 12180, Engineering Services for Water Engineering to HDR Engineering, Inc. in the funded amount not-to-exceed \$1,500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide professional services on an as-needed basis in connection with miscellaneous projects for the Memphis Light, Gas and Water Division.

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on May 5, 2020. MLGW solicited seven (7) and received five (5) sets of qualifications on June 5, 2020. All five (5) firms were invited to participate in an interview of their qualifications. Based on an overall total score, MLGW will be awarding to HDR Engineering, Inc. based on approved rates in the funded amount not-to-exceed \$1,500,000.00. The term of this contract is for 36 months from the date of the Notice to Proceed with an option of two (2) annual renewals. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12180, Engineering Services for Water Engineering to HDR Engineering, Inc. in the funded amount not-to-exceed \$1,500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12180, Engineering Services for Water Engineering to HDR Engineering, Inc. in the funded amount not-to-exceed \$1,500,000.00.

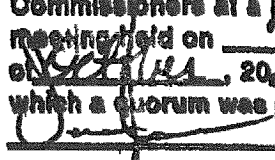
The project scope is to provide professional services on an as-needed basis in connection with miscellaneous projects for the Memphis Light, Gas and Water Division.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on May 5, 2020. MLGW solicited seven (7) and received five (5) sets of qualifications on June 5, 2020. All five (5) firms were invited to participate in an interview of their qualifications. Based on an overall total score, MLGW will be awarding to HDR Engineering, Inc. based on approved rates in the funded amount not-to-exceed \$1,500,000.00. The term of this contract is for 36 months from the date of the Notice to Proceed with an option of two (2) annual renewals. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12180, Engineering Services for Water Engineering to HDR Engineering, Inc. in the funded amount not-to-exceed \$1,500,000.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 awarded Contract No. 12213, ABB Tropos Maintenance Services to Hitachi ABB Power Grids in the funded not-to-exceed amount of \$1,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide maintenance service support for ABB Tropos wireless routers and SuproS NMS. This is a Wireless Mesh infrastructure of approximately 2,600 routers that was built to support the Smart Meter Project throughout Memphis and Shelby County, Tennessee. The vendor will provide technical support, phone support, online customer support, technical documentation, software downloads/uploads and other value-added features/tools. MLGW is requesting approval of this sole source award due to Hitachi ABB Power Grids being the sole provider for the ABB Tropos infrastructure in the amount of \$988,768.00. In addition, MLGW is requesting contingency funds in the amount of \$11,232.00 in the event additional infrastructure support is required. The term of this contract is 60 months from the date of the Notice to Proceed. MLGW is requesting approval of this sole source award in the funded not-to-exceed amount of \$1,000,000.00. This sole source award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12213, ABB Tropos Maintenance Services to Hitachi ABB Power Grids in the funded not-to-exceed amount of \$1,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

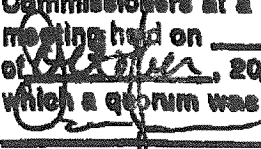
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the award of Contract No. 12213, ABB Tropos Maintenance Services to Hitachi ABB Power Grids in the funded not-to-exceed amount of \$1,000,000.00.

The project scope is to provide maintenance service support for ABB Tropos wireless routers and SuproS NMS. This is a Wireless Mesh infrastructure of approximately 2,600 routers that was built to support the Smart Meter Project throughout Memphis and Shelby County, Tennessee. The vendor will provide technical support, phone support, online customer support, technical documentation, software downloads/uploads and other value-added features/tools. MLGW is requesting approval of this sole source award due to Hitachi ABB Power Grids being the sole provider for the ABB Tropos infrastructure in the amount of \$988,768.00. In addition, MLGW is requesting contingency funds in the amount of \$11,232.00 in the event additional infrastructure support is required. The term of this contract is 60 months from the date of the Notice to Proceed. MLGW is requesting approval of this sole source award in the funded not-to-exceed amount of \$1,000,000.00. This sole source award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12213, ABB Tropos Maintenance Services to Hitachi ABB Power Grids in the funded not-to-exceed amount of \$1,000,000.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-spectat-
meeting held on 12 day
of October, 2020, at
which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 awarded Contract No. 12137, Fiber Management and Monitoring System to Top Engineering Plus in the funded amount not-to-exceed \$216,837.50, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to include all required software, hardware, installation and configuration that will send alerts and alarm messages to users via multiple methods. The vendor will also document monitored fiber optic network and correlate Optical Time Domain Reflectometer (OTDR) traces with geographical routes in maps, and continuous automated surveillance of optical fibers in a network using OTDR technology. This service will map MLGW's fiber management system and provide real-time troubleshooting which will allow staff the capability to identify problems more effectively and efficiently.

WHEREAS, the Request for Proposals was advertised using MLGW's On-Line Bid Notification System on March 23, 2020; MLGW solicited six (6) and received three (3) proposals on June 8, 2020. Based on an overall total score, MLGW will be awarding to Top Engineers Plus in the funded amount of \$197,125.00. In addition, MLGW is requesting contingency funds in the amount of \$19,712.50 in the event of unforeseen circumstances for a total funded amount not-to-exceed \$216,837.50. The term of this contract is for 24 months from the date of the Notice to Proceed with provisions for continuous maintenance. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12137, Fiber Management and Monitoring System to Top Engineering Plus in the funded amount not-to-exceed \$216,837.50 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12137, Fiber Management and Monitoring System to Top Engineering Plus in the funded amount not-to-exceed \$216,837.50.

The project scope is to include all required software, hardware, installation and configuration that will send alerts and alarm messages to users via multiple methods. The vendor will also document monitored fiber optic network and correlate Optical Time Domain Reflectometer (OTDR) traces with geographical routes in maps, and continuous automated surveillance of optical fibers in a network using OTDR technology. This service will map MLGW's fiber management system and provide real-time troubleshooting which will allow staff the capability to identify problems more effectively and efficiently.

The Request for Proposals was advertised using MLGW's On-Line Bid Notification System on March 23, 2020. MLGW solicited six (6) and received three (3) proposals on June 8, 2020. Based on an overall total score, MLGW will be awarding to Top Engineers Plus in the funded amount of \$197,125.00. In addition, MLGW is requesting contingency funds in the amount of \$19,712.50 in the event of unforeseen circumstances for a total funded amount not-to-exceed \$216,837.50. The term of this contract is for 24 months from the date of the Notice to Proceed with provisions for continuous maintenance. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12137, Fiber Management and Monitoring System to Top Engineering Plus in the funded amount not-to-exceed \$216,837.50, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 14th day of October, 2020 at which a quorum was present.

[Signature]
Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved the purchase of laptop diagnostic tools and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2020 fiscal year budget; and

WHEREAS, the laptop diagnostic tool will be used by MLGW's technicians at work center garages to diagnose the problems with the road and construction vehicles; and

WHEREAS, bids were opened on July 29, 2020. Notice to Bidders was advertised. Nine (9) bids were solicited and three (3) bids were received in accordance with MLGW's Sheltered Market Program with the lowest and best complying bidder being the firm of Automotive Tool Group. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of laptop diagnostic tools from Automotive Tool Group in the sum of \$57,314.61 chargeable to the MLGW 2020 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Automotive Tool Group in the amount of \$57,314.61 for the purchase of laptop diagnostic tools.

The laptop diagnostic tools will be used by MLGW's technicians at work center garages to diagnose the problems with the road and construction vehicles.

Bids were opened on July 29, 2020. Notice to Bidders was advertised. Nine (9) bids were solicited and three (3) bids were received in accordance with MLGW's Sheltered Market Program with the lowest and best complying bidder being the firm of Automotive Tool Group. This award complies with all applicable laws and policies.

The 2020 budgeted amount for Tools and Equipment is \$391,189.00; the amount spent to date is \$178,998.45; leaving a balance available of \$212,190.55; of which \$57,314.61 will be spent on this purchase order in 2020; leaving a balance of \$154,875.94 after award; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of contract to Automotive Tool Group is approved for furnishing:

9 - TEXA truck and off highway combo diagnostic tool to consist of; truck and off highway equipment kit containing: CF31 Laptop (Windows 7, 8 GB RAM, 120 GB SSD, Bluetooth, WIFI, 12-month warranty) TEXA TXT Navigator Adapter Truck & Off Highway Software 9-pin, 6-pin, OBDI, OBDII, CAT 9-Pin, and Power Pack. 12 months of updates & support for the laptop, truck software, and Off Highway software. including: power supply & adapter kit 3905031 Cummins 3 pin (T50); Item #3151/T50 TEXA Truck and Off Highway

Combo Diagnostic Tool at \$6,368.29 each;

Totaling \$57,314.61; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm; terms net 15 days; delivery in 3 weeks after receipt of order.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-~~special~~ meeting held on 7th day of October, 2020, at which a quorum was present.

[Signature] Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved the purchase of 12" coated steel pipe and 12" carbon steel ball valves and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2020 fiscal year budget; and

WHEREAS, this purchase is for approximately 7,000 feet of 12" coated steel pipe and two (2) 12" carbon steel ball valves that will be used for new gas projects in our gas distribution system within MLGW's service area of Shelby County; and

WHEREAS, bids were opened on August 19, 2020. Notice to Bidders was advertised. Eighteen (18) bids were solicited and seven (7) bids were received with the lowest and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Brighter Days and Nites, Inc. Consideration of the potential maximum quantity to actually be produced as a result of industry tolerance was taken into account during the evaluation. An additional 40 feet have been added to cover the overage. The overage amount equals \$1,080.00. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of 12" coated steel pipe and 12" carbon steel ball valves from Brighter Days and Nites, Inc. for the sum of \$219,422.00 chargeable to the MLGW 2020 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Brighter Days and Nites, Inc. in the amount of \$219,422.00 for 12" coated steel pipe and 12" carbon steel ball valves.

This purchase is for approximately 7,000 feet of 12" coated steel pipe and two (2) 12" carbon steel ball valves that will be used for new gas projects in our gas distribution system within MLGW's service area of Shelby County.

Bids were opened on August 19, 2020. Notice to Bidders was advertised. Eighteen (18) bids were solicited and seven (7) bids were received with the lowest and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Brighter Days and Nites, Inc. Consideration of the potential maximum quantity to actually be produced as a result of industry tolerance was taken into account during the evaluation. An additional 40 feet have been added to cover the overage. The overage amount equals \$1,080.00. This award complies with all applicable laws and policies.

The 2020 budgeted amount for Storeroom Material to include pipe and valves is \$5,040,000.00; of which \$219,422.00 will be spent on this purchase order in 2020; leaving a balance of \$4,820,578.00 after award; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:


THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Brighter Days and Nites, Inc. is approved for furnishing:

7,000 Ft. - Pipe, 12" API 5LX coated steel gas, 0.250" wall thickness, pipe furnished in accordance with MLGW Specification No. 48-22XX dated January 6, 2012 at \$29.70/ft.;

2 - Valves, 12" FE ball carbon steel gear operated, flanged end, stainless steel ball and stem at \$15,350.00 each;

The total award amounts to \$219,422.00; f.o.b. Memphis, Tennessee, transportation prepaid, our dock; said prices being firm; terms net 10 days; delivery 4-5 weeks.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a ~~regular~~ ^{special} meeting held on 7th day of October, 2020, at which a quorum was present.

 Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020, approved the purchase of a mobile vehicle lift and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2020 fiscal year budget; and

WHEREAS, the mobile vehicle lift will be used by MLGW's employees to lift the vehicle off the ground in order to perform necessary repairs underneath the vehicle; and

WHEREAS, bids were opened on July 22, 2020. Notice to Bidders was advertised. Two (2) bids were solicited and two (2) bids were received with the lowest and best complying bidder being the firm of Gray Manufacturing Company, Inc. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchases of a mobile vehicle lift from Gray Manufacturing Company, Inc. in the amount of \$109,232.00 chargeable to the MLGW 2020 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Gray Manufacturing Company, Inc. in the amount of \$109,232.00 for the purchase of a mobile vehicle lift.

The mobile vehicle lift will be used by MLGW's employees to lift the vehicle off the ground in order to perform necessary repairs underneath the vehicle.

Bids were opened on July 22, 2020. Notice to Bidders was advertised. Two (2) bids were solicited and two (2) bids were received with the lowest and best complying bidder being the firm of Gray Manufacturing Company, Inc. This award complies with all applicable laws and policies.

The 2020 budgeted amount for Tools and Equipment is \$391,189.00.00; the amount spent to date is \$178,998.45; leaving a balance available of \$212,190.55; of which \$109,232.00 will be spent on this purchase order in 2020; leaving a balance of \$102,958.55 after award; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to Gray Manufacturing Company, Inc. is approved for furnishing:

1 - Gray Model WPLS-190 mobile column lift system; touch screen; patented with wireless portable lift system operated strictly by wireless communication at \$109,232.00;

Totaling \$109,232.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; prices being firm, terms net 30 days; delivery 30 days after receipt of order.

I hereby certify that the foregoing is true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular special meeting held on 7th day of October, 2020, at which a quorum was present.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved the purchase of light duty vans and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2021 fiscal year budget contingent upon approval; and

WHEREAS, this purchase is for approximately three (3) latest model light duty full size cargo vans which will be used by employees to maintain the electric, gas and water systems and various customer service functions throughout Memphis and Shelby County; and

WHEREAS, bids were opened on July 29, 2020. Notice to Bidders was advertised. Five (5) bids were solicited and three (3) bids were received with the lowest and best complying bidder for item one (1) being the firm of AutoNation Ford Memphis and MHC Ford Memphis for items two (2) and (3) in accordance with MLGW's Local Bidding Presence policy. These awards comply with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of light duty vans from AutoNation Ford Memphis for the sum of \$22,617.96 and MHC Ford Memphis for the sum of \$51,801.00 chargeable to the MLGW 2021 fiscal year budget contingent upon approval.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award purchase orders to AutoNation Ford Memphis in the amount of \$22,617.96 and MHC Ford Memphis in the amount of \$51,801.00 for the purchase of light duty vans.

This purchase is for approximately three (3) latest model light duty full size cargo vans which will be used by employees to maintain the electric, gas and water systems and various customer service functions throughout Memphis and Shelby County.

Bids were opened on July 29, 2020. Notice to Bidders was advertised. Five (5) bids were solicited and three (3) bids were received with the lowest and best complying bidder for item one (1) being the firm of AutoNation Ford Memphis and MHC Ford Memphis for items two (2) and (3) in accordance with MLGW's Local Bidding Presence policy. These awards comply with all applicable laws and policies.

Contingent upon approval of the 2021 fiscal year budget, the budgeted amount for Transportation and Fleet Services is \$7,457,045.00; of which \$74,418.96 will be spent on this purchase order in 2021; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of contract to AutoNation Ford Memphis is approved for furnishing:

1 - Latest model cargo mini-van with rear cargo doors, all in accordance with Division Specification No. TVT-20-0025 at \$22,617.96 each,

Totaling \$22,617.96 f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery 155 days after receipt of order; terms net 30 days and further,


MHC Ford Memphis be, and is hereby, awarded the contract for furnishing:

1 - Latest model full size ½-ton cargo van with cargo doors on the curbside, all in accordance with Division Specification No. TVT-20-0030 at \$25,361.00 each,

1 - Latest model full size ¾-ton cargo van cargo doors on the curbside, all in accordance with Division Specification No. TVT-20-0035 at \$26,440.00 each,

Total award amounts to \$51,801.00 f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery 112 days after receipt of order; terms net 30 days.

Total of both awards amounts to \$74,418.96.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 9th day of October, 2020, at which a quorum was present.
 Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved the purchase of automated and control switches and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2021 fiscal year budget contingent upon approval; and

WHEREAS, the switches are needed for planned jobs, emergencies based on historical usage and to replenish inventory; and

WHEREAS, bids were opened on August 12, 2020. Notice to Bidders was advertised. Twelve (12) bids were solicited and six (6) bids were received with lowest and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Brighter Days and Nites, Inc. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of switches from Brighter Days and Nites, Inc. for the sum of \$1,040,750.00 chargeable to the MLGW 2021 fiscal year budget contingent upon approval.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Brighter Days and Nites, Inc. in the amount of \$1,040,750.00 for automated and control switches.

The switches are needed for planned jobs, emergencies based on historical usage and to replenish inventory.

Bids were opened on August 12, 2020. Notice to Bidders was advertised. Twelve (12) bids were solicited and six (6) bids were received with lowest and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Brighter Days and Nites, Inc. This award complies with all applicable laws and policies.

Due to delivery time of these switches, the funds have been allocated to come out the 2021 fiscal year budget for Storeroom Material in the amount of \$1,040,750.00 contingent upon approval; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Brighter Days and Nites, Inc. is approved for furnishing:

25 – Switch, automated upright configuration; 25kV, 600A, upright mounting configuration all made in accordance with MLGW's Material Description No. 40-4401 dated July 2, 2020 at \$27,788.00 each;

25 – Switch, control, for SCADA MATE with GPS upright configuration; 25kV, 600A, upright mounting configuration all made in accordance with MLGW's Material Description No. 40-4410 dated July 2, 2020 at \$13,842.00 each;

The total award amounts to \$1,040,750.00; f.o.b. Memphis, Tennessee, transportation prepaid, our dock; said prices being firm; delivery 18 weeks; terms net 15 days.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 Contract No. 12172, Network Video Recording Systems Replacements to G4S Secure Integration, LLC in the funded amount of \$674,043.58, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to install, setup configure and replace the existing Network Video Recorders with Genetec Network Video Recorders in which the cameras and alarms can be monitored in the Genetec Video and Alarm management system that will be implemented in the Security Operations Center; and

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on July 14, 2020. MLGW solicited six (6) and received two (2) bids on July 28, 2020 with the lowest and best bid being from G4S Secure Integration in the amount of \$674,043.58. The term of this contract is for 12 months from the date of the Notice to Proceed with provisions for continuous maintenance if required. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12172, Network Video Recording Systems Replacements to G4S Secure Integration, LLC in the funded amount of \$674,043.58 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12172, Network Video Recording Systems Replacements to G4S Secure Integration, LLC in the funded amount of \$674,043.58.

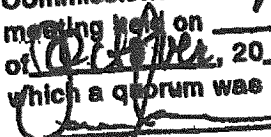
The project scope is to install, setup configure and replace the existing Network Video Recorders with Genetec Network Video Recorders in which the cameras and alarms can be monitored in the Genetec Video and Alarm management system that will be implemented in the Security Operations Center.

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on July 14, 2020. MLGW solicited six (6) and received two (2) bids on July 28, 2020 with the lowest and best bid being from G4S Secure Integration in the amount of \$674,043.58. The term of this contract is for 12 months from the date of the Notice to Proceed with provisions for continuous maintenance if required. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12172, Network Video Recording Systems Replacements to G4S Secure Integration, LLC in the funded amount of \$674,043.58 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved Change No. 1 to Contract No. 12091, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$760,661.30, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to provide janitorial services for the following Memphis Light, Gas and Water Division facilities: Administration Building; Downtown Credit Office; North Service Center; MLGW University; Electric and System Operations; Choctaw; Water Laboratory; Sheahan Pumping Station; and the Netters Business Center located in Memphis and Shelby County, Tennessee. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to ratify and expand the scope to include seven (7) full-time supplemental day workers to provide disinfecting services due to the COVID-19 Pandemic, for the period covering April 1, 2020 through February 22, 2021 in the amount of \$165,432.10. This change is also to renew the current contract for the first of four (4) annual renewal terms for the period covering February 23, 2021 through February 22, 2022 in the funded amount of \$595,229.20, with no increase in rates from the initial term. The total funded amount for this renewal term is \$760,661.30. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$1,189,990.50; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12091, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$760,661.30 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12091, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$760,661.30.

The project scope is to provide janitorial services for the following Memphis Light, Gas and Water Division facilities: Administration Building; Downtown Credit Office; North Service Center; MLGW University; Electric and System Operations; Choctaw; Water Laboratory; Sheahan Pumping Station; and the Netters Business Center located in Memphis and Shelby County, Tennessee. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to ratify and expand the scope to include seven (7) full-time supplemental day workers to provide disinfecting services due to the COVID-19 Pandemic, for the period covering April 1, 2020 through February 22, 2021 in the amount of \$165,432.10. This change is also to renew the current contract for the first of four (4) annual renewal terms for the period covering February 23, 2021 through February 22, 2022 in the funded amount of \$595,229.20, with no increase in rates from the initial term. The total funded amount for this renewal term is \$760,661.30. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$1,189,990.50.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12091, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$760,661.30, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 16 day of November, 2020, at which a quorum was present.


Secretary, Treas

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved Change No. 4 to Contract No. 11855, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$298,046.64, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to provide housekeeping/janitorial services, window cleaning, carpet cleaning and floor maintenance at various MLGW locations. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to ratify and expand the scope to include three (3) full-time supplemental day workers to provide disinfecting services due to the COVID-19 Pandemic, for the period covering April 1, 2020 through March 1, 2021 in the amount of \$70,792.80. This change is also to renew the current contract for the fourth and final annual renewal term for the period covering March 2, 2021 through March 1, 2022 in the funded amount of \$227,253.84, with no increase in rates from the previous term. The total funded amount for this renewal term is \$298,046.64. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$903,222.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 11855, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$298,046.64 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 11855, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$298,046.64.

The project scope is to provide housekeeping/janitorial services, window cleaning, carpet cleaning and floor maintenance at various MLGW locations. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to ratify and expand the scope to include three (3) full-time supplemental day workers to provide disinfecting services due to the COVID-19 Pandemic, for the period covering April 1, 2020 through March 1, 2021 in the amount of \$70,792.80. This change is also to renew the current contract for the fourth and final annual renewal term for the period covering March 2, 2021 through March 1, 2022 in the funded amount of \$227,253.84, with no increase in rates from the previous term. The total funded amount for this renewal term is \$298,046.64. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$903,222.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 4 to Contract No. 11855, Janitorial Services with SKB Facilities and Maintenance to ratify and renew the current contract in the funded amount of \$298,046.64, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 7, 2020 approved Change No. 4 to Contract No. 11894, Grounds Maintenance - Well Lots with Turf Doctors L&LM, LLC to renew the current contract in the funded amount of \$69,441.40, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide mowing services on MLGW well lots and future well lots (vacant lots) in Memphis and Shelby County, Tennessee. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the fourth and final annual renewal term for the period covering May 17, 2021 through May 16, 2022 in the funded amount of \$69,441.40, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$346,847.20; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 11894, Grounds Maintenance - Well Lots with Turf Doctors L&LM, LLC to renew the current contract in the funded amount of \$69,441.40 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 11894, Grounds Maintenance - Well Lots with Turf Doctors L&LM, LLC to renew the current contract in the funded amount of \$69,441.40.

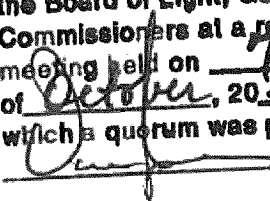
The project scope is to provide mowing services on MLGW well lots and future well lots (vacant lots) in Memphis and Shelby County, Tennessee. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the fourth and final annual renewal term for the period covering May 17, 2021 through May 16, 2022 in the funded amount of \$69,441.40, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$346,847.20.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 4 to Contract No. 11894 Grounds Maintenance - Well Lots with Turf Doctors L&LM, LLC to renew the current contract in the funded amount of \$69,441.40, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.


Secretary-Treasurer

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

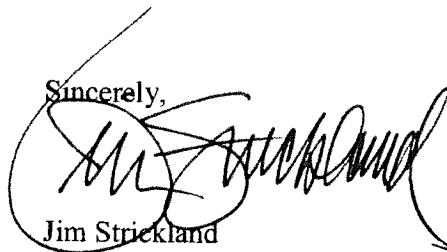
Subject to Council approval, I hereby recommend that:

Mark Allen

be appointed to the Memphis Civil Service Commission with a term expiring November 30, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Robert L. Mebane

be appointed to the Memphis Civil Service Commission with a term expiring November 30, 2022

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

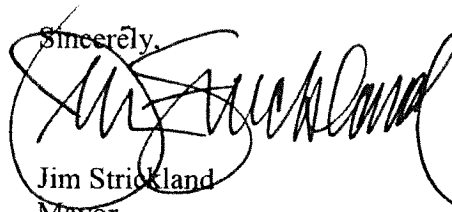
Subject to Council approval, I hereby recommend that:

John B. Turner, Jr.

be appointed to the Memphis Civil Service Commission with a term expiring November 30, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

City of Memphis

TENNESSEE

JIM STRICKLAND
MAYOR

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

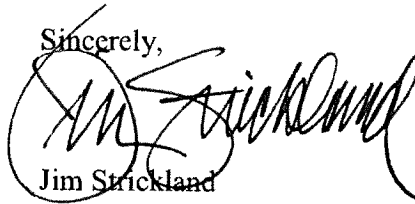
Subject to Council approval, I hereby recommend that:

LaTanya S. Walker

be appointed to the Memphis Civil Service Commission with a term expiring November 30, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

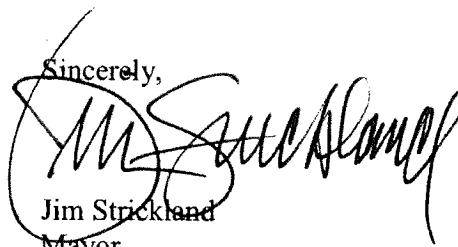
Subject to Council approval, I hereby recommend that:

Joyce Selina Love

be appointed to the Memphis Landmarks Commission with a term expiring July 24, 2025.

I have attached biographical information.

Sincerely,


Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

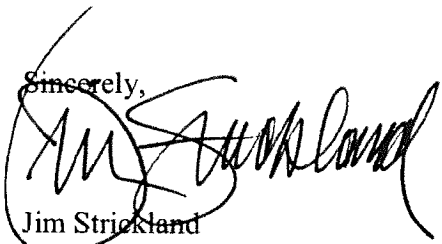
Subject to Council approval, I hereby recommend that:

Margot Ferster Payne

be appointed to the Memphis Landmarks Commission with a term expiring July 14, 2025.

I have attached biographical information.

Sincerely,


Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

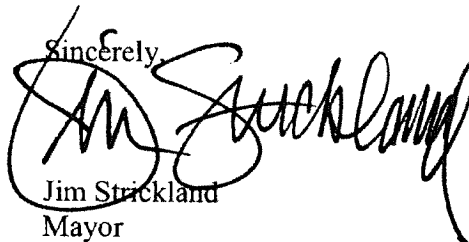
Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Ian C. Engstrom

be appointed to the Memphis and Shelby County Building Code Advisory Board with a term
expiring September 15, 2022.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

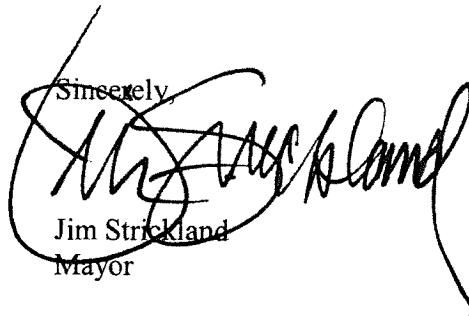
Subject to Council approval, I hereby recommend that:

Carter Hord

be appointed to the Memphis and Shelby County Building Code Advisory Board with a term
expiring September 15, 2021.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 29, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

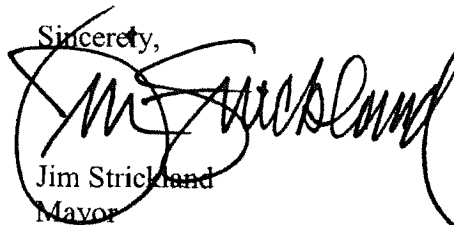
Subject to Council approval, I hereby recommend that:

Andre D. Jones

be appointed to the Memphis and Shelby County Building Code Advisory Board with a term
expiring September 15, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

ORDINANCE NO. 5752

AN ORDINANCE TO AMEND 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 ANNUALLY AND TO FILE THEIR STATE MANDATED DISCLOSURE STATEMENTS WITH THE CITY OF MEMPHIS

WHEREAS, T.C.A. § 3-6-301(15) and (17), requires persons who communicate, directly or indirectly, with state government officials for the purpose of influencing action by the official for compensation, to register, each calendar year, with the Tennessee Ethics Commission; and

WHEREAS, regulating lobbying activities also helps to ensure local governmental transparency and thereby fosters public confidence in elected and appointed officers and government employees; and

WHEREAS, the possibility of special interests privately influencing decision makers outside of the public purview undermines the people's confidence that their City officials serve the broader public interest; and

WHEREAS, the Memphis City Council recognizes that First Amendment Rights must be safeguarded and endeavors to do so in all circumstances, including ensuring the public is aware of lobbyists; and

WHEREAS, since lobbying is a constitutional right, this ordinance is intended to both promote public confidence through transparency and respect individual rights; and

WHEREAS, establishing an online portal to require lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis will enhance a robust, inclusive and transparent public process; and

WHEREAS, in order to increase transparency regarding lobbyists, it is in the best interests of the City to make the information regarding lobbyists available to the public in more locatable places.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

BE IT FURTHER ORDAINED that the Board of Ethics is required to establish an online portal to mandate paid lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis to help promote transparency within the City of Memphis.

BE IT FURTHER ORDAINED that CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B shall be amended by adding the following language:

Chapter 2, Article I, Section 2-10-10, subsection B (9):

9. To establish an online portal to require lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis.

Section 1. Short Title

This Ordinance shall be known as "Regulating Lobbying"

Sections 2. Purpose

The purpose of "Regulating Lobbying" is to

- A. Effectuate the people's right to monitor their government's work and thereby ensure that it functions to promote the general welfare;
- B. Preserve the right of individuals, groups and entities to petition and influence their government and thereby advance their own interests.

Sections 3. Definitions

For purposes of this chapter, the following definitions shall apply.

- (a) City Official means all full-time and part-time elected or appointed officers and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.
- (b) Client means any person, entity, organization or group that compensates a lobbyist for lobbying or on whose behalf compensated lobbying occurs.
- (c) Contact or Contacting means any direct or indirect communication with a City Official, undertaken by any means, oral, written or electronic, including, but not limited to, through an agent, associate or employee and undertaken in any context, including at a public meeting.
- (d) Compensation or Compensated means any salary, fee, payment, reimbursement or other valuable consideration, or any combination thereof, whether received or to be received; however, "compensation" does not include the salary or reimbursement of an individual whose lobbying is incidental to that person's regular employment.
- (e) Lobbying or Lobbying Activity means influencing or attempting to influence a City Official with regard to a legislative or administrative action of the City.
- (f) Lobbyist means any person who engages in lobbying for compensation.

Section 4. Exemptions

The following are exempt from the requirements of this chapter:

- (a) Public official acting in their official capacities;
- (b) Persons engaged in creating, publishing or broadcasting news items, editorials, commentaries and similar communications;
- (c) Those whose attempts to influence government action are limited to appearing at public meetings or preparing, processing, or submitting writings for consideration or use at public meetings if their communications are part of the public record;
- (d) City employees and contractors providing reports or recommendations to City Officials as part of their work for the City;
- (e) Persons representing themselves attempting to obtain decisions relating to their own properties or businesses;
- (f) Anyone submitting a bid or proposal for a City contract or negotiating the terms of a City contract for goods or services;
- (g) Persons lodging "whistleblower" complaints with the City;

- (h) Persons who meet with the City Attorney or City Clerk regarding any claim or litigation matter;
- (i) Persons whose communications relate solely to a memorandum of understanding or collective bargaining agreement between the City and an employee organization;
- (j) Communications about solely ministerial actions of the City or City enforcement actions;

Section 5. Registration Requirement

A lobbyist shall register online annually with the Board of Ethics within five (5) business days of becoming a lobbyist by filing the lobbyist registration form. The lobbyist shall include in the registration the names of all clients for whom he is lobbying the city and the specific issues about which he is lobbying, and shall thereon disclose:

- (a) name;
- (b) business street and mailing address;
- (c) e-mail address;
- (d) telephone number;
- (e) the names of all owners of the lobbyist's business if the business is a sole proprietorship or partnership of less than 5 members;
- (f) a description of the nature of the business entity or organization;
- (g) the name, business address and phone number of each client receiving lobbying services;
- (h) the nature of each client's business;
- (i) a brief description of the governmental decision that the lobbyist seeks to influence on each client's behalf;
- (j) the name of each person employed or retained by the lobbyist to engage in lobbying activities on each client's behalf.

Section 6. File State Mandated Disclosure Statements

A. A lobbyist shall file and attach state mandated disclosure statements to registration annually or at any time a lobbyists' state mandated disclosure statements are updated with the Tennessee Ethics Commission.

B. Records pertaining to the registration and annual reports must be preserved by the lobbyist for inspection and audit by the City for a period of five years from the date of production.

Section 7. Prohibitions

A lobbyist shall not do any of the following:

- (a) Intentionally deceive or attempt to deceive a City Official as to any material fact pertinent to any proposed or pending Governmental Decision;
- (b) Act or refrain from acting with the purpose and intent of placing any City Official under personal obligation to the lobbyist;

- (c) Cause or influence the introduction of any ordinance, resolution, appeal, application, petition or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting denial confirmation, rejection, passage or defeat;
- (d) Cause any communication to be sent to a City Official in the name of a fictitious person, group or entity or in the name of a real person, group or entity without their consent;
- (e) Represent directly or indirectly that the lobbyist can control or obtain a vote or action of any City Official.

Section 8. Lobbyist Registration Fees

A lobbyist's annual registration fee is hereby established to be set and periodically adjusted by City Council resolution in an amount sufficient to cover the costs of administering this Chapter.

Section 9. Fine and Penalties.

- (a) 1st Violation – \$
- (b) 2nd Violation – \$
- (c) 3rd Violation - \$... and censure from the Council with a ban from Lobbying Activities for a period not to exceed one (1) year.

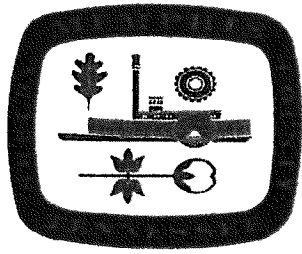
SECTION 1: The City of Memphis Board of Ethics is hereby directed to take the necessary action to provide an online portal to require lobbyists to register annually and file their state mandated disclosure statements with the City of Memphis.

SECTION 2. Severability. The provision of this ordinance is hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this ordinance shall continue in full force and effect.

SECTION 3. Effective date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors: Chase Carlisle
Worth Morgan

Patrice Robinson
Memphis City Council Chairwoman



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.) Amendments to the Memphis Retirement System. Copy of amendments attached**
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.) Division of Human Resources and Finance**
- 3. State whether this is a change to an existing ordinance or resolution, if applicable. Yes, these amendments are to the existing Memphis Retirement System ordinances comprising the plan document**
- 4. State whether this requires a new contract, or amends an existing contract, if applicable. No new contract is required**
- 5. State whether this requires an expenditure of funds/requires a budget amendment. Funds required for these amendments are provided through the referendum adopted last November**

ORDINANCE # _____

ORDINANCES TO AMEND CHAPTER 25
OF THE CITY OF MEMPHIS CODE OF ORDINANCES
GOVERNING THE CITY PENSION SYSTEM

WHEREAS, the City of Memphis, Tennessee (the "City") has adopted a pension system for general employees as well as police officers and firefighters known as the City of Memphis Retirement System, as amended and restated from time to time, consisting of a 1948 plan (that part of the system benefiting employees participating under the provisions of sections 25-60 through 25-99) and a 1978 plan (that part of the system benefiting employees participating under the provisions of sections 25-160 through 25-199) as amended in 2012; and a 2016 plan (that part of the system benefiting employees participating under the provisions of sections 25-210 through 25-274), currently established under City Ordinance Chapter 25, Articles I through VII, Divisions 1, 2 and 3 (collectively, "the Pension System"); and

WHEREAS, in order to protect the Pension System's actuarial soundness and ensure the long-term financial viability of the Pension System, and to ensure compliance with required provisions of the federal Internal Revenue Code governing employee benefit plans of governmental employers, as well as to make certain clarifying amendments to existing language it is necessary that the Pension System be further amended as set forth herein;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Pension System shall be amended as follows:

1. Sec. 25-1(4) shall be amended and restated in its entirety to read as follows:

4. *Average monthly compensation* means:

a. *1948 plan*:

- i. For each participant, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her five consecutive years of service for which such compensation was the highest. If his or her average monthly compensation for the 12 months next preceding the date of his or her retirement exceeds the average of his or her highest five consecutive years' compensation, then his or her average monthly compensation shall be based upon the 12-month period next preceding the date of his or her

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retirement, and in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.

- ii. While in the armed services and receiving years of service credit as provided under subsection (44)(g) of this section, a participant's compensation for purposes of this subsection shall be deemed to be his or her rate of base compensation as a city employee in effect at the time he or she entered the armed services.
- iii. For any police officer or firefighter credited with 30 or more years of service, and eligible for automatic promotion to captain or comparable rank in the police or fire divisions of the city under Charter Section 67, his or her average monthly compensation shall be the current monthly base compensation of a captain or comparable rank in the police or fire divisions of the city as of the date of his or her retirement, plus any shift premium pay, hazardous premium pay, holiday pay, longevity pay and incentive pay, excluding overtime pay, earned during the immediately preceding 12 months.

b. *1978 plan:*

- i. For each participant hired prior to July 1, 2012, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her five consecutive years of service for which such compensation was the highest. If his or her average monthly compensation for the 12 months next preceding the date of his or her retirement exceeds the average of his or her highest five consecutive years' compensation, then his or her average monthly compensation shall be based upon the 12-month period next preceding the date of his or her retirement, and in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.
- ii. For each participant that is hired on or after July 1, 2012, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her three consecutive years of service for which such compensation

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was the highest. In addition, in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.

- iii. For any police officer or firefighter, the average monthly compensation for three (3) consecutive years of service (excluding and disregarding any hiatus in the participant's employment with the city) for which such average is the greatest, or, if a participant has less than three (3) consecutive years of service, the participant's average monthly compensation for the entire period, or if less, the three- year aggregate period during which the participant was an employee and of which such average is the greatest.
- iv. For any police officer or firefighter hired before February 1, 1978, credited with 30 or more years of service, and eligible for automatic promotion to captain or comparable rank in the police or fire divisions of the city under Charter section 67, his or her average monthly compensation shall be the average monthly base compensation of a captain or comparable rank in the police or fire divisions of the city for the immediately preceding three years to be calculated as follows: the current monthly compensation of a captain or comparable rank as of the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date one year prior to the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date two years prior to the date of his or her retirement, plus any shift premium pay, hazardous pay, longevity pay, and incentive pay, excluding overtime pay or any double time compensation for holidays, earned during the immediately preceding three years, the sum of which is divided by three.

2. Sec. 25-1(11) shall be amended by the addition of the following subsection (c) to Sec. 25-1(11) regarding the 2016 Plan:

(c) 2016 plan: For each participant, for each plan year, the amount of pay, not in excess of two hundred thousand dollars (\$200,000.00) (as such amount may be adjusted for inflation from time to time by the secretary of the treasury under Code Sections 401(a)(17) and 415(d)), received by such participant for services rendered to the city, including shift premium pay, hazardous pay, longevity pay and incentive pay, but excluding overtime pay or any double-time compensation for holidays.

3. Sec. 25-1(11) shall be amended by the addition of the following subsection (d):

(d) For years beginning after December 31, 2008, (i) an individual receiving a differential wage payment, as defined by Code section 3401(h)(2), from the city shall be treated as an employee of the city, (ii) the differential wage payment shall be treated as compensation, and (iii) the pension system shall not be treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

4. Sec. 25-1(17) shall be amended and restated in its entirety to read as follows:

Employee means, except for any such employee who is eligible to make and has duly made the election provided in Sec. 25-160 hereof, any person hired on or before June 30, 2016, but who as of June 30, 2016 has seven and one-half (7.5) or more years of service with the city and who was on June 30, 2016 a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, in the regular, full-time employ of the city to the extent that the city contributes to the salary of such employee in a job classification or title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification.

The term "employee" shall also not include any person who is a leased employee within the meaning of Code §414(n). Leased employee means any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person ("leasing organization") has performed services for the recipient (or for the recipient and related persons determined in accordance with Code §414(n)(6)) on a substantially full-time basis for a period of at least one (1) year, and such services are performed under primary direction or control by the recipient. Contributions or benefits provided a leased employee by the leasing organization which are attributable to services performed for the recipient employer shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee (unless otherwise specifically covered by the pension system) of the recipient if: (i) such employee is covered by a money purchase pension plan providing: (1) a nonintegrated employer contribution rate of at least ten percent (10%) of compensation, as defined in Code §415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludible from the employee's gross income under Code § 125, Code § 1320, Code §401(k), Code §402(h) or Code §403(b), (2) immediate participation, and (3) full and

immediate vesting; and (ii) leased employees do not constitute more than twenty percent (20%) of the recipient's non-highly compensated workforce.

5. The last sentence of Sec. 25-1(27) shall be deleted and the following sentence substituted therefor:

The determination of the line-of-duty disability of a participant shall be made on medical evidence by at least two (2) qualified physicians, one of whom may be the physician who makes disability determinations as to such participant for purposes of worker's compensation claims.

6. The last sentence of Sec. 25(31) shall be deleted and the following sentence substituted therefor::

The determination of the ordinary disability of a participant shall be made on medical evidence by at least two (2) qualified physicians, one of whom may be the physician who makes disability determinations as to such participant for purposes of worker's compensation claims.

7. Sec. 25-1(43) shall be amended by adding as subparagraph (h) thereto the following subparagraph (h):

(h) *Uniformed Service.* To the extent required under the Uniformed Services Employment and reemployment Rights Act of 1994, as amended from time to time, and subject to the mandates and conditions under such Act for the granting of service, including without limitation the payment of employee contributions as required under this Pension and Retirement System, a participant who leaves the employment of the city to enter the uniformed services and returns to employment with the city shall be credited with years of service in respect of such uniformed services.

8. Sec. 25-2 shall be amended and restated in its entirety to read as follows:

There is created and established a board of administration which, under the provisions of this title and the direction of the mayor, shall administer the plan and the trust fund created by this title. The board shall consist of the mayor or the mayor's designee, the officer in charge of the division of personnel or that officer's designee, the comptroller, five employees of the city with at least ten years of service, a citizen member of the city, a retiree of the plan, and a member of the city council. The member of city council shall be an ex officio member without a vote. The officer in charge of the division of personnel or that officer's designee shall be an ex officio member without a vote. The employee, citizen and retiree members of the board shall be appointed on the first Tuesday in December in odd-numbered years by the council on the recommendation of the mayor, for two year

appointments which shall begin on the January 1 next following the appointments. The council member of the board shall be chairman of the city council or the chairman's designee, who will be appointed each December, to serve for one year beginning on the January 1 next following the appointments. Each of the employee, citizen, retiree member, and city council member of the board shall serve until his or her successor is duly appointed. Vacancies during the term of any employee, citizen, retiree and/or city council member shall be filled by appointment in the same manner as provided for the original appointment except that such appointment shall be made as soon as reasonably feasible after such vacancy occurs (regardless of the year or when in the year such vacancy occurs). The term of such member shall begin effective immediately upon such appointment, and such member so appointed shall serve for the unexpired term of the original member or until a successor to such member is duly appointed. Until a vacancy is filled as provided herein the action of a quorum of the members as provided in Section 25-7 shall be and constitute a valid and binding action of the Board notwithstanding that a position is vacant.

9. Sec. 25-5 shall be amended and restated in its entirety to read as follows:

The mayor or the mayor's designee shall be ex officio chairperson and the comptroller ex officio treasurer of the board.

10. Sec. 25-31 shall be amended by adding as subparagraph (g) thereto the following subparagraph (g):

Five (5) members of the Pension Investment Committee shall constitute a quorum to transact any business, but it shall not require less than five (5) affirmative votes to carry out any matter presented to it.

11. Article V, Sec. 25-50 shall be amended and restated in its entirety to read as follows:

Sec. 25-50 Code §415 Limitations on Benefit Attributable to Employer Contributions.

(a) *Compliance with Code §415.* The limitations in this Section are intended to comply with the provisions of §415 of the Internal Revenue Code (the "Code") as applicable to governmental plans, the provisions of which are incorporated by reference. The plan shall be administered in compliance with the provisions of Code §415 and regulations under that section that are applicable to governmental plans and applicable provisions of the final regulations issued by the Internal Revenue Service on April 5, 2007. Employer-financed benefits provided by the retirement system shall not exceed the applicable limitations set forth in Code §415, as adjusted under section 415(d) to reflect cost of living increases, and the retirement system

shall adjust the benefits payable to participants and beneficiaries subject to the limitation each calendar year to conform with the adjusted limitation. For purposes of section 415(b) of the Code, the applicable limitation shall apply to aggregated benefits received from all qualified pension plans of the employer. If there is any discrepancy between the provisions of this Section and the provisions of Code §415 and the applicable regulations promulgated thereunder, such discrepancy shall be resolved in such a way as to give full effect to the provisions of the Code.

(b) *Basic Limitation on Benefit.* Notwithstanding any provision in the plan to the contrary and except as provided in subsection (b) hereof, the annual benefit payable to a participant under the plan to the extent attributable to employer contributions, shall not exceed the Defined Benefit Dollar Limitation.

(c) *Exceptions.* The limitations under subsection (a) shall not apply if the participant's annual benefit attributable to employer contributions under the plan or any other defined benefit plans maintained by an Affiliate does not in the aggregate exceed \$10,000. For Limitation Years ending after December 31, 2001, the Defined Benefit Dollar Limitation is \$160,000, as adjusted, effective January 1 of each year, under Code §415(d) in such manner as the Secretary of the Treasury shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Code §415(d) will apply to Limitation Years ending with or within the calendar year for which the adjustment applies.

(d) *Adjustments to Basic Limitation.*

(1) *Adjustment for Early Retirement.* If a Participant's benefit under the Plan commences before age sixty-two (62), the Defined Benefit Dollar Limitation shall be adjusted (in the manner prescribed by the Secretary of the Treasury) so that it is the Actuarial Equivalent of an annual benefit equal to the Defined Benefit Dollar Limitation commencing at age sixty-two (62). The reduction under this subparagraph shall not reduce the Defined Benefit Dollar Limitation below (i) \$75,000 if the benefit begins at age fifty-five (55), or (ii) if the benefit begins before age fifty-five (55), the equivalent of the \$75,000 limitation for age fifty-five (55).

(2) *Adjustment for Deferred Retirement.* If a Participant's benefit under the Plan commences after age sixty-five (65), the Defined Benefit Dollar Limitation shall be adjusted (in the manner prescribed by the Secretary of the Treasury) so that it is the Actuarial

Equivalent of a benefit equal to the Defined Benefit Dollar Limitation commencing at age sixty-five (65).

(3) *Adjustment for Less Than Ten Years of Participation.* If a Participant has completed less than ten (10) years of participation in the Plan, the Defined Benefit Dollar Limitation shall be adjusted by multiplying it by a fraction, the numerator of which is the Participant's number of years (or part thereof) of participation in the Plan and the denominator of which is ten (10); provided, such adjustment shall in no event reduce the Defined Benefit Dollar Limitation to an amount which is less than one-tenth ($1/10^{\text{th}}$) of the Defined Benefit Dollar Limitation [as determined without regard to this subsection (d)(3)].

(4) *Adjustment for Less Than Ten Years of Vesting Service.* If a Participant has completed less than ten (10) Years of Service, the limitation referred to in (b) and the exception described in (c) shall be adjusted by multiplying the amounts described in such limitation and exception by a fraction, the numerator of which is the Participant's number of Years of Service (or part thereof) and the denominator of which is ten (10); provided, such adjustments shall in no event reduce the limitation or exception amount to a figure which is less than one-tenth ($1/10^{\text{th}}$) of such limitation or exception amount as determined without regard to this subsection (d)(4).

(5) *Actuarial Equivalence.* Actuarial Equivalence under subsections (d)(1) and (d)(2) shall be determined using a five percent (5%) interest assumption and the applicable mortality table prescribed under Code §417(e)(3)(A)(II).

(e) *Special Rule for Survivor and Disability Benefits.* Regardless of the above, the early retirement reduction and the ten (10) year phase-in do not apply to survivor and disability benefits.

(f) *Treatment of Multiple Defined Benefit Plans.* The limitations of this section with respect to any participant who at any time has participated in any other defined benefit plan maintained by the employer shall apply as if the total benefits payable under all defined benefit plans in which the participant has participated were payable from one plan.

(g) *Special Definitions Applicable to Code §415 Limitations.*

(1) *Current Accrued Benefit.* The term "Current Accrued Benefit" shall mean a Participant's accrued benefit, when expressed as an

annual benefit within the meaning of Code §415(b)(2), determined as of the last day of the last Limitation Year beginning before January 1, 1987, without regard to any change in the terms of the Plan or any cost of living adjustments, if any, occurring after May 5, 1986.

(2) *Defined Benefit Dollar Limitation.* The term "Defined Benefit Dollar Limitation" shall mean, for Limitation Years ending after December 31, 2001, \$160,000, as adjusted, effective January 1 of each year, under Code §415(d) in such manner as the Secretary of the Treasury shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Code §415(d) will apply to Limitation Years ending with or within the calendar year for which the adjustment applies.

(3) *Defined Benefit Plan.* The term "Defined Benefit Plan" shall mean any qualified retirement plan maintained by the Employer which is not a Defined Contribution Plan.

(4) *Compensation.* The term "Compensation" as used in this section shall mean compensation as defined in the Regs. 1.415(c)-2(a) and shall be adjusted for types of compensation paid after a Participant's severance from employment as provided in the final regulations under Section 415 of the Internal Revenue Code effective April 5, 2007 (IRB 2007-18, T.D. 9319).

For purposes of this Section "Limitation Year" shall mean the Plan year.

12. Article V shall be amended by the addition of a new section, to be denominated as Sec. 25-52 Rollover Distributions, as follows:

25-52. Rollover Distributions.

(a) *Application.* Notwithstanding any provision in the Pension System to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect at the time and in the manner prescribed by the Board of Administration to have any portion of an eligible rollover distribution from the Pension System paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) *Definitions.*

(1) "Eligible Rollover Distribution." An "eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the "distributee," except that an "eligible rollover distribution" does not include:

any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the "distributee" or the joint lives (or joint life expectancies) of the "distributee" and the "distributee's" designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any other distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any other distribution that is reasonably expected to total less than \$200 during a year.

(2) "Eligible Retirement Plan." An "eligible retirement plan" is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b) (other than an endowment contract), a qualified trust (an employees' trust) described in Code Section 401(a) which is exempt from tax under Code Section 501(a), an annuity plan described in Code Section 403(a), an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and an annuity contract described in Code Section 403(b), that accepts the "distributee's" "eligible rollover distribution." However, in the case of an "eligible rollover distribution" to the surviving spouse or a nonspouse beneficiary as provided herein, an "eligible retirement plan" is an individual retirement account or individual retirement annuity.

(3) "Distributee." A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code § 414(p), are distributees with regard to the interest of the spouse or former spouse. In addition, a rollover shall be permitted in accordance with Code Section 402(c)(11). In general this includes a direct trust to trust transfer by a designated beneficiary to an inherited individual retirement account or annuity or other trust of a type specified by the Secretary of the Treasury.

(4) "Direct Rollover." A direct rollover is a payment by the pension system to the eligible retirement plan specified by the distributee.

(c) *Non-spouse beneficiary rollover right.* For distributions after December 31, 2009, a non-spouse beneficiary who is a "designated beneficiary" under Code §401(a)(9)(E) and the regulations thereunder, by a direct trustee-to-trustee transfer ("direct rollover"), may roll over all or any portion of his or her distribution from

the Pension System to an individual retirement account the beneficiary establishes for purposes of receiving the distribution. In order to be able to roll over the distribution, the distribution otherwise must satisfy the definition of an eligible rollover distribution.

(A) Certain requirements not applicable. Although a non-spouse beneficiary may roll over directly a distribution as provided above, any distribution made prior to January 1, 2010 is not subject to the direct rollover requirements of Code §401(a)(31) (including Code §401(a)(31)(B), the notice requirements of Code §402(f) or the mandatory withholding requirements of Code §3405(c)). If a non-spouse beneficiary receives a distribution from the Plan, the distribution is not eligible for a “60-day” rollover.

(B) Trust beneficiary. If the Participant’s named beneficiary is a trust, the Plan may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Code §401(a)(9)(E).

(C) Required minimum distributions not eligible for rollover. A non-spouse beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable Treasury regulations and other Revenue Service guidance. If the Participant dies before his or her required beginning date and the non-spouse beneficiary rolls over to an IRA the maximum amount eligible for rollover, the beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. §1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse beneficiary’s distribution.

(d) *Roth IRA rollover*. For distributions made after December 31, 2007, a participant may elect to roll over directly an eligible rollover distribution to a Roth IRA described in Code §408A(b).

13. Subparagraph (a) of Section 25-84 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under section Sec. 25-78, Sec. 25-81 or Sec. 25-82, and who has not elected benefits under Sec. 25-83, shall receive an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs or is deemed to have occurred under subsection C of this section unless he or she earlier withdraws the employee contributions,

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becomes entitled to receive benefits under Sec. 25-78, Sec. 25-81 or Sec. 25-82, or elects benefits under Sec. 25-83.

14. Section 25-84 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-78, Sec. 25-81 or Sec. 25-82, and who has not elected benefits under Sec. 25-83, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs (or which is deemed to have occurred under subsection C of this section) unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-78, Sec. 25-81 or Sec. 25-82, or elects benefits under Sec. 25-83. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-84(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-90 or 25-91 or otherwise under the Pension System.

15. Sec. 25-85 shall be amended and restated in its entirety to read as follows:

25-85 Benefits upon reemployment.

If a participant receiving benefits pursuant to this 1948 plan is reemployed after his or her annuity commencement date, and becomes a participant in the Plan as provided in Sec. 25-61 or any other section of the Plan, no further benefit payments shall be made to that participant during his or her period of reemployment. Subsequent benefits and an appropriate annuity compensation date for that participant shall be determined based on his or her years of service determined under Sec. 25-1(45), and in accordance with this 1948 plan or the 1978 and 2016 plan, as applicable; provided, however, subsequent benefits shall be reduced by the actuarial equivalent of any amounts distributed between his or her first annuity commencement date and his or her most recent reemployment commencement date, but not to an amount less than the annual plan benefit he or she was receiving immediately before his or her most recent reemployment commencement date.

16. Effective from and after the effective date of this Ordinance subsection (a) of Sec. 25-93 shall be amended and restated in its entirety by substituting the following subparagraph (2) therefor:

Beneficiary priority. The death benefit of Sec. 25-90 or Sec. 25-91 shall be paid to the surviving spouse (as such term is defined in Sec. 25-1) until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1948 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-90 or 25-91.

17. Sec. 25-94 shall be deleted in its entirety and the following Sec. 25-94 substituted therefor as Sec. 25-94:

Sec. 94. Residual benefits and Refund of Employee Contributions.

- (a) Notwithstanding any other sections of this 1948 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-94(b) hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 1948 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.
- (b) For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-94(a) hereof) shall be

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to become effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any

benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

18. Sec. 25-160 Participation shall be amended by adding the following as subparagraph (e) thereto:

(e) Each Transferred Participant (as such term is defined in Sec. 25-1(43)) who (i) both as of the original effective date of this 2016 plan was, has continuously since such date been, and continues to be as of the effective date of this Ordinance employed by the City in full-time employment as a commissioned fire or police officer, a police dispatcher, a fire alarm operator, or a paramedic, (ii) has continuously since adoption of this 2016 plan participated in this 2016 plan as a Transferred Participant and has not experienced a severance date as such term is defined in Sec. 25-1(39), (iii) has not withdrawn any amount of his or her cash balance account or separate defined contribution plan account from the 2016 plan may make a one-time irrevocable election in a form and manner prescribed by the City to transfer his or her entire cash balance account, consisting of both participant and city contributions and the aggregate interest credits on said account, plus his or her entire separate defined contribution plan account to the 1978 plan, whereupon his or her participation in the 2016 plan and any and all rights and benefits thereunder shall cease and such Transferred Participant shall participate in the 1978 plan, the same as if he or she had not transferred participation from the 1978 plan to the 2016 plan. Such election, once made, shall be irrevocable and may not be subsequently modified. If a participant makes such an election, all rights and benefits upon subsequent retirement or other termination of employment by such Transferred Participant shall be governed solely and exclusively by the terms and provisions of the 1978 plan.

19. Subparagraph (a) of Section 25-184 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, and who has not elected benefits under Sec. 25-183, shall receive an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs (or which is deemed to have occurred under subsection C of this section) unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, or elects benefits under Sec. 25-183.

20. Section 25-184 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-178, Sec. 25-181 or Sec. 25-182, and who has not elected benefits under Sec. 25-183, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs or is deemed to have occurred under subsection C of this section unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, or elects benefits under Sec. 25-183. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-184(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-190 or 25-191 or otherwise under the Pension System.

21. Sec. 25-185 shall be amended and restated in its entirety to read as follows:

Sec. 25-185 Benefits upon reemployment.

If a participant receiving benefits pursuant to this 1978 plan is reemployed after his annuity commencement date, and becomes a participant in this Plan as provided in Sec. 25-161 or any other section of the Plan, no further benefit payments shall be made to that participant during his period of reemployment. Subsequent benefits and an appropriate annuity commencement date for that participant shall be determined based on his years of service determined under section 25-1(45) and in accordance with this 1978 plan or the 1948 and 2016 plans, as applicable; provided, however, subsequent benefits shall be reduced by the actuarial equivalent of any amounts distributed between his or her first annuity commencement date and his or her most recent reemployment commencement date, but not to an amount less than the annual plan benefit he or she was receiving immediately before his or her most recent reemployment commencement date.

Any employee hired after October 1, 2013, that leaves employment at the City of Memphis and is eligible for a pension benefit under this 1978 plan or any other plan division of the Memphis Pension System and is then employed at the MLGW, Shelby County, or any other taxpayer supported Primary Government and Discretely Presented Component Units of Memphis or Shelby County shall have his/her pension payment under the City of Memphis Pension System reduced

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by the amount of the salary received from such employment up to the amount of the pension payment under the City of Memphis Pension System during the period of such employment. If the pension payment under the City of Memphis Pension System exceeds the salary received in such employment, then the pension payment shall be reduced by the amount of the gross amount of the salary during the period of employment.

22. Effective from and after the effective date of this Ordinance subsection (a) of Sec. 25-193 shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

Beneficiary priority. The death benefit of Sec. 25-190 or Sec. 25-191 shall be paid to the surviving spouse (as such term is defined in Sec. 25-1) until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-190 or 25-191.

For each participant hired on or after July 1, 2012, the death benefit of 25-190 or 25-191 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made, or shall continue to be paid to or on the behalf of the participant's child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-190 or 25-191.

23. Sec. 25-194 shall be deleted in its entirety and the following Sec. 25-194 substituted therefor as Sec. 25-194:

Sec. 194. Residual benefits and Refund of Employee Contributions.

- (a) Notwithstanding any other sections of this 1978 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-194(b) hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 1978 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.
- (b) For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-194(a) hereof) shall be
- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or
 - (ii) the participant's spouse, if married to the participant at the time of his/her death, or
 - (iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

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(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

24. Sec. 25-201 Cessation of accruals for transferred participants shall be amended and restated in its entirety to read as follows:

Except as expressly provided below and solely for Transferred Participants who have duly made the election provided in Sec. 25-160(e), notwithstanding any other contrary provision of this pension system, in calculating the accrued benefit (including the right to any optional benefit provided under the pension system) of any transferred participant, such transferred participant shall accrue no additional benefit under the pension system, division 1 or division 2, on or after June 30, 2016. Transferred Participants who have duly made the election in Sec. 25-160(e) shall accrued no benefit under division 3 (the 2016 plan) but shall accrue benefits solely pursuant to the terms and provisions of this 1978 plan.

25. Subparagraph (a) of Sec. 25-211 shall be amended and restated to read as follows:

General rule. Each person (1) who is hired on or after July 1, 2016, or (2) who is a transferred participant as defined in Sec. 25-1(43)(except for those transferred participants who are eligible to make and have duly made the election provided in Sec. 25-160), in each case who is in the regular, full-time employment of the city to the extent that the city contributes to the salary of such employee in a job classification or

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title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification, shall become a participant in this 2016 plan as of his or her employment creditable service date without any further action on his or her part.

26. Section 25-211 shall be amended by adding as subparagraph (e) thereto the following subparagraph (e):

(e) *Leased Employee*. The term "employee" shall also not include any person who is a leased employee within the meaning of Code §414(n)

27. Sec. 25-240 Normal Retirement shall be amended by adding as subparagraph (b) the following and renumbering the current subparagraph (b) as subparagraph (c):

(b) Any Participant eligible for a normal retirement benefit pursuant to subparagraph (a) above may irrevocably elect to receive between five percent (5%) and twenty-five percent (25%) (in increments of five percent (5%)) of his/her accrued benefit in the form of an actuarial equivalent single lump-sum distribution. Such election shall be made prior to the participant's annuity commencement date in accordance with uniform procedures established by the Board.

If a participant elects to receive any part of his/her accrued benefit in the form of a lump-sum distribution as provided in this subparagraph (b), the monthly retirement benefit payable to such participant shall be reduced by an equal percentage. Such election shall likewise reduce the amount of any death benefit payable to a surviving spouse or any other beneficiary or beneficiaries, which shall be calculated taking into account such election.

Any cost of living adjustments to the participant's monthly retirement benefit shall be calculated based on the reduced monthly benefit resulting from the lump-sum distribution election.

In determining any minimum monthly benefit provided under the plan, the amount of the applicable minimum shall be reduced by the percentage lump sum elected by the participant.

28. Subparagraph (a) and (b) of Sec. 25-242 shall be restated and amended in their entirety to read as follows:

(a) Any participant meeting the requirements of section 25-242(d) may elect to receive a deferred retirement benefit under this 2016 Plan equal to his/her accrued benefit and payable in the form of a single life annuity.

(b) The annuity commencement date of any participant who is to receive his or her benefit pursuant to section 25-242(a) shall be the date s/he reaches age sixty (60).

29. Subparagraph (c) of Sec. 25-242 shall be relettered as subparagraph (d) and the following subparagraph (c) added to Sec. 25-242:

(c) A participant may revoke his/her election under section 25-242 at any time before his/her annuity commencement date. Any participant timely revoking his section 25-242 election shall receive a refund in accordance with section 25-243 of all employee contributions made by him/her or on her/his behalf under this 2016 plan.

30. Subparagraph (a) of Section 25-243 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under Sec. 25-240 or 25-241, and who has not elected benefits under Sec. 25-242, shall receive an amount equal to his/her total participant employee cash balance plan contributions plus the interest crediting rate on such contributions as provided herein and defined contribution account balance attributable to the participant's contributions. Such refund of employee contributions shall be paid as soon as administratively feasible following the date the termination of his/her employment occurs (or which is deemed to have occurred under Section 25-243(c)) unless s/he earlier withdraws the participant employee contributions or becomes entitled to receive benefits under any other section of this Plan.

31. Section 25-243 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-240 or 25-241, and who has not elected benefits under Sec. 25-242, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to his or her total participant employee cash balance plan contributions plus the interest crediting rate on such contributions as provided herein together with his or her defined contribution account balance attributable to such participant's contributions. Such refund of employee contributions shall be paid as soon as administratively feasible following the date the termination of his/her employment occurs (or which is deemed to have occurred under Section 25-243(c)) unless s/he earlier withdraws the participant employee contributions or becomes entitled to

receive benefits under any other section of this Plan. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-243(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-251 or otherwise under the Pension System.

32. Subsection (a) of Sec. 25-250 shall be amended by adding the following sentence as the last sentence of said subsection (a):

Such death benefit shall be paid in accordance with Sec. 25-252.

33. Subsection (b) of Sec. 25-250 shall be amended by adding the following sentence as the last sentence of said subsection (b):

Such death benefit shall be paid in accordance with Sec. 25-252.

34. The first paragraph of Sec. 25-251(a), Other Death Benefit shall be amended and restated to read as follows:

(a) The beneficiaries described in section 25-251(b) of a participant who dies other than as described in Sec. 25-250(a) or Sec. 25-250(b) and who has not elected deferred retirement under section 25-242, shall receive a death benefit in accordance with Sec. 25-252 equal to seventy-five percent (75%) of:

35. The following subsection (c) shall be added to Section 25-251 as follows:

(c) *Death Benefits with Respect to Qualified Military Service.* In the case of a participant who dies on or after January 1, 2007 while performing qualified military service (as defined in Code section 414(u)) with respect to the city, his/her beneficiary shall have a nonforfeitable interest in all city contributions to the participant to the extent that he/she would have had to such city contributions in the event that the participant resumed, and then terminated, employment on account of death.

36. The following Sec. 25-252 shall be added as Sec. 25-252 Distribution as follows.

Sec. 25-252. Distribution.

(a) *Beneficiary priority.* The death benefit of Sec. 25-250 or 25-251 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving children and handicapped children, for as long as they are children or handicapped children; provided, however, any handicapped child shall be entitled to receive only fifty (50)

percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 2016 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-250 or Sec. 25-251.

- (b) *Payment after refund.* If a participant's employee contributions have been refunded under section 25-243 before the participant's date of death, credits against such refund shall be made in lieu of death benefit payments under section 25-250 or 25-251 until such credits have fully offset such refund amount.

37. The following Sec. 25-253 shall be added as Sec. 25-253 Residual benefits as follows.

Sec. 25-253 Residual benefits.

Notwithstanding any other sections of this 2016 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-254 hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 2016 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.

38. The following Sec. 25-254 shall be added as Sec. 25-254 Employee Contribution Refunds Upon Death as follows.

Sec. 25-254 Employee Contribution Refunds Upon Death.

For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-253 hereof) shall be

- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the

foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to become effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

39. Sec. 25-260 City's 457(b) Plan shall be amended in its entirety to read as follows:

Sec. 25-260. City's 457(b) Plan

(1) *Rollover of participant accounts attributable to participant's compensation from the city's 457(b) plan.* To the extent permitted by the Internal Revenue Code, a participant of the 2016 Plan entitled to a benefit under Sec. 25-240, Sec. 25-241, or Sec. 25-242 who also participates in the city's 457(b) plan may, upon such participant's termination of employment with the city but prior to the participant's annuity commencement date, transfer from the participant's 457(b) account by direct rollover to this 2016 Plan any portion or all of the amounts in the participant's 457(b) account attributable to the contributions made by the participant and/or the city with respect to the compensation of the participant from the city, provided such transfer will not jeopardize the tax exempt status of this plan. Any amounts in a participant's account rolled over by the participant from a 457(b) or other employee benefit plan of an employer other than the city (except as provided below with respect to the Memphis and Shelby County Airport Authority) may not be rolled over to this 2016 Plan. The transferred amount shall be set up in a separate account to be known as a "Rollover Account." Such Rollover Account shall be fully vested at all times and shall not be subject to forfeiture. Such Rollover Account shall be held pursuant to the provisions of this 2016 plan and shall not be withdrawn by or distributed to the participant except as provided in this 2016 Plan.

To the extent an employee of the Memphis and Shelby County Airport Authority who participates in the city's 457(b) plan also participates in this 2016 Plan and is entitled to a benefit under Sec. 25-240, Sec. 25-241, or Sec. 25-242 of this 2016 Plan, such participant may from the participant's 457(b) account in the city's 457(b) plan by direct rollover transfer to this 2016 Plan any portion or all of the amounts in the participant's 457(b) account attributable to the contributions made by the participant and/or the Memphis and Shelby County Airport Authority with respect to the compensation of the participant from the Memphis and Shelby County Airport Authority, to the extent the Memphis and Shelby County Airport Authority makes contributions to this 2016 Plan with respect to such participant and provided such transfer will not jeopardize the tax exempt status of this plan. The transferred amount shall be set up in a separate account to be known as a "Rollover Account." Such Rollover Account shall be fully vested at all times and shall not be subject to forfeiture. Such Rollover Account shall be held pursuant to the provisions of this 2016 plan and shall not

be withdrawn by or distributed to the participant except as provided in this 2016 Plan.

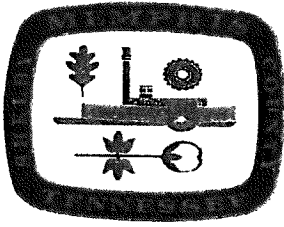
(2) *Distribution of Rollover Account as Part of Accrued Benefit.* At the participant's normal retirement date, or such other date when the participant shall be entitled to receive benefits under Sec. 25-240, Sec. 25-241, or Sec. 25-242, the value of the Rollover Account shall be combined with the participant's cash balance account and defined contribution account to provide additional monthly benefits to the participant as provided herein.

40. Sec. 25-273, Prohibition of Assignment shall be amended and restated to read as follows:

Except as otherwise provided by law, no benefit payable under this plan shall be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, attachment, garnishment, execution, or levy of any kind or any other process of law, voluntary or involuntary. Any attempt to so dispose of any rights to benefits payable hereunder shall be void, unless otherwise authorized by applicable law. Neither the plan nor trust shall be liable for or subject to the debts, contracts, liabilities, engagements or torts of any person entitled to benefits hereunder.

Unless otherwise provided by applicable law, effective July 1, 2015, the restrictions on transfers of benefits as described in this Section shall not apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a "qualified domestic relations order" defined in Internal Revenue Code Section 414(p) and as provided in Tenn. Code Ann. 26-2-105, as amended. The Board shall establish a written procedure to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. For the purposes of this Section "qualified domestic relations order" shall have the meaning set forth under Code Section 414(p).

Where there is a reference in the above Ordinance to the effective date of this Ordinance, such date shall be the date this Ordinance is duly stamped by the Deputy Controller-Council Records or such other City employee authorized to stamp and certify adoption of City Ordinances.



Memphis City Council Summary Sheet

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

This resolution amends the FY21 CIP Budget by accepting Congestion Mitigation and Air Quality (CMAQ) funding from the Tennessee Department of Transportation (TDOT) and appropriating \$3,250,000.00 to establish funding for the Covington Pike Signal System Project (EN01106).

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

This project is being initiated by the Division of Engineering.

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

This project does not involve a change to an existing ordinance or resolution.

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

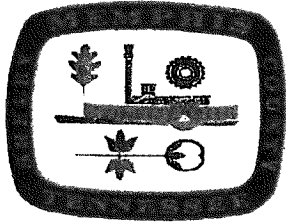
A Grant Agreement with the Tennessee Department of Transportation will be required.

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

This project does require an amendment to the FY 2021 CIP Budget and an allocation of \$33,000.00 for a local match.

Council Resolution Caption (Covington Pike Signal System)

A Resolution amending the FY21 CIP Budget by accepting Congestion Mitigation and Air Quality (CMAQ) funding from the Tennessee Department of Transportation (TDOT) and appropriating \$3,250,000.00 to establish funding for the Covington Pike Signal System Project (EN01106).



Memphis City Council Summary Sheet

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

This resolution is requesting the appropriation of funds allocated in FY21 to FS02011, Fire Station 43 in the amount of \$103,128.88 for Information Technology funded by G.O. Bonds.

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

Memphis Fire Services

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

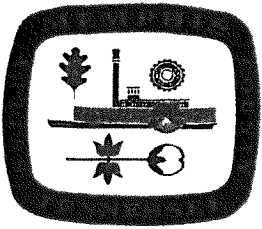
This is a resolution requesting to appropriate FY21 funding.

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

This request will not require a new contract.

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

This resolution requires an appropriation of funds and an expenditure of funds in the amount of \$103,128.88.



Resolution – Fire Services

A resolution appropriating \$103,128.88 in Fire Station 43 for information technology.

WHEREAS, the Council of the City of Memphis did include Fire Station 43, CIP Project Number FS02011, as part of the Fiscal Year 2021 Capital Improvement Program Budget; and

WHEREAS, City of Memphis Division of Information Technology will be purchasing and installing the equipment for Fire Station 43 with a quoted amount of \$103,128.88.00; and

WHEREAS, \$300,000.00 for the funding of Fire Station 43 information technology has been allocated in Capital Improvement Project Number FS02011; and

WHEREAS, it is necessary to appropriate \$103,128.88, Capital Improvement Project Number FS02011, Replace Fire Station 43 funded by G.O. Bonds General.

NOW, THEREFORE, BE IT ALSO RESOLVED, by the Council of the City of Memphis there be and is hereby appropriated the amount of \$103,128.88, CIP Project Number FS02011, Replace Fire Station 43 funded by G.O. Bonds General.

Project Title:	Fire Station 43
CIP Project Number:	FS02011
Information Technology:	\$103,128.88

**CITY OF MEMPHIS
CAPITAL IMPROVEMENT BUDGET
REQUEST FOR APPROPRIATION**

DIVISION: **Fire Services** DATE: **09/14/20**
 PROJECT: From- _____
 To- **FS02011**
 INITIATED BY: **Vickie Johnson** *VJ* TITLE: **Administrator**

Finance Office Only

Fund	Fiscal Month	Trans. No.
0400		

REVENUE

Award (Approp. Only)	Resource	CIP Project	AMOUNT	
			Revenue	
11002	G.O. Bonds	FS02011	\$ 103,128.88	

EXPENSE

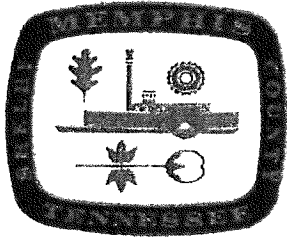
Award (Approp. Only)	Resource	CIP Project	AMOUNT	
			Expense	
11002	Information Technology	FS02011		\$ 103,128.88

COMMENTS: **Appropriate FY21 funds for FS 43 Information Technology**

APPROVED: *[Signature]* **9-14-20**
 Division Director DATE

FUNDS AVAILABLE FOR TRANSFER: _____
 Budget Manager/Comptroller/Deputy Comptroller Date

APPROVED: _____
 Chief Financial Officer Date



Memphis City Council Summary Sheet

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

A resolution to accept grant funds from the U.S. Department of Homeland Security in the amount of Thirty-Eight Thousand Eleven Dollars and 43/100 (\$38,011.43) with a City match of 5% in the amount of One Thousand Nine Hundred Dollars and 57/100 (\$1,900.57) to train fire personnel to the TN State Certified Fire Investigator 1 level.

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

The Division of Fire Services is awarded this grant and serves as the fiscal agent for the award.

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

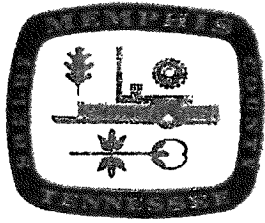
This item does not change an existing ordinance or resolutuion.

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

This is a new grant award pending Council approval.

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

Acceptance will require an amendment to the FY21 Operating Budget to appropriate funds in the amount of \$38,011.43 and requires a City match of 5% in the amount of \$1,900.57.



A resolution to accept and appropriate 2019 Fire Prevention and Safety Grant Program funds from the U.S. Department of Homeland Security in the amount of Thirty-Eight Thousand Eleven Dollars and 43/100 (\$38,011.43) to be used to train fire personnel to the TN State Certified Fire Investigator 1 level.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant funds in the amount of Thirty-Eight Thousand Eleven Dollars and 43/100 (\$38,011.43) from the U.S. Department of Homeland Security for investigator 1 level training with a City match of 5% in the amount of One Thousand Nine Hundred Dollars and 57/100 (\$1,900.57); and

WHEREAS, These funds will be used for training fire personnel to the TN State Certified Fire Investigator 1 level; and

WHEREAS, It is necessary to accept the grant funding and amend the FY21 Operating Budget to establish funds for the FY19 Fire Prevention & Safety Grant Program; and

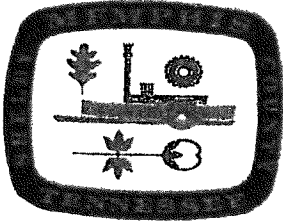
WHEREAS, It is necessary to allocate and appropriate Thirty-Eight Thousand Eleven Dollars and 43/100 (\$38,011.43) for the U.S. Department of Homeland Security grant project – FY2019 Fire Prevention & Safety Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY19 U.S. Department of Homeland Security Grant Project – Fire Prevention & Safety Grant Program funds in the amount of Thirty-Eight Thousand Eleven Dollars and 43/100 (\$38,011.43) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY21 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY19 U.S. Department of Homeland Security Grant Project – Fire Prevention & Safety Grant Program as follows:

Revenue	
Federal Grants	\$38,011.43

Expenses	
Seminars/Training/Education	\$36,904.76
Misc Service Charges	\$ 1,106.67



Memphis City Council Summary Sheet

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

This resolution is requesting the transfer of funds from FY21 Fire Station Repair Cover FS21100 to Security Cameras FS02034 and the appropriation of funds in the amount of \$185,000.00. This work is being managed by Information Technology.

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

Memphis Fire Services

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

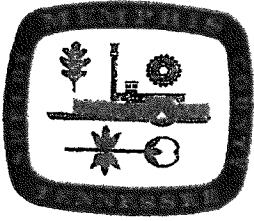
This is a second resolution requesting the appropriation of funding for this project. Resolution #26 was passed on September 15, 2020 appropriating \$200,000.00 Capital Pay Go.

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

This request does not require a new contract.

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

This project was established in FY21 for security cameras at fire stations due to vehicle break-ins.



Resolution – Fire Services

A resolution transferring an allocation of \$185,000.00 from FS21100 FY21 Fire Station Improvement Cover to FS02034 Security Cameras and appropriate.

WHEREAS, it was necessary to establish CIP Project Number FS02034 Security Cameras for security at all fire station locations; and

WHEREAS, Information Technology Division has secured a quote from Thomas Consultants, Inc. in the amount of \$185,000.00 for the purchase of cameras; and

WHEREAS, it is necessary to transfer an allocation of \$185,000.00 funded by G.O. Bonds from FY21 Fire Station Repair Cover FS21100 to Security Cameras FS02034; and

WHEREAS, it is necessary to appropriate \$185,000.00, CIP Project Number FS02034, Other Costs funded by G.O. Bonds General for the Security Cameras Project.

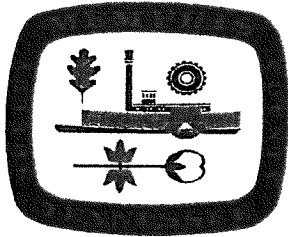
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$185,000.00 from FY21 Fire Station Improvement Cover FS21100 funded by G.O. Bonds to Security Cameras FS02034.

NOW, THEREFORE, BE IT ALSO RESOLVED, by the Council of the City of Memphis there be and is hereby appropriated the amount of \$185,000.00, CIP Project Number FS02034, Other Costs funded by G.O. Bonds General for Security Cameras.

Project Title: Security Cameras

CIP Project Number: FS02034

Total Design Contract Cost: \$185,000.00



Memphis City Council Summary Sheet

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

This is a Resolution establishing a repair and infrastructure restoration project for the Beale Street Entertainment District Unit (EDU) police station.

District 6 Super District 8

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

General Services Division

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

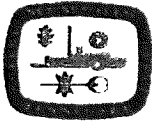
This item does not require a change to an existing ordinance or resolution.

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

This item does will require a new contract or amend an existing contract.

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

This item will require an expenditure of funds, and an amendment to the FY21 CIP Budget. Transfer and appropriation of funding is budget neutral.



Resolution to Transfer and Appropriate Funds to Establish a Repair and Infrastructure Restoration Project for the Beale Street EDU for MPD.

WHEREAS, Beale Street represents an iconic strip of music venues, clubs, bars, and shops known for their blues-music history; and

WHEREAS, the Memphis Police Department (MPD) has a station located at 340 Beale Street, Memphis, TN 38103, identified as the Entertainment District Unit (EDU); and

WHEREAS, the City-owned EDU building is in much need of repair and infrastructure restoration; and

WHEREAS, it is necessary for the City to make much needed usage repairs and infrastructure restoration (plumbing, carpentry, and structural repairs) to maintain a safe working environment for City employees; and

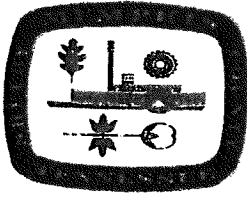
WHEREAS, it is necessary to appropriate a sum of \$100,000 to establish a repair and infrastructure restoration project for the Beale Street EDU police station; and

WHEREAS, in conjunction with the Finance Division, General Services and MPD have reviewed certain projects that have been identified as funding sources for the budget-neutral establishment of a repair and infrastructure restoration project for the Beale Street EDU police station as follows:

PD02004	Precinct Renovations	\$ 9,138
PD04021	DNA Evidence Storage	\$55,123
PD04024	Mobile Command	\$ 9,915
PD04028	Aerial Surveillance	\$25,824

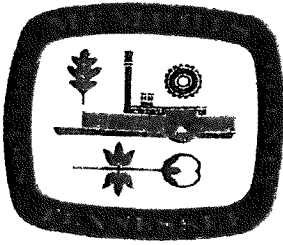
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring allocations in the total amount of \$100,000 from the project listed above to the establishment of a CIP project for repairs and infrastructure restoration to the Beale Street EDU police station; and

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the total sum of \$100,000 chargeable to the FY21 CIP Budget for the budget-neutral establishment of a CIP project for repairs and infrastructure restoration to the Beale Street EDU police station.



Memphis City Council Summary Sheet

1. Resolution seeking acceptance of a reimbursement:
 - The City of Memphis Division of Police Services to accept a reimbursement in an amount not to exceed Twenty Two Thousand Dollars (\$22,000.00).
 - The reimbursement is for expenditures by MPD Homicide Violent Crimes Unit (VCU) directly related to the furtherance of investigations of child deaths and/or gang related murders.
2. The City of Memphis Division of Police Services is awarded the reimbursement through a donation from the Federal Bureau of Investigations (FBI).
3. Resolution will not change an existing ordinance or resolution.
4. Resolution will not require a new contract or amendment to an existing contract.
5. Resolution will require an expenditure of funds equal to the amount of the reimbursement and a budget amendment.



RESOLUTION

WHEREAS, The City of Memphis Division of Police Services has been selected to receive a reimbursement from the Federal Bureau of Investigations (FBI) in an amount not to exceed Twenty Two Thousand Dollars (\$22,000.00); and

WHEREAS, the reimbursement is for any expenditure by MPD Homicide Violent Crimes Unit (VCU) directly related to the furtherance of investigations related to child deaths and/or gang related murders; and

WHEREAS, it is necessary to accept the reimbursement and amend the Fiscal Year 2021 Operating Budget to establish funds; and

WHEREAS, it is necessary to appropriate the funds in the amount of Twenty Two Thousand Dollars (\$22,000.00) received from the FBI.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that a reimbursement of an amount not to exceed Twenty Two Thousand Dollars (\$22,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Operating Budget be and is hereby amended by appropriating the Revenues and Expenditures for the reimbursement as follows:

REVENUES

Miscellaneous Revenue	\$22,000.00
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EXPENDITURES

Miscellaneous Services & Charges	\$22,000.00
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MINUTES

**TELEPHONIC MEETING OF SEPTEMBER 15, 2020 RECESSED MEETING TO
OCTOBER 6, 2020 MEETING OF THE CITY COUNCIL CITY OF MEMPHIS**

SEPTEMBER 15, 2020

3:31 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 September 15, 2020 City Council Meeting; this was seconded by Councilman Canale, without objection.)

(Chairwoman Robinson adjourned the September 15, 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, September 15, 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.

ADJOURNED MEETING AT 3:32 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

MINUTES
TELEPHONIC MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

October 6, 2020

3:30 P.M. SCHEDULED SESSION

3:32 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 Swearingen, 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 Rev. Dr. Edward Parker Jr. of Berean Missionary Baptist Church. Councilman Jones thanked Dr. Parker for being the Chaplain of the Day.

Chairwoman Robinson asked Councilman Warren 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.

The Council Records Office received and filed the Report on Issuance and Sale of Bonds for MLGW on October 6, 2020.

Approval of the Minutes of the regular meeting of September 15, 2020 with the following motion:

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

APPROVED

- 5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 580 BELT LINE STREET, 584 BELT LINE STREET, 579 BOSTON STREET, 2638 SOUTHERN AVENUE AND 2650 SOUTHERN AVENUE, CONTAINING 0.9 ACRE IN THE COMMERCIAL MIXED USE – 1 AND RESIDENTIAL URBAN – 1 DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

CASE NO. SUP 20-08

Held until October 20, 2020

- 6. **ORDINANCE REZONING 580 AND 584 BELT LINE STREET, CONTAINING 0.2 ACRES LOCATED IN THE RESIDENTIAL URBAN – 1 DISTRICT, UP FOR T H I R D AND F I N A L READING. THIS ORDINANCE IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

CASE NO. Z 20-08
ORDINANCE NO. 5762

Held until October 20, 2020

- 30. **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 ANNUALLY AND TO FILE THEIR STATE MANDATED DISCLOSURE STATEMENTS WITH THE CITY OF 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)**

Held until October 20, 2020

- 2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 883 SOUTH BARKSDALE STREET (SOUTHWEST CORNER OF BARKSDALE AND NELSON), CONTAINING +/-9,540 SQUARE FEET IN THE RESIDENTIAL SINGLE-FAMILY -6 (R-6) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 20-01

WITHDRAWN

- 1. **RESOLUTION APPEALING A PLANNED DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF QUINCE ROAD AND LYNNFIELD ROAD, CONTAINING 4.20 ACRES CURRENTLY GOVERNED BY QUINCE/LYNNFIELD PLANNED DEVELOPMENT (PD 99-362). THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 7/21; 8/4; 9/1; 9/15)**

CASE NO. PD 99-362

Appellant: Balmoral Neighborhood Association

Appellee: SE Industrial Investments, LLC

Request: Appeal the decision of the Land Use Control Board for a Major Modification approved on February 13th, 2020 to allow a three (3) story office building with associated accessory uses

LUCB and OPD recommendation: APPROVAL, with conditions

Vice Chairman Colvett read the comment cards from the following people:
Ed Lyon, 2418 MacKinnon Drive, Memphis, Tennessee, 38119

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

APPROVED, as amended

- 3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 8535 WINCHESTER ROAD, CONTAINING +/-14.259 ACRES IN THE CONSERVATION AGRICULTURE (CA) AND RESIDENTIAL URBAN - 2 (RU-2) DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 20-10

Applicant: Windyke Country Club, Inc. and Belz Investco GP/Hamister Group LLC
SR Consulting – Cindy Reaves – Representative

Request: Senior living facility planned development

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

- 4. **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.**

CASE NO. SUP 20-07

Applicant: Negotiable Taxes, Inc.
David Bray of the Bray Firm – Representative

Request: Special use permit for vehicle sales

LUCB and OPD recommendation: REJECTION

(Special Item #1 - Councilman Ford made a motion to hold Item #4 until October 20, 2020; without objection. Councilman Carlisle seconded that motion.)

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

APPROVED

Held until October 20, 2020

CONSENT AGENDA – Items #7 - #9 may be acted upon by one motion: See Page 5705 for Roll Call Consent Items.

- 7. **ORDINANCE AMENDING AND RESTATING CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES GOVERNING THE CITY PENSION SYSTEM, UP FOR SECOND READING. ORDINANCE NO. 5763 IS SPONSORED BY THE ADMINISTRATION.**

APPROVED, on Second reading

- 8. **RESOLUTION ACCEPTING KIRBY WHITTEN BUSINESS CENTER, LOT 24 (STARBUCKS) AND AUTHORIZING RELEASE OF BOND.**

Resolution approves accepting the public improvements with the City of Memphis as shown on the engineering plans located on the northwest corner of Whitten Road and Raleigh LaGrange in the City of Memphis, Tennessee. Resolution also authorizes the release of Renasant Bank Letter of Credit No. 3883 in the amount of \$49,000.00 held as security for the standard improvement contract.

APPROVED

- 9. **RESOLUTION APPROVING THE FINAL PLAT OF STARBUCKS #62734.**

CONTRACT NO. CR-5340

Resolution approves the final plat located at 3545 Austin Peay, approximately 157 linear feet north of the Yale Road/Austin Peay Highway in the City of Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract and accept the Performance Bond No. SU1167426 in the amount of \$56,400.00 on behalf of the City of Memphis.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

FISCAL CONSENT AGENDA – Items #10 - #18 may be acted upon by one motion:

10. **RESOLUTION TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$20,000.00 FROM TENNESSEE HIGHWAY OFFICE (THSO) THROUGH THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

11. **RESOLUTION TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$ 300,000.00 FROM TENNESSEE HIGHWAY SAFETY OFFICE (THSO) THROUGH THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

12. **RESOLUTION TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$100,000.00 FROM TENNESSEE HIGHWAY SAFETY OFFICE (THSO) THROUGH THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

13. **RESOLUTION TO AMEND THE FY2021 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING THE EXPENDITURES AND REVENUES FOR THE WEATHERIZATION**

ASSISTANCE PROGRAM (WAP) IN THE AMOUNT OF \$200,000.00 PROVIDED TO THE WEATHERIZATION ASSISTANCE PROGRAM FROM THE MEMPHIS HOUSING AUTHORITY AS PART OF A BUY-DOWN AGREEMENT TO FINANCIALLY CONTRIBUTE TO THE WEATHERIZATION OF THE MONTGOMERY PLAZA MULTI-FAMILY PROJECT. THIS RESOLUTION IS SPONSORED BY MHA. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

14. **RESOLUTION TO ACCEPT THE ACQUISITION OF PROPERTY LOCATED AT 0 JACKSON PIT ROAD, AND FURTHER DESCRIBED AS PARCEL ID# 094400 00020, MARKET VALUE \$27,000.00 FOR THE USE AND BENEFIT OF THE MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

15. **RESOLUTION TO ACCEPT THE ACQUISITION OF PROPERTY LOCATED AT 0 JACKSON PIT ROAD, AND FURTHER DESCRIBED AS PARCEL ID# 094400 00021, MARKET VALUE \$46,000.00 FOR THE USE AND BENEFIT OF THE MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

16. **RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS IN THE AMOUNT OF \$ 8,000.00 FROM FM GLOBAL TO PURCHASE TABLETS AND ACCESSORIES. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

17. **RESOLUTION TO RECEIVE AND APPROPRIATE A CARES ACT FUNDING ALLOCATION FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE AMOUNT OF \$ 6,495,376.00 TO THE FY2021 HOUSING AND COMMUNITY DEVELOPMENT'S FEDERAL BUDGET. THIS RESOLUTION IS SPONSORED BY HCD DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

18. **RESOLUTION TO ACCEPT DONATED FUNDS IN THE AMOUNT OF \$ 20,696.14 FROM VARIOUS DONORS. THIS RESOLUTION IS SPONSORED BY THE EXECUTIVE DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

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

APPROVED**MLGW FISCAL CONSENT AGENDA – Items #19 - #27 may be acted upon by one motion:**

19. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12122, AUDIT ASSURANCE AND ADVISORY SERVICES WITH BANKS, FINLEY, WHITE & COMPANY, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$200,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING JANUARY 6, 2021 THROUGH JANUARY 5, 2022, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

20. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM THE AMERICAN PUBLIC POWER ASSOCIATION FOR THE 2020 ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF \$132,138.37.**

APPROVED

21. **RESOLUTION AWARDED A PURCHASE ORDER TO LIGHTSPEED TECHNOLOGIES, INC. FOR MULTIPROTOCOL LABEL SWITCHING (MPLS) NETWORK EXPANSION EQUIPMENT, IN THE AMOUNT OF \$273,084.00.**

APPROVED

22. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12108, EDI DATA TRANSFER WITH ENERGY SERVICES GROUP, LLC, IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$79,149.85. (THIS CHANGE IS TO EXTEND THE CURRENT MAINTENANCE AGREEMENT COVERING THE PERIOD OF NOVEMBER 21, 2020 THROUGH DECEMBER 31, 2024 IN THE FUNDED AMOUNT OF \$71,949.85. IN ADDITION, THIS CHANGE IS TO INCLUDE CONTINGENCY FUNDS TO COVER DATA FILE OVERAGES IN THE AMOUNT OF \$7,200.00 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$79,149.85. THIS EXTENSION IS NEEDED TO PROVIDE SOFTWARE MAINTENANCE FOR THE ELECTRONIC DATA INTERCHANGE.)**

APPROVED

23. RESOLUTION APPROVING A PURCHASE ORDER TO ENFINITY SUPPLY, LLC FOR VALVE ACTUATORS, IN THE AMOUNT OF \$79,539.00.

APPROVED

24. RESOLUTION AWARDED CONTRACT NO. 12143, NOKIA/MPLS MAINTENANCE SERVICES TO LIGHTSPEED TECHNOLOGIES, INC., IN THE FUNDED AMOUNT OF \$472,555.00.

APPROVED

25. RESOLUTION AWARDED CONTRACT NO. 12197, SYSTEM FURNITURE TO STAPLES CONTRACT & COMMERCIAL LLC, IN THE FUNDED AMOUNT OF \$1,016,297.00.

APPROVED

26. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11928, MOBILE DOCUMENT (ON-SITE) SHREDDING SERVICES WITH VITAL RECORDS CONTROL, INCORPORATED, IN THE FUNDED AMOUNT OF \$23,953.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 4, 2021 THROUGH JANUARY 3, 2022, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)

APPROVED

27. RESOLUTION AWARDED A PURCHASE ORDER TO ENVIRONMENTAL PRODUCTS GROUP VIA THE SOURCEWELL PUBLIC UTILITY CONTRACT NO. 122017-FSC, FOR THE PURCHASE OF A TRUCK MOUNTED VACUUM EXCAVATOR, IN THE AMOUNT OF \$440,412.12.

APPROVED

Councilwoman Swarengen made a motion to remove Item #28 from the MLGW Fiscal Consent for a separate vote; without objection. Councilwoman Johnson seconded the motion.

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Morgan

SECOND: Warren

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

APPROVED

- 28. **RESOLUTION AWARDING CONTRACT NO. 12218 FOR POWER SUPPLY CONSULTANT TO GDS ASSOCIATES, INC., IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$520,000.00. (REQUEST FOR SAME NIGHT MINUTES)**

(Special Item #2 – Councilman Warren made a motion to table this item in order for Council to meet with the MLGW Board of Commissioners; without objection.)

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

FAILED

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

FAILED

- 32. **RESOLUTION TO ALLOCATE AND APPROPRIATE \$1,950,000.00 IN CITY COUNCIL GRANT FUNDS TO NON-PROFIT AGENCIES FOR FY21. THIS RESOLUTION IS SPONSORED BY COUNCILMAN JONES.**

Councilman Jones made a motion to vote on Item #32 with four separate votes; without objection.

32-1. (PART 1) INCLUDES 82 ORGANIZATIONS IN THE FIRST VOTE IN BUDGET COMMITTEE.

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

APPROVED, as amended

32-2. (PART 2) INCLUDES 8 ORGANIZATIONS APPROVED IN SECOND VOTE IN BUDGET COMMITTEE.

MOTION: Jones
 SECOND: Warren
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Smiley, Swearngen,

NAY: Warren and Chairwoman Robinson
Jones
Logan and Morgan did not cast a vote

APPROVED, as amended

32-3. (PART 3) INCLUDES COUNCILMAN FORD'S ADDITIONAL ALLOCATIONS APPROVED IN THIRD VOTE IN BUDGET COMMITTEE.

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

APPROVED, as amended

32-4. (PART 4) INCLUDES COUNCILMAN CARLISLE'S RE-ALLOCATION (10K WAS MOVED FROM UPLIFT CDC TO BOYS AND GIRLS CLUB).

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

APPROVED, as amended

31. **ORDINANCE CREATING THE WALK TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5761 IS SPONSORED BY THE ADMINISTRATION.**

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

APPROVED

29. **APPOINTMENTS**

BLIGHT AUTHORITY OF MEMPHIS

Appointments

Greg Glosson
Shawn Massey
Jill Steinberg
Louisa Yanes

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

APPROVED

33. **RESOLUTION REQUESTING THAT MEMPHIS LIGHT GAS AND WATER DIVISION CREATE A VOTER EDUCATION PROGRAM TO PROVIDE VOTER REGISTRATION INFORMATION TO RESIDENTIAL ACCOUNT HOLDERS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN SMILEY.**

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

APPROVED

34. **RESOLUTION URGING MEMPHIS AREA TRANSIT AUTHORITY TO TEMPORARILY WAIVE ALL TRANSIT FARES ON NOVEMBER 3, 2020. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS, COUNCILMAN CANALE, COUNCILMAN CARLISLE, COUNCILMAN FORD, COUNCILWOMAN JOHNSON, COUNCILMAN JONES, CHAIRWOMAN ROBINSON, COUNCILMAN SMILEY, COUNCILWOMAN SWEARENGEN AND COUNCILMAN WARREN. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

35. **RESOLUTION AUTHORIZING THE MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT TO PROCEED WITH THE SUBMITTAL OF AN APPLICATION FOR REZONING CERTAIN PROPERTIES ALONG SUMMER AVENUE BETWEEN HOLMES AND SEVIER STREETS AND BETWEEN BERCLAIR AND**

STRATFORD ROADS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CARLISLE AND COUNCILMAN WARREN. (REQUEST FOR SAME NIGHT MINUTES)

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

APPROVED

(Special Item #3 – Vice Chairman Colvett made a motion to approve same night minutes for Items #10 - #18, #32, #34 & #35 from tonight’s meeting.)

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

APPROVED

Vice Chairman Colvett read the comment cards from the following people:

- Joe Kent, 5111 Flamingo Rd., Memphis, Tennessee, 38117
- Pearl Walker, 5378 Loch Lomond Rd., Memphis, Tennessee, 38116
- Tonya Purnell, 3471 Millard Rd., Memphis, Tennessee, 38109
- Kayon Walker, 10205 Old Well Tr., Cordova, Tennessee, 38016
- Dennis Lynch, 347 N. McLean, Memphis, Tennessee, 38112

(Councilman Colvett made a motion to recess the October 6, 2020 meeting. This was seconded by Councilman Warren.)

RECESSED MEETING AT 6:08 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, October 6, 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 October 6, 2020 MEMPHIS CITY COUNCIL MEETING

Take notice, the Memphis City Council will meet on **Tuesday, October 6, 2020 at 9:00 a.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, October 6, 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 9:00 a.m., click on the October 6, 2020 Memphis City Council meeting
- (4) Begin viewing the October 6, 2020 Memphis City Council meeting electronically via live-stream
- (5) Click on the October 6, 2020 "Agenda" tab to view the agenda documents

B. Radio, via 88.5 FM (WQOX)

To listen to the Tuesday, October 6, 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 October 6, 2020 Memphis City Council meeting by radio via 88.5 FM (WQOX)

C. Electronically, via digital archive

To listen to the Tuesday, October 6, 2020 Memphis City Council meeting electronically, via digital archive, follow the steps below:

- (1) Access the internet **after** the October 6, 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 October 6, 2020 "City Council Full Meeting" tab
- (4) Begin viewing the October 6, 2020 Memphis City Council meeting electronically via digital archive
- (5) Click on the October 6, 2020 "Agenda" tab to view the agenda documents
- (6) Click on the October 6, 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 October 6, 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**