



CITY OF MEMPHIS

COUNCIL REGULAR MEETING AGENDA

Tuesday, November 17, 2020, 3:30 p.m.

Conducted by Electronic/Telephonic Means

Official Recording of Meeting will be available on
City Council's Website

https://www.memphistn.gov/government/city_council

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 3, 2020)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

COMMUNITY ORGANIZATION SPOTLIGHT (None)

PUBLIC HEARING

1. RESOLUTION approving a planned development located at the SW corner of S Third Street and Gilbert Avenue the and NE corner of S Third Street and Lucerne Place; containing +/-1.686 acres in the Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3) Districts.

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. PD 20-11

Applicant: Pyramid Used Cars, Inc – Brian Bowman

Farris Bobango Branan PLC – Homer Branan – Representative

Request: Motor vehicle sales and service planned development

LUCB and OPD recommendation: APPROVAL, with conditions

DIVISION OF PLANNING AND DEVELOPMENT

2.
Colvett
Chairman,
Planning &
Zoning
Committee

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. (Held from 10/6; 10/20; 11/03)

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

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit located at 5050 Summer Avenue, containing +/-0.7 acres in the Commercial Mixed Use – 3 (CMU-3) District. This resolution is sponsored by the Office of Planning and Development. (Held from 11/03)

Case No. SUP 20-09

Applicant: Jaromirski Bruno/Rafat Khmous
McCaskill and Associates, Inc. – Representative

Request: To allow a commercial surface parking lot for a period not to exceed fifteen (15) years

LUCB recommendation: APPROVAL, with conditions
OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit located at parts of 4704 Yale Road, containing 1.7 acres in the Commercial Mixed Use – 2 District. This resolution is sponsored by the Office of Planning and Development. (Held from 11/03)

Case No. SUP 20-10

Applicant: Estacado Interests
Devan Pharis of Estacado Interests – Representative

Request: 1) A special use permit for a convenience store with gas sales
2) The amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of “filling stations”

OPD recommendation: REJECTION
LUCB recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit located at parts of 3372 Austin Peay Highway, containing 67 acres (whole parcel) in the Commercial Mixed Use – 2 District. This resolution is sponsored by the Office of Planning and Development. (Held from 11/03)

Case No. SUP 20-13

Applicant: City of Memphis
Mary Claire Borys of the Division of HCD – Representative

Request: To permit vehicle service

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a street and alley closure located at the East-west public alley, known as Barboro Alley, located North of Gayoso Avenue between Wagner Place and Front Street; containing +/-2,640 square feet in the Central Business (CBD) and Cotton Row Historic Overlay (H) Districts. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 20-20

Applicant: 99-105 S Front Street, LLC
Michael J. Fahy, Prime Development Group – Representative

Request: Close and vacate the right-of-way of an east-west public alley
known as Barboro Alley

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE- THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE – FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

NOTATION FROM OPD

NOTATION from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

7. A. Case No. PD 20-08 – NORRIS AND HERNANDO PD

Located on the Southeast corner of Norris Road and Hernando Road; containing 7 acres in the Residential – 6 District.

Applicant: Norris Express, LLC
John Behnke of Spire Enterprises – Representative

Request: Permit a convenience store with gas sales

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 1, 2020

ENGINEERING DIVISION

8. RESOLUTION approving the engineering plans for CHICK-FIL-A #4615 (SUMMER AVENUE)

Contract No. CR-5343

Resolution approves the engineering located at 4649 Summer Avenue, approximately 463 linear feet east of the North Perkins and Summer Avenue intersection 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 Liberty Mutual Insurance Performance Bond No. 016227460 in the amount of \$98,000.00 on behalf of the City of Memphis.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving the final plat for STONE CREEK PD, PHASE 2 (PD 06-345cc)

Contract No. CR-5344

Resolution approves the final plat located approximately 850 linear feet east of the Grand Pines Drive / Holmes Road intersection 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 Evolve Bank & Letter of Credit No. 550731 in the amount of \$200,200.00 on behalf of the City of Memphis.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving the final plat for OAKS EDGE PD (PD 99-366 formerly PD 93-366 & PD 90-304)

Contract No. CR-5345

Resolution approves the final plat located at 4266 Haverhill Road, northwest corner lot in the Haverhill Road and Cherry Road intersection 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 Travelers Casualty & Surety Company Performance Bond No. 107317859 in the amount of \$190,300.00 on behalf of the City of Memphis.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving the final plat for ONE BEALE, PHASE 3 (PD 18-10)

Contract No. CR-5346

Resolution approves the final plat located at the northwest corner lot of South Front Street and Dr. M.L. King Jr. Avenue 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 Fidelity and Deposit Company Performance Bond No. 9367653 in the amount of \$71,700.00 on behalf of the City of Memphis.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving the final plat for HOLMES/TCHULAHOMA PD, PHASE 6 (PD 98-301CC)

Contract No. CR- 5347

Resolution approves the final plat located on the northeast corner lot of the Tchulahoma Road Tchulatech Drive east to Meltech Boulevard/Cove and north to Holmes Road 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 Federal Insurance Company Performance Bond No. K09617127 in the amount of \$293,000.00 on behalf of the City of Memphis.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving the BUCKINGHAM FARMS PD, PARCEL J, Sewer Improvements, Case No. PD 16-15CO and authorizing release of the refundable bond.

(Contract No. CR-5279)

Resolution approves accepting the public improvements located on the north side of East Shelby Drive at Meadowvale Drive, in the City of Memphis, Tennessee. Resolution also authorizes the release of the Landmark Bank Letter of Credit No. 12006762 in the amount of \$122,100.00 held as security for the standard improvement contract.

ACTION REQUESTED: Adopt the resolution



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FISCAL CONSENT AGENDA

(NONE)



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MLGW FISCAL CONSENT

14. RESOLUTION approving Change No. 1 to Contract No. 11793, Over-the-Phone Language Interpreter Service with Universe Technical Translation, Incorporated. (This change is to increase the current contract in the estimated funded amount of \$90,000.00 due to increases in use by various areas at the Division, the increase in call volume and the community offices' COVID-19 Restrictions.)
15. RESOLUTION approving Change No. 1 to Contract No. 12121, Identity Manager Support with Concensus Consulting, LLC d/b/a Concensus Technologies, in the funded amount of \$30,000.00. (This change is to ratify and renew the current contract for the first of four annual renewal terms for the period covering November 1, 2020 through October 31, 2021 with no increase in rates from the initial term.)
16. RESOLUTION approving Change No. 4 to Contract No. 11462, Electronic Board Agenda Solution with Granicus (formerly Accela, Incorporated) in the funded amount of \$37,216.37. (This change is to ratify and renew the current contract for annual software maintenance, fees, and support services for the period covering November 1, 2020 through October 31, 2021.)
17. RESOLUTION awarding a purchase order to Thomas Consultants, Inc., for Netbackup software licenses in the funded amount of \$116,766.58.
18. RESOLUTION approving Change No. 3 to Contract No. 12009, Professional IS (Information Services) Support Services with VACO Memphis, LLC, in the funded amount of \$937,432.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,487,432.00; of which \$550,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year.)
19. RESOLUTION approving Change No. 3 to Contract No. 12007, Professional IS (Information Services) Support Services with Stragistics Technology, Incorporated, in the funded amount of \$1,179,716.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount

of \$1,329,716.00; of which \$150,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year.)

20. RESOLUTION approving Change No. 3 to Contract No. 12010, Professional IS (Information Services) Support Services with Nextech Solutions, LLC, in the funded amount of \$1,214,744.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,789,744.00; of which \$575,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year.)
21. RESOLUTION approving Change No. 3 to Contract No. 12008, Professional IS (Information Services) Support Services with CTD Staffing, LLC, in the funded amount of \$964,488.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering January 1, 2021 through December 31, 2021, of which \$400,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year.)
22. RESOLUTION approving Change No. 3 to Contract No. 12012, Professional IS (Information Services) Support Services with Cook Systems International, Incorporated, in the funded amount of \$1,056,816.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,356,816.00; of which \$300,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year.)
23. RESOLUTION approving Change No. 3 to Contract No. 12011, Professional IS (Information Services) Support Services with Conch Technologies, Incorporated, in the funded amount of \$1,174,780.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,574,760.00; of which \$399,980.00 will be absorbed in the current contract value, with no increase in rates from the previous year.)
24. RESOLUTION approving Change No. 3 to Contract No. 11951, Professional IS (Information Services) Support Services with Ciber - an HTC Global Company, in the funded amount of \$1,350,688.00. (This change is to renew the current contract for the third of four annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,650,688.00; of which \$300,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year.)
25. RESOLUTION awarding a purchase order to Border States Industries, Inc., for high voltage capacitors in the funded amount of \$120,954.00.
26. RESOLUTION awarding Contract No. 12164, Shaw #5 Transformer Installation, to Consolidated Electrical Services, Inc., in the funded amount of \$72,000.00.
27. RESOLUTION awarding Contract No. 12193, Grounds Maintenance and Landscaping Service, to Rotolo Consultants, Inc., in the funded amount of \$81,224.35.



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REGULAR AGENDA

GENERAL ORDINANCES– THIRD AND FINAL READING

28. **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; 10/6; 10/20; 11/03)
- Canale
Chairman,
Government
Affairs &
Annexation
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** amending and restating Chapter 25 of the City of Memphis, Code of Ordinances Governing the City Pension System, up for **T H I R D** and **F I N A L** reading. Ordinance No. 5763 is sponsored by the Administration. (Held from 10/20;11/03)
- Carlisle
Chairman,
Personnel
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** amending Chapter 12 of the City of Memphis Code of Ordinances, so as to update the Code of Ordinances related to sidewalks, up for **T H I R D** and **F I N A L** reading. Ordinance No. 5764 is sponsored by Councilwoman Easter-Thomas.
- Smiley
Chairman,
Public Works,
Solid Waste,
Transportation
& General
Services Committee

ACTION REQUESTED: Take whatever action Council deems advisable

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

LIBRARY SERVICES (None)

MLGW DIVISION

31. RESOLUTION approving the 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures. This resolution is sponsored by MLGW Division.
- Morgan
Chairman,
MLGW
Committee
- ACTION REQUESTED: Adopt the resolution

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS

32. SELECTION of the 2021 Council Chairman.
33. SELECTION of the 2021 Council Vice Chairman.

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

CITY OF MEMPHIS

COUNCIL REGULAR MEETING

Tuesday , November 17, 2020, 3:30 p.m.

SUPPORTING DOCUMENTS

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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	295
3	RESOLUTION approving a special use permit located at 5050 Summer Avenue, containing +/-0.7 acres in the Commercial Mixed Use – 3 (CMU-3) District. Case No. SUP 20-09	131
4	RESOLUTION approving a special use permit located at parts of 4704 Yale Road, containing 1.7 acres in the Commercial Mixed Use – 2 District. Case No. SUP 20-10	165
5	RESOLUTION approving a special use permit located at parts of 3372 Austin Peay Highway, containing 67 acres (whole parcel) in the Commercial Mixed Use – 2 District. Case No. SUP 20-13	202
6	RESOLUTION approving a street and alley closure located at the East-west public alley, known as Barboro Alley, located North of Gayoso Avenue between Wagner Place and Front Street; containing +/-2,640 square feet in the Central Business (CBD) and Cotton Row Historic Overlay (H) Districts. Case No. SAC 20-20	242
	CONSENT AGENDA	
8	RESOLUTION approving the engineering plans for CHICK-FIL-A #4615 (SUMMER AVENUE). Contract No. CR-5343	1
9	RESOLUTION approving the final plat for STONE CREEK PD, PHASE 2 (PD 06-345cc) Contract No. CR-5344	3
10	RESOLUTION approving the final plat for OAKS EDGE PD (PD 99-366 formerly PD 93-366 & PD 90-304). Contract No. CR-5345	5
11	RESOLUTION approving the final plat for ONE BEALE, PHASE 3 (PD 18-10). Contract No. CR-5346	7

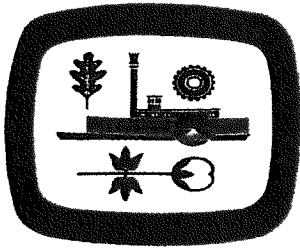
NOTE—THE REFERENCES TO THE PAGE NUMBERS USED IN THE ABOVE TABLE FOR SEPARATE PACKAGES FOR ZONING PUBLIC HEARINGS AND ZONING ORDINANCES ARE THE PAGE NUMBERS USED IN THE SEPARATE PACKAGES FOR THOSE ITEMS

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13	RESOLUTON approving the BUCKINGHAM FARMS PD, PARCEL J, Sewer Improvements, Case No. PD 16-15CO and authorizing release of the refundable bond. (Contract No. CR-5279)	11
	FISCAL CONSENT AGENDA	
	NO ITEMS	
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14	RESOLUTION approving Change No. 1 to Contract No. 11793, Over-the-Phone Language Interpreter Service with Universe Technical Translation, Incorporated	13
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16	RESOLUTION approving Change No. 4 to Contract No. 11462, Electronic Board Agenda Solution with Granicus (formerly Accela, Incorporated) in the funded amount of \$37,216.37.	19
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19	RESOLUTION approving Change No. 3 to Contract No. 12007, Professional IS (Information Services) Support Services with Stragistics Technology, Incorporated, in the funded amount of \$1,179,716.00.	27
20	RESOLUTION approving Change No. 3 to Contract No. 12010, Professional IS (Information Services) Support Services with Nextech Solutions, LLC, in the funded amount of \$1,214,744.00.	29
21	RESOLUTION approving Change No. 3 to Contract No. 12008, Professional IS (Information Services) Support Services with CTD Staffing, LLC, in the funded amount of \$964,488.00.	31
22	RESOLUTION approving Change No. 3 to Contract No. 12012, Professional IS (Information Services) Support Services with Cook Systems International, Incorporated, in the funded amount of \$1,056,816.00.	33
23	RESOLUTION approving Change No. 3 to Contract No. 12011, Professional IS (Information Services) Support Services with Conch Technologies, Incorporated, in the funded amount of \$1,174,780.00.	35
24	RESOLUTION approving Change No. 3 to Contract No. 11951, Professional IS (Information Services) Support Services with Ciber - an HTC Global Company, in the funded amount of \$1,350,688.00	37

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26	RESOLUTION awarding Contract No. 12164, Shaw #5 Transformer Installation, to Consolidated Electrical Services, Inc., in the funded amount of \$72,000.00.	41
27	RESOLUTION awarding Contract No. 12193, Grounds Maintenance and Landscaping Service, to Rotolo Consultants, Inc., in the funded amount of \$81,224.35.	45
	REGULAR AGENDA	
28	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)	47
29	ORDINANCE No. 5763 amending and restating Chapter 25 of the City of Memphis, Code of Ordinances Governing the City Pension System up for T H I R D and F I N A L reading.	51
30	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 T H I R D and F I N A L reading.	78
31	RESOLUTION approving the 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures.	80
32	SELECTION of the 2021 Council Chairman.	n/s
33	SELECTION of the 2021 Council Vice Chairman.	n/a
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City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: November 17, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: **RESOLUTION** approving the engineering plans Chick-fil-A #4615 (Summer Avenue)

Resolution approves the engineering plans for Chick-fil-A #4615 (Summer Avenue) located at 4649 Summer Avenue, approximately 463 linear feet east of the North Perkins and Summer Avenue intersection 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 Liberty Mutual Insurance Performance Bond No. 016227460 in the amount of \$98,000.00 on behalf of the City of Memphis.

City Engineer recommends approval.

Recommended Council Action: ADOPT THE RESOLUTION

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **No previous actions have been taking by any other entity.**

Does this item require city expenditure? No

\$Click here to enter text.

\$Click here to enter text.

Source and Amount of Funds:

Approvals

Director WKS 11/17/20 Date _____

Division Chief P Date _____

Budget Manager _____ Date _____

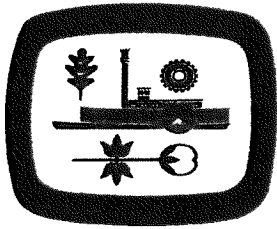
Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



RESOLUTION approving the engineering plans entitled **Chick-fil-A #4615 (Summer Avenue)**

WHEREAS, **Chick-fil-A, Inc.** is the Developer of certain property within the present limits of the City of Memphis, located at 4649 Summer Avenue, approximately 463 linear feet east of the North Perkins and Summer Avenue intersection inside the City of Memphis, Tennessee as indicated on the engineering plans entitled **Chick-fil-A #4615 (Summer Avenue)** and

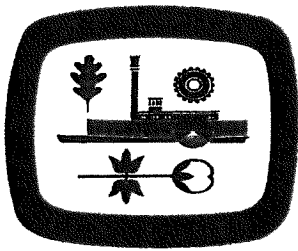
WHEREAS, the developer desires to develop the property reflected on the engineering plans; and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Chick-fil-A, Inc.** 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 **Chick-fil-A #4615 (Summer Avenue)** 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 Liberty Mutual Insurance Performance Bond No. 016227460 in the amount of \$98,000.00.



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: November 17, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: **RESOLUTION** approving the final plat Stone Creek PD, Phase 2 (PD 06-345cc).

Resolution approves the final plat for Stone Creek PD, Phase 2 (PD 06-345cc) located approximately 850 linear feet east of the Grand Pines Drive / Holmes Road intersection 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 Evolve Bank & Letter of Credit No. 550731 in the amount of \$200,200.00 on behalf of the City of Memphis.

City Engineer recommends approval.

Recommended Council Action: **ADOPT THE RESOLUTION**

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **No previous actions have been taking by any other entity.**

Does this item require city expenditure? No \$Click here to enter text. \$Click here to enter text.	Source and Amount of Funds:
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Approvals

Director WFS 11/9/20 Date _____

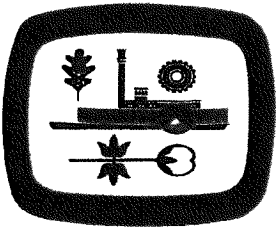
Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Operating Officer _____ Date _____

Council Committee Chair _____ Date _____



RESOLUTION approving the final plat entitled **Stone Creek PD, Phase 2 (PD 06-345cc)**

WHEREAS, **Afton Homes, LLC** is the Developer of certain property within the present limits of the City of Memphis, located approximately 850 linear feet east of the Grand Pines Drive / Holmes Road intersection inside the City of Memphis, Tennessee as indicated on the final plat entitled **Stone Creek PD, Phase 2 (PD 06-345cc)** and

WHEREAS, the developer desires to develop the property reflected on the final plat; and

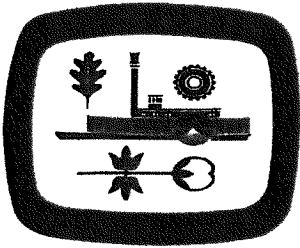
WHEREAS, attached hereto is a standard improvement contract entered into by and between **Afton Homes, LLC** and the City of Memphis covering the public improvements as a part of developing the property; and

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 final plat for **Stone Creek PD, Phase 2 (PD 06-345cc)** 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 Evolve Bank & Trust Letter of Credit No.

550731 in the amount of \$200,200.00.



City Council Item Routing Sheet

Division: City Council **Committee:** Budget **Hearing Date:** November 17, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: RESOLUTION approving the final plat Oaks Edge PD (PD 99-366 formerly PD 93-366 & PD 90-304).

Resolution approves the final plat for Oaks Edge PD (PD 99-366 formerly PD 93-366 & PD 90-304) located at 4266 Haverhill Road, northwest corner lot in the Haverhill Road and Cherry Road intersection 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 Travelers Casualty & Surety Company Performance Bond No. 107317859 in the amount of \$190,300.00 on behalf of the City of Memphis.

City Engineer recommends approval.

Recommended Council Action: ADOPT THE RESOLUTION

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **No previous actions have been taking by any other entity.**

<p>Does this item require city expenditure? No</p> <p>\$Click here to enter text.</p> <p>\$Click here to enter text.</p>	<p>Source and Amount of Funds:</p>
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Approvals

Director WNS 11/9/20 Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

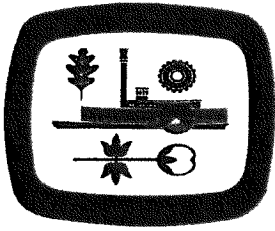
Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



RESOLUTION approving the final plat entitled **Oaks Edge PD (PD 99-366 formerly PD 93-366 & PD 90-304)**

WHEREAS, **Oaks Edge Property, LLC** is the Developer of certain property within the present limits of the City of Memphis, located at 4266 Haverhill Road, northwest corner lot in the Haverhill Road and Cherry Road intersection inside the City of Memphis, Tennessee as indicated on the final plat entitled **Oaks Edge PD (PD 99-366 formerly PD 93-366 & PD 90-304)**; and

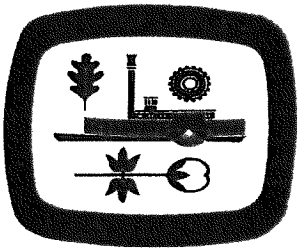
WHEREAS, the developer desires to develop the property reflected on the final plat; and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Oaks Edge Property, 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 final plat for **Oaks Edge PD (PD 99-366 formerly PD 93-366 & PD 90-304)** 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 Travelers Casualty & Surety Company Performance Bond No. 107317859 in the amount of \$190,300.00.



City Council Item Routing Sheet

Division: City Council **Committee:** Budget **Hearing Date:** November 17, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: RESOLUTION approving the final plat One Beale Phase 3 (PD 18-10).

Resolution approves the final plat for One Beale Phase 3 (PD 18-10) located at the northwest corner lot of South Front Street and Dr. M.L. King Jr. Avenue 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 Fidelity and Deposit Company Performance Bond No. 9367653 in the amount of \$71,700.00 on behalf of the City of Memphis.

City Engineer recommends approval.

Recommended Council Action: ADOPT THE RESOLUTION

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **No previous actions have been taking by any other entity.**

Does this item require city expenditure? No

\$Click here to enter text.

\$Click here to enter text.

Source and Amount of Funds:

Approvals

Director WKS 11/9/20 Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

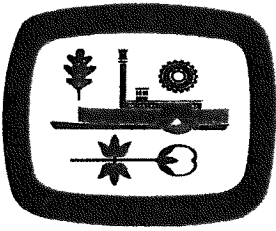
Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



RESOLUTION approving the final plat entitled **One Beale Phase 3 (PD 18-10)**

WHEREAS, **245 Front Street Hotel Company** is the Developer of certain property within the present limits of the City of Memphis, located at the northwest corner lot of South Front Street and Dr. M.L. King Jr. Avenue inside the City of Memphis, Tennessee as indicated on the final plat entitled **One Beale Phase 3 (PD18-10)** and

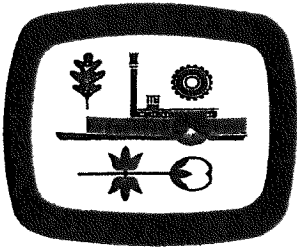
WHEREAS, the developer desires to develop the property reflected on the final plat; and

WHEREAS, attached hereto is a standard improvement contract entered into by and **between 245 Front Street Hotel Company** 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 final plat for **One Beale Phase 3 (PD18-10)** 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 Fidelity and Deposit Company Performance Bond No. 9367653 in the amount of \$71,700.00.



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: November 17, 2020

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other: [Click here to enter text.](#)

Item Description: **RESOLUTION approving the final plat Holmes/Tchulahoma PD, Phase 6 (PD 98-301CC).**

Resolution approves the final plat for Holmes/Tchulahoma PD, Phase 6 (PD 98-301CC) located on the northeast corner lot of the Tchulahoma Road Tchulatech Drive east to Meltech Boulevard/Cove and north to Holmes Road 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 Federal Insurance Company Performance Bond No. K09617127 in the amount of \$293,000.00 on behalf of the City of Memphis.

City Engineer recommends approval.

Recommended Council Action: **ADOPT THE RESOLUTION**

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **No previous actions have been taking by any other entity.**

Does this item require city expenditure? No \$Click here to enter text. \$Click here to enter text.	Source and Amount of Funds:
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Approvals

Director WS 11/9/20 Date _____

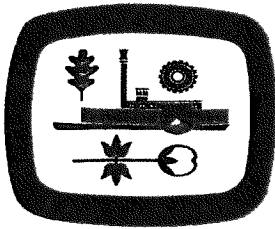
Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Operating Officer _____ Date _____

Council Committee Chair _____ Date _____



RESOLUTION approving the final plat entitled **Holmes/Tchulahoma PD, Phase 6 (PD 98-301CC)**

WHEREAS, **Exel Inc., d/b/a DHL Supply Chain (USA)** is the Developer of certain property within the present limits of the City of Memphis, located on the northeast corner lot of the Tchulahoma Road Tchulatech Drive east to Meltech Boulevard/Cove and north to Holmes Road inside the City of Memphis, Tennessee as indicated on the final plat entitled **Holmes/Tchulahoma PD, Phase 6 (PD 98-301CC)** and

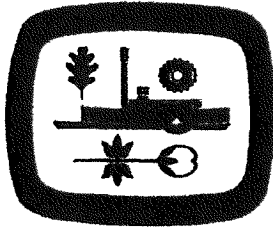
WHEREAS, the developer desires to develop the property reflected on the final plat; and

WHEREAS, attached hereto is a standard improvement contract entered into by and **Exel Inc., d/b/a DHL Supply Chain (USA)** 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 final plat for **Holmes/Tchulahoma PD, Phase 6 (PD 98-301CC)** 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 Federal Insurance Company Performance Bond No. K09617127 in the amount of \$293,000.00.



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: **November 17, 2020**

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other: [Click here to enter text.](#)

Item Description: **RESOLUTION** accepting Buckingham Farms PD, Parcel J, Sewer Improvements, Case No. PD 16-15CO and authorizing release of the refundable bond.

Resolution approves accepting the public improvements of Buckingham Farms PD, Parcel J, Sewer Improvements, Case No. PD 16-15CO with the City of Memphis as shown on the final plat located on the north side of East Shelby Drive at Meadowvale Drive, in the City of Memphis, Tennessee. Resolution also authorizes the release of the Landmark Bank Letter of Credit No. 12006762 in the amount of \$122,100.00 held as security for the standard improvement contract.

Recommended Council Action: **ADOPT THE RESOLUTION**

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **November 20, 2018; CR-5279**

Does this item require city expenditure? No

[Click here to enter text.](#)

[Click here to enter text.](#)

Source and Amount of Funds:

Approvals

Director WWS 11/10/20 Date _____

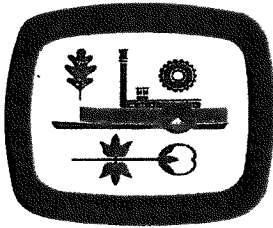
Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Operating Officer _____ Date _____

Council Committee Chair _____ Date _____



RESOLUTION accepting Buckingham Farms PD, Parcel J, Sewer Improvements, Case No. PD 16-15CO and authorizing release of bond.

WHEREAS, Cummings, LLC is the Developer and has completed the public improvement with the City of Memphis as shown on the final plat of **Buckingham Farms PD, Parcel J, Sewer Improvements, Case No. PD 16-15CO** located on the north side of East Shelby Drive at Meadowvale Drive 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 **Buckingham Farms PD, Parcel J, Sewer Improvements, Case No. PD 16-15CO, CR-5279** and the completion of the public improvements therein, be and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED that the Landmark Bank Letter of Credit No. 12006762 in the amount of \$122,100.00 held as security for the standard improvement contract is ordered released.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 1 to Contract No. Contract No. 11793, Over-the-Phone Language Interpreter Service with Universe Technical Translation, Incorporated to change and increase the current contract in the estimated funded amount of \$90,000.00, and is now recommending to the Council of the City of Memphis that it approves said change and increase as approved; and

WHEREAS, the project scope is to provide a qualified, real-time, over-the-phone language interpreter service 24 hours a day, 7 days a week including holidays for multiple Division departments with the primary user of such services being the MLGW Customer Care Center. Employees use these services to communicate and assist customers whose primary language is not English. The term of this contract was for a 60 month period from the date of the Notice to Proceed beginning August 1, 2016 through July 31, 2021. This change is to increase the current contract in the estimated funded amount of \$90,000.00 due to increases in use by various areas at the Division, the increase in call volume and the community offices' COVID-19 Restrictions. This change also includes a 2% Annual Inflation Rate per minute charge for 2021 as defined in the contract documents. The contract term will remain through July 31, 2021. This change and increase complies with all applicable laws and policies. The new contract value is \$220,200.00; 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. 11793, Over-the-Phone Language Interpreter Service with Universe Technical Translation, Incorporated to change and increase the current contract in the estimated funded amount of \$90,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

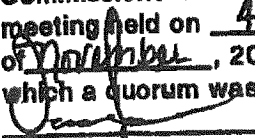
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 11793, Over-the-Phone Language Interpreter Service with Universe Technical Translation, Incorporated to change and increase the current contract in the estimated funded amount of \$90,000.00.

The project scope is to provide a qualified, real-time, over-the-phone language interpreter service 24 hours a day, 7 days a week including holidays for multiple Division departments with the primary user of such services being the MLGW Customer Care Center. Employees use these services to communicate and assist customers whose primary language is not English. The term of this contract was for a 60 month period from the date of the Notice to Proceed beginning August 1, 2016 through July 31, 2021. This change is to increase the current contract in the estimated funded amount of \$90,000.00 due to increases in use by various areas at the Division, the increase in call volume and the community offices' COVID-19 Restrictions. This change also includes a 2% Annual Inflation Rate per minute charge for 2021 as defined in the contract documents. The contract term will remain through July 31, 2021. This change and increase complies with all applicable laws and policies. The new contract value is \$220,200.00.

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. 1 to Contract No. 11793, Over-the-Phone Language Interpreter Service with Universe Technical Translation, Incorporated to change and increase the current contract in the estimated funded amount of \$90,000.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Change and Increase.

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 4th day of November, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 1 to Contract No. 12121, Identity Manager Support with Concensus Consulting LLC dba Concensus Technologies to ratify and renew the current contract in the funded amount of \$30,000.00, 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 proactive and reactive remote support services for MLGW's Identity Management Systems (IDM). The initial term of this contract was for one (1) year from the date of the Notice to Proceed with provisions for annual remote support services. This change is to ratify and renew the current contract for the first of four (4) annual renewal terms for the period covering November 1, 2020 through October 31, 2021 in the funded amount of \$30,000.00, with no increase in rates from the initial term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$60,000.00; 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. 12121, Identity Manager Support with Concensus Consulting LLC dba Concensus Technologies to ratify and renew the current contract in the funded amount of \$30,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

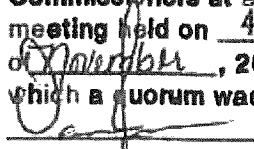
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12121, Identity Manager Support with Concensus Consulting LLC dba Concensus Technologies to ratify and renew the current contract in the funded amount of \$30,000.00.

The project scope is to provide proactive and reactive remote support services for MLGW's Identity Management Systems (IDM). The initial term of this contract was for one (1) year from the date of the Notice to Proceed with provisions for annual remote support services. This change is to ratify and renew the current contract for the first of four (4) annual renewal terms for the period covering November 1, 2020 through October 31, 2021 in the funded amount of \$30,000.00, with no increase in rates from the initial term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$60,000.00.

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. 1 to Contract No. 12121, Identity Manager Support with Concensus Consulting LLC dba Concensus Technologies to ratify and renew the current contract in the funded amount of \$30,000.00, 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 4th day of November, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 4 to Contract No. 11462, Electronic Board Agenda Solution with Granicus (*formerly Accela, Incorporated*) to ratify and renew the current contract in the funded amount of \$37,216.37, 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 implementation of an Electronic Agenda Management Solution with VoteRecording and Optional Audio and Video Streaming. The initial term of the contract was for a 60 month period from the date of the Notice to Proceed with provisions for annual software maintenance, fees and support services. This change is to ratify and renew the current contract for annual software maintenance, fees, and support services for the period covering November 1, 2020 through October 31, 2021 in the funded amount of \$37,216.37. MLGW is requesting approval of the acquired system, which can only be performed by Granicus (*formerly Accela, Incorporated*). This single source ratification and renewal complies with all applicable laws and policies. The new contract value is \$325,412.12; 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. 11462, Electronic Board Agenda Solution with Granicus (*formerly Accela, Incorporated*) to ratify and renew the current contract in the funded amount of \$37,216.37 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 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. 11462, Electronic Board Agenda Solution with Granicus (*formerly Accela, Incorporated*) to ratify and renew the current contract in the funded amount of \$37,216.37.


The project scope is to provide implementation of an Electronic Agenda Management Solution with VoteRecording and Optional Audio and Video Streaming. The initial term of the contract was for a 60 month period from the date of the Notice to Proceed with provisions for annual software maintenance, fees and support services. This change is to ratify and renew the current contract for annual software maintenance, fees, and support services for the period covering November 1, 2020 through October 31, 2021 in the funded amount of \$37,216.37. MLGW is requesting approval of the acquired system, which can only be performed by Granicus (*formerly Accela, Incorporated*). This single source ratification and renewal complies with all applicable laws and policies. The new contract value is \$325,412.12.

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, Change No. 4 to Contract No. 11462, Electronic Board Agenda Solution, with Granicus (formerly Accela, Incorporated) to ratify and renew the current contract in the funded amount of \$37,216.37, as outlined in the foregoing 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 4th day of November, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved a purchase order for Netbackup software licenses and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the MLGW 2020 fiscal year budget; and

WHEREAS, the Netbackup software that MLGW uses manages the scheduling and cataloging of all MLGW data that is housed on the company's production server environment. The software is a tool MLGW server administrators use to backup and restore data for disaster recovery. When an application needs to be restored from a backup this is the system that completes the process to have the data recovered. This software is charged by capacity or how many Terabytes of data is backed up using the Netbackup. This purchase is for additional licenses to keep MLGW in compliance for the amount of data we use on Netbackup daily; and

WHEREAS, bids were opened on September 16, 2020. Notice to Bidders was advertised. Eleven (11) bids were solicited and five (5) bids were received with the lowest and best complying bidder being the firm of Thomas Consultants, 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 a purchase order for Netbackup software licenses from Thomas Consultants, Inc. in the sum of \$116,766.58 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
November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Thomas Consultants, Inc. in the amount of \$116,766.58 for Netbackup software licenses.

The Netbackup software that MLGW uses manages the scheduling and cataloging of all MLGW data that is housed on the company's production server environment. The software is a tool MLGW server administrators use to backup and restore data for disaster recovery. When an application needs to be restored from a backup this is the system that completes the process to have the data recovered. This software is charged by capacity or how many Terabytes of data is backed up using the Netbackup. This purchase is for additional licenses to keep MLGW in compliance for the amount of data we use on Netbackup daily.

Bids were opened on September 16, 2020. Notice to Bidders was advertised. Eleven (11) bids were solicited and five (5) bids were received with the lowest and best complying bidder being the firm of Thomas Consultants, Inc. This award complies with all applicable laws and policies.

The budgeted amount for Technical Support is \$12,462,624.00; the amount spent to date is \$6,074,409.47; leaving a balance available of \$6,388,214.53 to be spent in 2020; of which \$116,766.58 will be spent on this purchase order in 2020; leaving a balance of \$6,271,447.95 after award; and

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

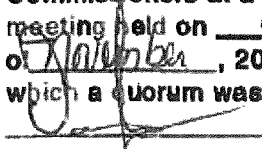
THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to Thomas Consultants, Inc. is approved for furnishing:

14 – Netbackup Platform Base, On Premises Standard Perpetual Licenses - Government at \$6,781.45 each;

14 – Veritas Essential Support Services, Initial for Netbackup Platform Base Licenses On Premises Standard Perpetual Licenses at \$1,559.02 each;

Totaling \$116,766.58; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said price being firm; delivery 10 days; 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 4th day of November, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 3 to Contract No. 12009, Professional IS (Information Services) Support Services with VACO Memphis, LLC to renew the current contract in the funded amount of \$937,432.00, 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 supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,487,432.00; of which \$550,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,344,835.75; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12009, Professional IS (Information Services) Support Services with VACO Memphis, LLC to renew the current contract in the funded amount of \$937,432.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

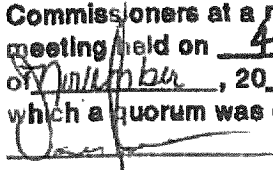
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12009, Professional IS (Information Services) Support Services with VACO Memphis, LLC to renew the current contract in the funded amount of \$937,432.00.

The project scope is to provide supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,487,432.00; of which \$550,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,344,835.75.

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. 3 to Contract No. 12009, Professional IS (Information Services) Support Services with VACO Memphis, LLC to renew the current contract in the funded amount of \$937,432.00, 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 4th day of November, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 3 to Contract No. 12007, Professional IS (Information Services) Support Services with Stragistics Technology, Incorporated to renew the current contract in the funded amount of \$1,179,716.00, 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 supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,329,716.00; of which \$150,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,873,657.75; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12007, Professional IS (Information Services) Support Services with Stragistics Technology, Incorporated to renew the current contract in the funded amount of \$1,179,716.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12007, Professional IS (Information Services) Support Services with Stragistics Technology, Incorporated to renew the current contract in the funded amount of \$1,179,716.00.

The project scope is to provide supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,329,716.00; of which \$150,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,873,657.75.

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. 3 to Contract No. 12007, Professional IS (Information Services) Support Services with Stragistics Technology, Incorporated to renew the current contract in the funded amount of \$1,179,716.00, 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 4th day of November, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 3 to Contract No. 12010, Professional IS (Information Services) Support Services with Nextech Solutions, LLC to renew the current contract in the funded amount of \$1,214,744.00, 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 supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,789,744.00; of which \$575,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,838,065.95; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12010, Professional IS (Information Services) Support Services with Nextech Solutions, LLC to renew the current contract in the funded amount of \$1,214,744.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

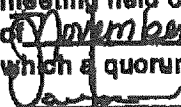
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12010, Professional IS (Information Services) Support Services with Nextech Solutions, LLC to renew the current contract in the funded amount of \$1,214,744.00.

The project scope is to provide supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,789,744.00; of which \$575,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,838,065.95.

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. 3 to Contract No. 12010, Professional IS (Information Services) Support Services with Nextech Solutions, LLC to renew the current contract in the funded amount of \$1,214,744.00, 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 4th day of November, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 3 to Contract No. 12008, Professional IS (Information Services) Support Services with CTD Staffing, LLC to renew the current contract in the funded amount of \$964,488.00, 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 supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,364,488.00; of which \$400,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,492,293.75; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12008, Professional IS (Information Services) Support Services with CTD Staffing, LLC to renew the current contract in the funded amount of \$964,488.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12008, Professional IS (Information Services) Support Services with CTD Staffing, LLC to renew the current contract in the funded amount of \$964,488.00.

The project scope is to provide supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,364,488.00; of which \$400,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,492,293.75.

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. 3 to Contract No. 12008, Professional IS (Information Services) Support Services with CTD Staffing, LLC to renew the current contract in the funded amount of \$964,488.00, 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 4th day of November, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 3 to Contract No. 12012, Professional IS (Information Services) Support Services with Cook Systems International, Incorporated to renew the current contract in the funded amount of \$1,056,816.00, 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 supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,356,816.00; of which \$300,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,655,431.75; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12012, Professional IS (Information Services) Support Services with Cook Systems International, Incorporated to renew the current contract in the funded amount of \$1,056,816.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12012, Professional IS (Information Services) Support Services with Cook Systems International, Incorporated to renew the current contract in the funded amount of \$1,056,816.00.

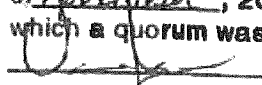
The project scope is to provide supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,356,816.00; of which \$300,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,655,431.75.

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. 3 to Contract No. 12012, Professional IS (Information Services) Support Services with Cook Systems International, Incorporated to renew the current contract in the funded amount of \$1,056,816.00, 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~~ meeting held on 4th day of November, 2020, at which a quorum was present.

 Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 3 to Contract No. 12011, Professional IS (Information Services) Support Services with Conch Technologies, Incorporated to renew the current contract in the funded amount of \$1,174,780.00, 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 supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,574,760.00; of which \$399,980.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,803,651.75; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12011, Professional IS (Information Services) Support Services with Conch Technologies, Incorporated to renew the current contract in the funded amount of \$1,174,780.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

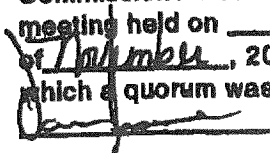
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12011, Professional IS (Information Services) Support Services with Conch Technologies, Incorporated to renew the current contract in the funded amount of \$1,174,780.00.

The project scope is to provide supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,574,760.00; of which \$399,980.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,803,651.75.

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. 3 to Contract No. 12011, Professional IS (Information Services) Support Services with Conch Technologies, Incorporated to renew the current contract in the funded amount of \$1,174,780.00, 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 4th day of November, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved Change No. 3 to Contract No. 11951, Professional IS (Information Services) Support Services with Ciber – an HTC Global Company to renew the current contract in the funded amount of \$1,350,688.00, 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 supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. 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 third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,650,688.00; of which \$300,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,324,409.75; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 11951, Professional IS (Information Services) Support Services with Ciber – an HTC Global Company to renew the current contract in the funded amount of \$1,350,688.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 11951, Professional IS (Information Services) Support Services with Ciber – an HTC Global Company to renew the current contract in the funded amount of \$1,350,688.00.

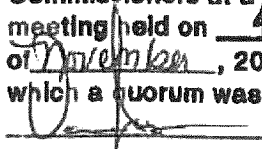
The project scope is to provide supplemental technical staffing and/or deliver turn-key technical support or business application solutions for on or off-site projects. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the funded amount of \$1,650,688.00; of which \$300,000.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$5,324,409.75.

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. 3 to Contract No. 11951, Professional IS (Information Services) Support Services with Ciber – an HTC Global Company to renew the current contract in the funded amount of \$1,350,688.00, 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 4th day of November, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020 approved the purchase of high voltage capacitors 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 high voltage capacitors are needed for routine maintenance replacements in substation capacitor banks and to replenish inventory; and

WHEREAS, bids were opened on September 23, 2020. Notice to Bidders was advertised. Six (6) bids were solicited and two (2) bids were received with the lowest and best complying bidder being the firm of Border States Industries, 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 high voltage capacitors from Border States Industries, Inc. in the sum of \$120,954.00 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
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November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Border States Industries, Inc. in the amount of \$120,954.00 for high voltage capacitors.

The high voltage capacitors are needed for routine maintenance replacements in substation capacitor banks and to replenish inventory.

Bids were opened on September 23, 2020. Notice to Bidders was advertised. Six (6) bids were solicited and two (2) bids were received with the lowest and best complying bidder being the firm of Border States Industries, Inc. This award complies with all applicable laws and policies.

Contingent upon approval of the 2021 fiscal year budget, the budgeted amount for Electric Substation is \$12,794,000.00; of which \$120,954.00 will be spent on this purchase order in 2021; leaving a balance of \$12,673,046.00 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 purchase order to Border States Industries, Inc. is approved for furnishing:

200 – 13800v, 200 kVAR, 150 kV BIL, 60 Hz, Single Phase Shunt Capacitors in accordance with MLGW's specifications dated August 6, 2008 at \$604.77 each;

Total award amount is \$120,954.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm; delivery 8-11 weeks; 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 4th day of November, 2020, at which a quorum was present.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020, awarded Contract No. 12164, Shaw No. 5 Transformer Installation to Consolidated Electrical Services, Inc., in the funded amount of \$72,000.00, and is now recommending to the Council of the City of Memphis that it approve said award as approved; and

WHEREAS, the project scope is to purchase, remove and install a 440 kVA transformer that is compliant with a 12 pulse drive and compliant with all specifications in this Contract which shall include: disconnection and removal of the existing transformer and VFD and installation of a new transformer and reinstalling the VFD including all power and control terminations made by the Contractor with MLGW supervision; and megging of all cables to ensure they are not damaged. The Contractor is responsible for ensuring that the floor of the pumping station is not damaged.

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on May 15, 2020. MLGW solicited 24 bidders; and received four (4) bids on June 16, 2020. One (1) bid was non-compliant (the bidder, American Electric Motors, did not provide a Bid Bond nor Cashier's Check and no Qualifications). During the bid evaluation process, the lowest bidder, American Electrical Contractors was deemed non-compliant with the Specifications. The best bid was from Consolidated Electrical Services, Inc. in the amount of \$72,000.00. The term of this contract is for one (1) year 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. 12164, Shaw No. 5 Transformer Installation to Consolidated Electrical Services, Inc., in the funded amount of \$72,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12164, Shaw No. 5 Transformer Installation to Consolidated Electrical Services, Inc., in the funded amount of \$72,000.00.

The project scope is to purchase, remove and install a 440 kVA transformer that is compliant with a 12 pulse drive and compliant with all specifications in this Contract which shall include: disconnection and removal of the existing transformer and VFD and installation of a new transformer and reinstalling the VFD including all power and control terminations made by the Contractor with MLGW supervision; and megging of all cables to ensure they are not damaged. The Contractor is responsible for ensuring that the floor of the pumping station is not damaged.

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on May 15, 2020. MLGW solicited 24 bidders; and received four (4) bids on June 16, 2020. One (1) bid was non-compliant (the bidder, American Electric Motors, did not provide a Bid Bond nor Cashier's Check and no Qualifications). During the bid evaluation process, the lowest bidder, American Electrical Contractors was deemed non-compliant with the Specifications. The best bid was from Consolidated Electrical Services, Inc. in the amount of \$72,000.00. The term of this contract is for one (1) year 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. 12164, Shaw No. 5 Transformer Installation to Consolidated Electrical Services, Inc., in the funded amount of \$72,000.00, as outlined in the foregoing 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 4th day of November, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of November 4, 2020, awarded Contract No. 12193, Grounds Maintenance and Landscaping Service to Rotolo Consultants, Inc., in the funded amount of \$81,224.35, 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 perform mowing, weed-eating, trimming, irrigation services, fertilizing, mulching and other grounds maintenance services at the following MLGW locations: 220 South Main Street; 245 South Main Street; 1665 Whitten Road; 4949 Raleigh LaGrange Road; 2425 Covington Pike; and the vacant lot south of 1665 Whitten Road (all work listed for 1665 Whitten Road is to be performed on Saturdays).

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 24, 2020. MLGW solicited 16 bidders; and received three (3) bids on August 4, 2020. The lowest and best bid was from Rotolo Consultants, Inc. in the amount of \$81,224.35. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. 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. 12193, Grounds Maintenance and Landscaping Service to Rotolo Consultants, Inc., in the funded amount of \$81,224.35 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 4, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12193, Grounds Maintenance and Landscaping Service to Rotolo Consultants, Inc., in the funded amount of \$81,224.35.


The project scope is to perform mowing, weed-eating, trimming, irrigation services, fertilizing, mulching and other grounds maintenance services at the following MLGW locations: 220 South Main Street; 245 South Main Street; 1665 Whitten Road; 4949 Raleigh LaGrange Road; 2425 Covington Pike; and the vacant lot south of 1665 Whitten Road (all work listed for 1665 Whitten Road is to be performed on Saturdays).

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 24, 2020. MLGW solicited 16 bidders; and received three (3) bids on August 4, 2020. The lowest and best bid was from Rotolo Consultants, Inc. in the amount of \$81,224.35. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. 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. 12193, Grounds Maintenance and Landscaping Service to Rotolo Consultants, Inc., in the funded amount of \$81,224.35, as outlined in the foregoing 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 4th day of November, 2020, at which a quorum was present.

Secretary-Treasurer

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.

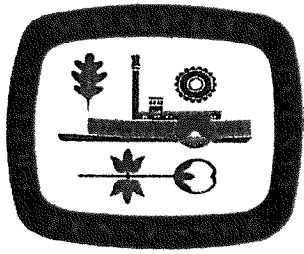
SECTION 1: The City of Memphis Board of Ethics is hereby directed to take the necessary action to provide an online portal to require lobbyists to register annually and file their state mandated disclosure statements with the City of Memphis.

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 # 5763

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 employecc 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 dctermined 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 (1/10th) 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 (1/10th) 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

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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.

ORDINANCE NO. 5164

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.**

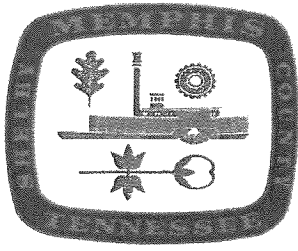
- (C) An arrangement, such as escrowing the bid amount for the required repair is acceptable.
- (D) A permit is required, at no cost, for any repair or replacement of the property owner's sidewalks, driveway aprons, and/or inlets.
- (E) No permit is required if inspection by the City Engineer, or his 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



City Council Item Routing Sheet

Division: City Council **Committee:** MLGW **Hearing Date:** October 20, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: Resolution approving the 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures.

Recommended Council Action: Approve the resolution.

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: Approved by the MLGW Board of Commissioners on October 7, 2020.

<p>Does this item require city expenditure? Yes</p> <p>\$Click here to enter text.</p> <p>\$Click here to enter text.</p>	<p>Source and Amount of Funds:</p>
--	---

Approvals

Director _____ Date _____

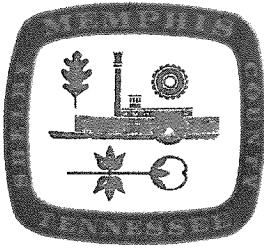
Division Chief _____ Date _____

Budget Manager _____ Date _____

MLGW SVP, CFO & CAO
Secretary-Treasurer  Date 10/17/20

Chief Operating Officer
_____ Date _____

Council Committee Chair
_____ Date _____



Memphis City Council Summary Sheet

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

Resolution approving the 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures.

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

Memphis Light, Gas and Water Division

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

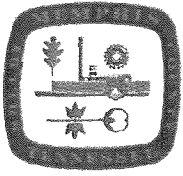
Not applicable.

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

Not applicable.

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

Not applicable.



A resolution to approve the 2021 Electric, Gas and Water
Operations and Capital Budget.

WHEREAS, the Board of Light, Gas and Water Commissioners has submitted a proposed budget for the Memphis Light, Gas and Water Division for operation and maintenance expenses for the calendar year 2021, and the capital expenditures for 2021; and

WHEREAS, the Board of Commissioners has approved said budget and submitted to the City Council with the recommendation of the Board for approval; and

WHEREAS, the Council has, through its MLGW Committee and other interested members of the Council, reviewed the budget and conducted hearings thereon; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the attached 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures is approved.

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

The President presented the proposed budgets for the Electric, Gas and Water Divisions for 2021 operating expenses and capital expenditures to the Board of Light, Gas and Water Commissioners. Such annual budgets include the applicable revenues, expenses and capital improvements for each system. These budgets have been reviewed by the Budget Review Committee and the applicable management staff, and copies have been provided to each member of the Board with opportunity given for each member to ask questions.

The President has recommended approval and adoption of the Budgets by the Board of Light, Gas and Water Commissioners.

After discussion, the Board of Memphis Light, Gas and Water Commissioners determined that, in their opinion, the proposed Budgets are all in compliance with Chapter 381 of Private Acts 1939, as amended, creating the Division.

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

- (1) THAT, the Budgets for the Electric, Gas and Water Divisions for the 2021 operating expenses and capital expenditures, as presented by the President, subject to the consent and approval of the Council of the City of Memphis, be adopted and be in effect for the fiscal year 2021.

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

MINUTES**TELEPHONIC MEETING OF OCTOBER 20, 2020 RECESSED MEETING TO
OCTOBER 20, 2020 MEETING OF THE CITY COUNCIL CITY OF MEMPHIS****OCTOBER 20, 2020****3:29 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 October 20, 2020 City Council Meeting; this was seconded by Councilman Carlisle, without objection.)

(Chairwoman Robinson adjourned the October 20, 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, October 20, 2020, 3:29 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 3:30 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

November 3, 2020

3:30 P.M. SCHEDULED SESSION

3:30 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 Swearengen, 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 Pastor Uliasea Little from Christ Baptist Church. Councilman Smiley thanked Pastor Little for being the Chaplain of the Day.

Chairwoman Robinson asked Councilman Carlisle 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.

Approval of the Minutes of the regular meeting of October 20, 2020 with the following motion:

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

APPROVED

1. **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. (HELD FROM 10/6; 10/20)**

Case No. SUP 20-07

Held until November 17, 2020

2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 5050 SUMMER AVENUE, CONTAINING +/-0.7 ACRES IN THE COMMERCIAL MIXED USE – 3 (CMU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 20-09

Held until November 17, 2020

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT PARTS OF 4704 YALE ROAD, CONTAINING 1.7 ACRES IN THE COMMERCIAL MIXED USE – 2 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 20-10

Held until November 17, 2020

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT PARTS OF 3372 AUSTIN PEAY HIGHWAY, CONTAINING 67 ACRES (WHOLE PARCEL) IN THE COMMERCIAL MIXED USE – 2 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 20-13

Held until November 17, 2020

22. **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 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; 10/6; 10/20)**

Held until November 17, 2020

23. **ORDINANCE AMENDING AND RESTATING CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES GOVERNING THE CITY PENSION SYSTEM, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5763 IS SPONSORED BY THE ADMINISTRATION. (HELD FROM 10/20)**

Held until November 17, 2020

CONSENT AGENDA – Items #5 - #7 may be acted upon by one motion: See Page for Roll Call Consent Items.

- 5. **ORDINANCE AMENDING CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS, UP FOR S E C O N D READING. ORDINANCE NO. 5764 IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS.**

APPROVED, on Second reading

- 6. **NOTATION FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. PD 20-11 – PYRAMID USED CARS

Public Hearing Set for November 17, 2020

- 7. **RESOLUTION ACCEPTING JB HUNT (4640 S. MENDENHALL RD) AND AUTHORIZING RELEASE OF THE BOND.**

(Contract No. CR-5305)

Resolution approves the public improvements located at the intersection of East Shelby Drive and South Mendenhall Road in the Northeast corner lot in the City of Memphis, Tennessee. Resolution also authorizes the release of Performance Bond No. 107070485 in the amount of \$258,300.00 held as a security for the standard improvement contract.

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

FISCAL CONSENT AGENDA – Item #8 & # 24 - #28 may be acted upon by one motion:

8. **RESOLUTION ACCEPTING, ALLOCATING, AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$9,035.00 FROM THE STATE OF TENNESSEE, OFFICE OF THE SECRETARY OF STATE, TN STATE LIBRARY AND ARCHIVES (TSLA). ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY LIBRARY SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

24. **RESOLUTION APPROPRIATING \$2,863,363.56 OF ASSIGNED FUND BALANCE FOR THE PURPOSE OF MEETING CONTRACTUALLY OBLIGATED CAPITAL EXPENDITURES FOR IMPROVEMENTS TO FEDEX FORUM. THIS RESOLUTION IS SPONSORED BY EXECUTIVE AND FINANCE DIVISIONS.**

APPROVED

25. **RESOLUTION ACCEPTING \$15,000,000.00 FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CLEAN WATER STATE REVOLVING LOAN FUND, SRF 2021-451, CIP PROJECT #SW05001 FOR THE CITY-WIDE SEWER COLLECTION SYSTEM ASSESSMENT AND REHABILITATION PROGRAM. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

26. **RESOLUTION TRANSFERRING AND APPROPRIATING CONSTRUCTION FUNDS IN THE AMOUNT OF \$1,616,303.00 TO REHABILITATE A FLOOD CONTROL PUMP STATION ON NORTH SECOND STREET NEAR MARBLE AVENUE FUNDED BY 95% STORM WATER REVENUE BONDS AND 5% SEWER CAPITAL PAY-GO. (DISTRICT 7, SUPER DISTRICT 9). THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

27. **RESOLUTION TRANSFERRING AND APPROPRIATING CONSTRUCTION FUNDS IN THE AMOUNT OF \$80,403.00 TO REHABILITATE A FLOOD CONTROL PUMP STATION ON NORTH SECOND STREET NEAR MARBLE AVENUE FUNDED BY 95% STORM WATER REVENUE BONDS AND 5% SEWER. (DISTRICT 7, SUPER DISTRICT 9). THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

- 28. **RESOLUTION REMOVING THE FY2021 CAPITAL PAY GO FUNDING SOURCE OF \$30,000,000.00 AND REPLACE IT WITH AN ALLOCATION AND APPROPRIATION OF \$115,000,000.00 REVENUE BOND SEWER ASSESSMENT AND REHAB PROJECT #SW05001. (ALL COUNCIL DISTRICTS). THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

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

APPROVED

- 21. **APPOINTMENTS**

MEMPHIS ALCOHOL COMMISSION

APPOINTMENT

CLAUDETTE BOYD

CIVILIAN LAW ENFORCEMENT REVIEW BOARD

APPOINTMENTS

MICHAEL LONESOME-ETNYRE
ASIA DIGGS MEADOR

MEMPHIS AND SHELBY COUNTY BUILDING CODE AUTHORITY

APPOINTMENTS

CARLOS FIFER
MEGHAN MEDFORD

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

APPROVED

MLGW FISCAL CONSENT AGENDA – Items #9 - #20 may be acted upon by one motion:

9. **RESOLUTION AWARDING CONTRACT NO. 12101, CREDIT INFORMATION SERVICES TO EXPERIAN, IN THE FUNDED AMOUNT OF \$451,278.00.**

APPROVED

10. **RESOLUTION TO APPROVE AND RATIFY CONTRACT NO. 12235, JASPERSOFT REPORTING SOFTWARE TO TIBCO, IN THE AMOUNT NOT TO EXCEED \$70,500. (THE TERM OF THIS SOFTWARE SUBSCRIPTION IS FOR 3 YEARS FROM THE DATE OF JUNE 1, 2019.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11976, LARGE DIRECTIONAL DRILLING WITH ALLIANCE UTILITIES, INCORPORATED, IN THE ESTIMATED FUNDED AMOUNT OF \$1,181,960.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING JANUARY 1, 2021 THROUGH DECEMBER 31, 2021 IN THE AMOUNT OF \$2,290,500.00; OF WHICH \$1,108,540.00 WILL BE ABSORBED IN THE CURRENT CONTRACT VALUE, BASED ON ESTIMATED QUANTITIES, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11945, WELD TESTING AND INSPECTION SERVICES WITH AIT INSPECTION SERVICES, IN THE FUNDED AMOUNT OF \$7,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING JANUARY 1, 2021 THROUGH DECEMBER 31, 2021 IN THE AMOUNT OF \$44,625.00; OF WHICH \$37,625.00 WILL BE ABSORBED IN THE CURRENT CONTRACT VALUE, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

13. **RESOLUTION AWARDING CONTRACT NO.12188, GAS LEAK SURVEY TO HEATH CONSULTANTS, INC., IN THE FUNDED AMOUNT OF \$1,062,034.00.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT NO.12187, POLE INSPECTION TO OSMOSE UTILITIES SERVICES, INC., IN THE FUNDED AMOUNT OF \$5,153,760.00.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT NO. 12173, NO. 3 FILTER MEDIA INSTALLATION, TO LANDMARK CONSTRUCTION GENERAL CONTRACTOR INC., IN THE FUNDED AMOUNT OF \$159,162.00.**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12062, ENVIRONMENTAL ABATEMENT SERVICES WITH GENERAL CONSTRUCTION SERVICES, INCORPORATED IN THE FUNDED AMOUNT OF \$1,000,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2021 THROUGH DECEMBER 31, 2021, WITH NO INCREASE IN RATES FROM THE PREVIOUS TERM.)**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12034, ENVIRONMENTAL ABATEMENT SERVICES WITH NORTHWEST CONTRACTING SERVICES, INCORPORATED, IN THE FUNDED AMOUNT OF \$3,000,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD JANUARY 1, 2021 THROUGH DECEMBER 31, 2021, WITH NO INCREASE IN RATES FROM THE PREVIOUS TERM.)**

APPROVED

18. **RESOLUTION AMENDING PURCHASE ORDER NUMBER 7020002 FOR PAPER LEAD CABLE, THREE SINGLE CONDUCTOR TO UNIVERSAL SCAFFOLD AND EQUIPMENT, TO COVER THE PERIOD FROM DECEMBER 20, 2019 THROUGH DECEMBER 20, 2022, FOR AN ADDITIONAL AMOUNT OF \$3,751,293.00.**

APPROVED

19. **RESOLUTION AWARDING CONTRACT NO. 12159, ONLINE TRAINING PROVIDER, TO SKILLSOFT CORPORATION, IN THE FUNDED AMOUNT OF \$64,069.70.**

APPROVED

20. **RESOLUTION AWARDING CONTRACT NO. 12216, UPS/PDU ELECTRIC OPERATIONS MAINTENANCE, TO ELECTRONIC POWER SYSTEMS, INC., IN THE FUNDED AMOUNT OF \$129,822.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Morgan
SECOND: Smiley

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

APPROVED

(Special Item #1 – Vice Chairman Colvett made a motion to approve same night minutes for Items #7 & #8 from tonight’s meeting.)

(Vice Chairman Colvett did not have any comment cards to read)

(Councilman Colvett made a motion to recess the November 3, 2020 meeting, until November 17, 2020. This was seconded by Councilman Carlisle.)

RECESSED MEETING AT 3:58 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, November 3, 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 November 3, 2020 MEMPHIS CITY COUNCIL MEETING

Take notice, the Memphis City Council will meet on **Tuesday, November 3, 2020 at 1:30 p.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, November 3, 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 1:30 p.m., click on the November 3, 2020 Memphis City Council meeting
- (4) Begin viewing the November 3, 2020 Memphis City Council meeting electronically via live-stream
- (5) Click on the November 3, 2020 "Agenda" tab to view the agenda documents

B. Radio, via 88.5 FM (WQOX)

To listen to the Tuesday, November 3, 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 November 3, 2020 Memphis City Council meeting by radio via 88.5 FM (WQOX)

C. Electronically, via digital archive

To listen to the Tuesday, November 3, 2020 Memphis City Council meeting electronically, via digital archive, follow the steps below:

- (1) Access the internet **after** the November 3, 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 November 3, 2020 "City Council Full Meeting" tab
- (4) Begin viewing the November 3, 2020 Memphis City Council meeting electronically via digital archive
- (5) Click on the November 3, 2020 "Agenda" tab to view the agenda documents
- (6) Click on the November 3, 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 November 3, 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**