

December 7, 2020

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

Dear Chairman Carlisle:

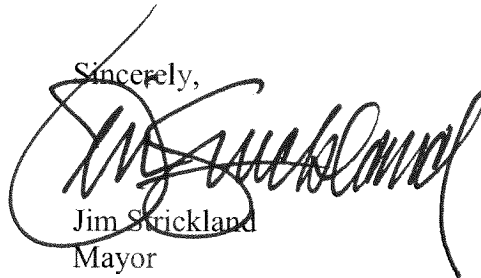
Subject to Council approval, I hereby recommend that:

**Calvin Anderson**

be reappointed to the Memphis Convention Center Commission with a term expiring July 1, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



December 7, 2020

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

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

**Douglas Browne**

be reappointed to the Memphis Convention Center Commission with a term expiring July 1, 2022.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp or seal.

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



December 7, 2020

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

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

**Natasha Langston**

be reappointed to the Memphis Convention Center Commission with a term expiring July 1, 2022.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp or seal.

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



December 7, 2020

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

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

**Scott Fleming**

be reappointed to the Memphis & Shelby County Land Use Control Board, with a term  
expiring October 31, 2023.

I have attached biographical information.

Sincerely,

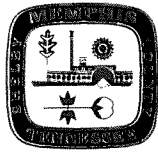
A handwritten signature in black ink, appearing to read "Jim Strickland".

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

# City of Memphis



TENNESSEE

JIM STRICKLAND  
MAYOR

December 7, 2020

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

Dear Chairman Carlisle:

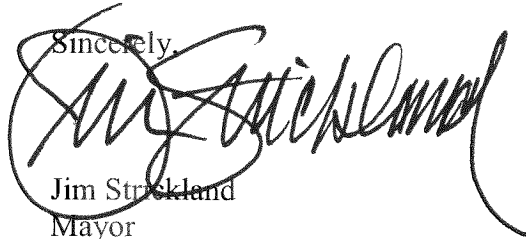
Subject to Council approval, I hereby recommend that:

**Mary Sharp**

be reappointed to the Memphis & Shelby County Land Use Control Board, with a term  
expiring October 31, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



December 7, 2020

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

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

**Judge Janice Holder (Ret.)**

be reappointed to the Memphis Area Transit Authority, with a term expiring August 31, 2023.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland".

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



December 7, 2020

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

Dear Chairman Carlisle:

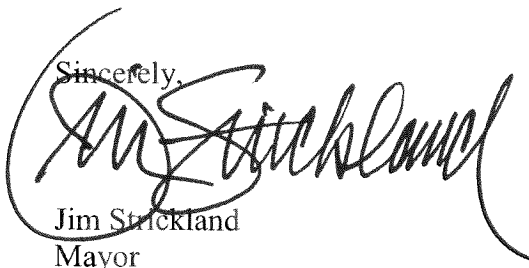
Subject to Council approval, I hereby recommend that:

**Martin E. Lipinski**

be reappointed to the Memphis Area Transit Authority, with a term expiring June 30, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



December 7, 2020

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

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

**Shelia Williams**

be reappointed to the Memphis Area Transit Authority, with a term expiring January 31, 2022.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink that reads "Jim Strickland".

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



DIVISION 2. 1978 PLAN

*Part 1. Participation*

**Ordinance Amendment No. 19.** Sec. 25-160 Participation shall be amended by adding the following new subparagraph (e) thereto, which shall read as follows:

(e) Each Transferred Participant (as such term is defined in Sec. 25-1(43)) who meets each and all of the following criteria

(i) 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), and

(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, but not later than thirty (30) days after the adoption of this amendment, to authorize the City to transfer his or her entire 2016 plan cash balance account plus his or her entire 2016 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, subject to the following:

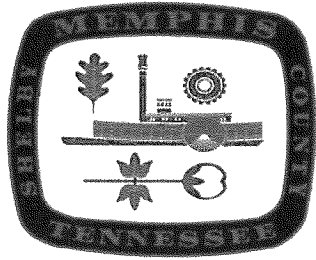
As required by Tenn. Code Ann. §9-3-506(a)(3) and the Comptroller of the State of Tennessee, the pension benefits of this class of Transferred Participants making the irrevocable election provided herein (the “electing Transferred Participants”) shall be funded by and only to the extent of the city contribution to the cost of the pension benefits that would otherwise have been accrued in the 2016 plan for this class of electing Transferred Participants plus the available funds allocated for the cost of the pension benefits of the electing Transferred Participants in the Special Revenue Fund created pursuant to the referendum passed October 3, 2019 increasing the sales and use tax in the City of Memphis by 0.5% from 2.25% to 2.75% to establish the funding for the 1978 pension benefits for such electing Transferred Participants. In the event the cost of the pension benefits for this class of electing Transferred Participants in the 1978 plan in any plan year (based on the city’s funding policy in effect for such plan year adopted pursuant to Tenn. Code Ann. §9-3-504, as amended) exceeds (i) the cost of the pension benefits for this class of electing Transferred Participants had they remained in the 2016 plan ((based on the city’s funding policy in effect for such plan year adopted pursuant

to Tenn. Code Ann. §9-3-504, as amended) plus (ii) the city's required 1.5% of compensation defined contribution plan contribution to the 2016 plan defined contribution accounts of these Transferred Participants (as provided in Ch. 25-231) had they remained in the 2016 plan, plus (iii) the amount allocated in the Special Revenue Fund for the cost of the pension benefits for this class of electing Transferred Participants in the 1978 plan, then the following steps shall automatically apply in determining the pension benefit of such electing Transferred Participants for such plan year:

(1) the retirement allowance formula for the pension benefit of this class of electing Transferred Participants for such plan year will be reduced from 2.25% or 2.50%, as applicable, in 10 basis point increments, to such lesser amount but not below zero as is necessary so that the costs of benefits for this class of electing Transferred Participants does not exceed the sum of (i), (ii), and (iii) immediately above;

The adjustment provided above shall be effective as of July 1 next following the determination of the cost of benefits, and shall not reduce the accrued pension benefit of any electing Transferred Participant earned immediately prior to the effective date of the adjustment.

The election provided hereunder to such electing Transferred Participants, once made by a Transferred Participant, shall be irrevocable and may not be subsequently modified or rescinded by the electing Transferred Participant. If a Transferred Participant makes such an election as provided herein, all rights and benefits upon subsequent retirement or other termination of employment of such electing Transferred Participant shall be governed solely and exclusively by the terms and provisions of the 1978 plan and as set forth in this section.



## **Memphis City Council Summary Sheet**

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

ORDINANCE # \_\_\_\_\_

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

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

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

NOW, THEREFORE,

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

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

4. *Average monthly compensation* means:

a. *1948 plan*:

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

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

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

- iii. For any police officer or firefighter, the average monthly compensation for three (3) consecutive years of service (excluding and disregarding any hiatus in the participant's employment with the city) for which such average is the greatest, or, if a participant has less than three (3) consecutive years of service, the participant's average monthly compensation for the entire period, or if less, the three-year aggregate period during which the participant was an employee and of which such average is the greatest.
  - iv. For any police officer or firefighter hired before February 1, 1978, credited with 30 or more years of service, and eligible for automatic promotion to captain or comparable rank in the police or fire divisions of the city under Charter section 67, his or her average monthly compensation shall be the average monthly base compensation of a captain or comparable rank in the police or fire divisions of the city for the immediately preceding three years to be calculated as follows: the current monthly compensation of a captain or comparable rank as of the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date one year prior to the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date two years prior to the date of his or her retirement, plus any shift premium pay, hazardous pay, longevity pay, and incentive pay, excluding overtime pay or any double time compensation for holidays, earned during the immediately preceding three years, the sum of which is divided by three.
2. Sec. 25-1(11) shall be amended by the addition of the following subsection (c) to Sec. 25-1(11) regarding the 2016 Plan:
- (c) 2016 plan: For each participant, for each plan year, the amount of pay, not in excess of two hundred thousand dollars (\$200,000.00) (as such amount may be adjusted for inflation from time to time by the secretary of the treasury under Code Sections 401(a)(17) and 415(d)), received by such participant for services rendered to the city, including shift premium pay, hazardous pay, longevity pay and incentive pay, but excluding overtime pay or any double-time compensation for holidays.
3. Sec. 25-1(11) shall be amended by the addition of the following subsection (d):

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(d) *Adjustments to Basic Limitation.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**25-52. Rollover Distributions.**

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

(b) *Definitions.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

## **RESOLUTION REQUESTING THE STATE OF TENNESSEE TO ADOPT A STATE HISTORIC TAX CREDIT PROGRAM**

WHEREAS, over 30 states within the United States and all of the states surrounding Tennessee have enacted a State Historic Tax Credit Program (HTC); and

WHEREAS, state historic tax credits help accomplish many community objectives such as workforce housing, rural development, job creation, energy efficiency and preservation and reuse of specific building types; and

WHEREAS, the Memphis City Council recognizes the importance of renovating and preserving the State's historic buildings; and

WHEREAS, the renovation and preservation of the State's historic buildings and structures expands the State's economy, creates new employment opportunities, revitalizes and renews communities, creates an environment friendly to investment and innovation, and promotes tourism and rural economic development to attract and retain residents in rural areas; and

WHEREAS, historic rehabilitation projects are labor-intensive and result in the hiring of local craftspersons, technical training, and the purchase of materials locally; and

WHEREAS, the General Assembly proposed Senate Bill 2837 to enact the Tennessee Historic Buildings Revitalization Act to facilitate the preservation and redevelopment of the State's most important historic assets, being primarily in the State's smaller and Main Street communities, and this bill died in the General Subcommittee of the Senate Commerce & Labor Committee; and

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council remains committed to investing in our past for our future and capitalizing on community character by requesting the State of Tennessee to adopt a State Historic Tax Credit Program to work in tandem with the Federal Historic Tax Credit.

BE IT FURTHER RESOLVED that the Memphis City Council acknowledges that our futures can be built where our histories were written and request the General Assembly to refile this bill for reconsideration.

Sponsor  
Chase Carlisle

Chairwoman  
Patrice Robinson

# Budget Committee

## Item 1

### Resolution regarding Cares Act Distribution.

Document not provided.

**RESOLUTION OF THE MEMPHIS CITY COUNCIL REQUESTING THE INCLUSION OF MWBE REPORTING ON CITY COUNCIL ITEM ROUTING SHEETS**

**WHEREAS**, the Memphis City Council has taken steps to examine the causes of racial and economic inequities for the purpose of developing strategies for their elimination; and

**WHEREAS**, equity may be defined as the fair and just inclusion within a society where all citizens may participate and reach their full potential; and

**WHEREAS**, in considering the history of our nation, state, and City, equity now requires due consideration of systematic practices of economic exclusion based upon race, religion, gender, and ethnicity; and

**WHEREAS**, in an ongoing effort to correct past and present economic disparities, the Memphis City Council has sought to encourage minority participation related to fiscal requests requiring the body’s approval, when at all possible; and

**WHEREAS**, guided by these worthy efforts, the Council now wishes to request the establishment of an official process that reflects the premise that, when the playing field is level, minority-and-women-owned-business enterprises (“MWBE” “WBE” or “MBE”) thrive in the long-term.

**NOW THEREFORE BE IT RESOLVED**, the Memphis City Council hereby requests the inclusion of MWBE reporting on City Council Item Routing Sheets, as shown below, related to fiscal requests requiring the body’s approval:

<p><b>(1) Does this include one of the following: (please circle one)</b></p> <p>MBE? WBE? MWBE?</p> <p><b>(2) If so, what percentage?</b></p> <p><b>(3) If no percentage available, is there a utilization plan? (please circle one)</b></p> <p>Yes? No? In-Progress?</p>
--

**BE IT FURTHER RESOLVED**, the Memphis City Council hereby requests that if percentages are not readily available, MWBE goals be provided, or an indication to include a utilization plan; this resolution shall take effect from and after its passage, the welfare of the City requiring it.

**Sponsor:**  
Councilwoman Michalyn Easter-Thomas



RESOLUTION AUTHORIZING APPROVAL OF THE USE OF PILOT EXTENSION FUND FOR PAYMENT OF INDEBTEDNESS OR COST WITH RESPECT TO DEVELOPMENT OF PARKING AND OTHER MOBILITY PROJECTS BY THE DOWNTOWN MOBILITY AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

WHEREAS, it is vital to the economic growth and development of the City of Memphis (the “City”) that vacant and underutilized property be developed or redeveloped and placed into service and that parking and other means of mobility be available in Downtown Memphis; and

WHEREAS, it is proposed that The Parking Authority of the City of Memphis and County of Shelby, Tennessee d/b/a/ Downtown Mobility Authority (“DMA”) develop a parking garages on the parking lot located at Peabody Place Avenue and Front Street (the “Mobility Center”) currently owned by the City of Memphis (the “City”) and the property on Front Street between Madison Avenue and Monroe Avenue which currently includes the Monroe Street Garage and which will be incorporated into the new Brooks Museum (the “Brooks Museum Garage”); and

WHEREAS, it is proposed that DMA add additional floors to the parking garage owned by it and located at 21 South Second Street (the “First Place Garage”) and renovate the garage at Adams Avenue and Front Street (the “Shoppers Garage”) which is currently leased by DMA from the City pursuant to Master Lease Agreement between the City and DMA (the “Master Lease”); and

WHEREAS, it is proposed that the parking lot along Wagner Avenue between Beale Street and Union Avenue owned by the City be redeveloped by the City or DMA as festival parking (the “Wagner Festival Parking”) and that connectors from Riverside Drive and Tom Lee Park to DMA owned or managed parking and other parking be developed by the City or DMA along the Bluff (the “Bluff Cut,” and collectively with the Mobility Center, the Brooks Museum Garage, the First Place Garage, the Shoppers Garage, and the Wagner Festival Parking, the “DMA Projects”); and

WHEREAS, it is anticipated that the cost of the DMA Projects will be up to Sixty Two Million Dollars (\$62,000,000) and that Memphis Center City Revenue Finance Corporation (“CCRFC”) will loan such amount to DMA from monies currently available or to be available in the future from the PILOT Extension Fund or from a loan funded from the PILOT Extension Fund; and

WHEREAS, the approval of the Memphis City Council is required for the use of funds from the PILOT Extension Fund by CCRFC; and

WHEREAS, it is proposed that the Master Lease be amended to include property currently owned by the City and on which the Mobility Center will be constructed, to include the demolition of the Monroe Garage currently leased by the City to this Corporation pursuant to the Master Lease and the construction of the Brooks Museum Garage on the site of the Monroe Garage, and the renovation of the Shoppers Garage and that the term of the Master Lease be extended; and

WHEREAS, it is proposed that the Master Lease be amended to provide that any net income from the Mobility Center, after payment of capital expenditures and reserve

and replacement funds, be paid as rent by the Mobility Authority by payment to MATA for use for mobility programs.

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

1. That the use of funds from the PILOT Extension Fund in connection with the DMA Mobility Projects as described above is hereby approved.

2. An amendment to the Master Lease to (i) include the property currently owned by the City and on which the Mobility Center will be constructed, to include the demolition of the Monroe Garage currently leased by the City to DMA pursuant to the Master Lease and the construction of the Brooks Museum Garage on the site of the Monroe Garage, and the renovation of the Shoppers Garage (ii) to provide that the net income from the Mobility Center, after payment of capital expenditures and reserve and replacement funds, be used by the Mobility Authority for mobility initiatives, and (iii) to provide for extension of the term of the Master Lease is hereby authorized and approved.

3. All actions heretofore undertaken by the Mayor or his designee and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.

4. The Mayor or his designee and other appropriate officials of the City are hereby authorized to enter into such agreements, and they and other appropriate employees of the City are hereby authorized to execute such certificates or other documents and take such other actions, as may be necessary or appropriate to carry out the intent of this resolution, including without limitation an amendment to the Master Lease.

5. This resolution shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Resolution to distribute the revenue generated from the development of parking and other mobility projects by the Downtown Mobility Authority among all City Council districts and request the administration to determine the feasibility**

**WHEREAS**, the approval of the Memphis City Council is required for the use of funds from the PILOT Extension Fund by CCRFC; and

**WHEREAS**, with those funds the Parking Authority of the City of Memphis and County of Shelby, Tennessee Downtown Mobility Authority (“DMA”) will develop a parking garage on the parking lot located at Peabody Place Avenue and Front Street (the “Mobility Center”) currently owned by the City of Memphis; and

**WHEREAS**, it is proposed that DMA add additional floors to the parking garage owned by it and located at 21 South Second Street (the “First Place Garage”) and renovate the garage at Adams Avenue and Front Street (the “Shoppers Garage”) which is currently leased by DMA from the City pursuant to Master Lease Agreement between the City and DMA; and

**WHEREAS**, it is proposed that the parking lot along Wagner Avenue between Beale Street and Union Avenue owned by the City be redeveloped by the City or DMA as festival parking (the “Wagner Festival Parking”) and that connectors from Riverside Drive and Tom Lee Park to DMA owned or managed parking and other parking be developed by the City or DMA along the Bluff (the “Bluff Cut,” and collectively with the Mobility Center, the Brooks Museum Garage, the First Place Garage, the Shoppers Garage, and the Wagner Festival Parking, i.e., the (“DMA Projects”)); and

**WHEREAS**, it is anticipated that the cost of the DMA Projects will be up to sixty-two million dollars and that Memphis Center City Revenue Finance Corporation will loan such amount to DMA from monies currently available or to be available in the future from the PILOT Extension Fund or from a loan funded from the PILOT Extension Fund; and

**WHEREAS**, of the parking alone, the DMA Projects once stabilized are projected to profit over seven hundred and fifty thousand dollars per year; and

**WHEREAS**, the revenue generated from the DMA Projects should serve as the pivot project for the rest of the City of Memphis to benefit; and

**WHEREAS**, the Memphis City Council finds that the revenue generated from the DMA Projects will be best served throughout the entire City of Memphis to help fund Capital Improvement Projects with a primary focus on providing walkability

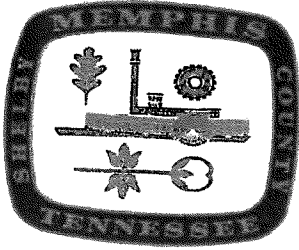
among various districts, improving mobility, transportation, street paving and park improvements, etc.

**NOW, THEREFORE, BE IT RESOLVED** that the revenue generated from the DMA Projects be distributed among all City Council districts to help fund Capital Improvement Projects with a primary focus on providing walkability among various districts, improving mobility, transportation, street paving and park improvements, etc.

**BE IT FURTHER RESOLVED** that the Memphis City Council requests the administration to determine the feasibility of distributing the revenue generated from the DMA Projects among all City Council districts, equally, in said manner.

Sponsors  
Rhonda Logan  
Michalyn Easter-Thomas

Chairwoman  
Patrice Robinson



G072

Received

### City Council Item Routing Sheet

DEC 3 2020 3:48 (AM)  
NOV 20 2020  
Chief Administrative Office

Division: Fire Services    Committee: Public Safety    Hearing Date: December 15, 2020

RECEIVED  
NOV 30 2020  
Finance Division  
Budget

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other: Click here to enter text.

**Item Description:**  
A resolution to accept grant funds in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) with a City match of 12% in the amount of Thirty-Four Thousand Fifty Dollars (\$34,050.00) from Tennessee Emergency Management Agency Hazard Mitigation Program Grant. (Council District 5; Super District 9)

**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:** No previous actions have been taking <sup>en</sup> by any other entity.

<b>Does this item require city expenditure? Yes</b> \$34,050.00 Memphis Fire Services General Fund	<b>Source and Amount of Funds:</b> \$238,350.00 State Funds
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#### Approvals

Director Hoje Floyd Date 11-2020

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

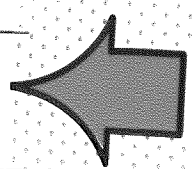
Budget Manager Kameti Wyatt Date 12/1/2020

Chief Financial Officer [Signature] Date 12/1/2020

Chief Legal Officer [Signature] Date 12/3/2020

Chief Operating Officer [Signature] Date 11/25/20

Council Committee Chair \_\_\_\_\_ Date \_\_\_\_\_

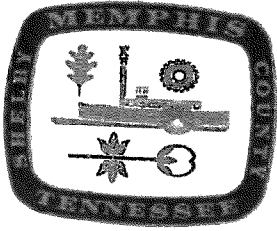




## Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**  
A resolution to accept grant funds from Tennessee Emergency Management Agency Hazard Mitigation Grant Program in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) for a back-up generator at Office of Emergency Management. *District 5  
Super Dist. 9*
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**  
The Division of Fire Services is awarded this grant and serves as the fiscal agent for the award.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**  
This item does not change an existing ordinance or resolu<sup>tion</sup>.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**  
This is a new grant award pending Council approval.
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**  
Acceptance will require an amendment to the FY21 Operating Budget to appropriate the funds and requires a City match of 12.5% in the amount of \$34,050.00.





*Request  
Same night  
minutes*

**A resolution to accept and appropriate Hazard Mitigation Grant Program funds from Tennessee Emergency Management Agency to be used for a back-up generator at Office of Emergency Management.**

**WHEREAS**, The City of Memphis Division of Fire Services has been awarded grant funds in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) from Tennessee Emergency Management Agency to purchase a back-up generator for Office of Emergency Management with a City match of 12.5% in the amount of \$34,050.00; and

**WHEREAS**, These funds will be used for a back-up generator at the Office of Emergency Management; and

**WHEREAS**, It is necessary to accept the grant funding and amend the FY21 Operating Budget to establish funds for the Hazard Mitigation Grant Program; and

**WHEREAS**, It is necessary to allocate and appropriate Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) for the Tennessee Emergency Management Agency Hazard Mitigation Grant Program funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Tennessee Emergency Management Agency Hazard Mitigation Grant Program funds in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the FY21 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Tennessee Emergency Management Agency Hazard Mitigation Grant Program as follows:

<b>Revenue</b>	
State Grants	<b>\$238,350.00</b>
<b>Expenses</b>	
Equipment	<b>\$176,750.00</b>
Professional Services	<b>\$ 61,600.00</b>

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 21, TRAFFIC AND VEHICLES, ARTICLE III, OPERATION OF VEHICLES GENERALLY TO ADD SECTION 21-135 TO BE ENTITLED "NON-DRIVER PARTICIPATION IN DRAG RACING AND RECKLESS DRIVING EXHIBITIONS", TO SET PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Memphis has an interest in maintaining the health, safety, and welfare of the citizens of the City and its visitors; and

**WHEREAS**, pursuant to T.C. A. § 55-10-502, no person shall operate a motor vehicle or motor vehicles upon the public highways of Tennessee, or while on the premises of any shopping center, trailer park, any apartment house complex, or any other premises generally frequented by the public at large, or who is a participant therein, for the purpose of drag racing; and

**WHEREAS**, drag racing and reckless driving exhibitions have been on the rise in cities across the country and are an immediate threat to public safety and a nuisance to neighborhoods and commuters using various modes of transportation; and

**WHEREAS**, multiple deaths of innocent children have occurred in other cities due to the engagement in drag racing and reckless driving exhibitions; and

**WHEREAS**, cities across the country, such as Atlanta, San Diego, Sacramento, Kansas City, Albuquerque, and Milwaukee have enacted ordinances to prohibit drag racing exhibitions, including the prohibition of non-driver or spectator participation therein; and

**WHEREAS**, the City of Memphis has experienced an increasing occurrence of such activities over the past year; and

**WHEREAS**, this issue has caused multiple occurrences of public streets being shut down and made impassable; and

**WHEREAS**, in addition to prohibiting and penalizing drag racing and reckless driving exhibitions, it is also necessary to prohibit and penalize the organization of, and participation in, such activities, which draw large numbers of spectators, causing a disturbance of the peace and a threat to public safety; and

**WHEREAS**, establishing an ordinance to prohibit the organization of and participation in drag racing exhibitions, as defined herein, would enable the Memphis Police Department to more effectively combat the occurrence of such behavior; and

**WHEREAS**, in the interests of public safety and ensuring the well-being of motorists and pedestrians, it is necessary to amend the City of Memphis's Code of Ordinances to prohibit the organization of, and participation in, drag racing and reckless driving exhibitions.

**THE CITY COUNCIL OF THE CITY OF MEMPHIS HEREBY ORDAINS** as follows:

**SECTION 1:** That Chapter 21, Traffic and Vehicles Article III, Operation of Vehicles Generally, Section 21-135 shall be added and entitled "Non-Driver Participation in Drag Racing and Reckless Driving Exhibitions", as follows:

**Sec. 21-135. - Non-Driver Participation in Drag Racing and Reckless Driving Exhibitions**

(a) *For purposes of this section, the following terms shall mean:*

*Drag racing and reckless driving exhibition* means any motor vehicle ascertaining the maximum speed obtainable by the vehicle; ascertaining the highest obtainable speed of the vehicle within a certain distance or within a certain time limit; the use of any one or more motor vehicles for the purpose of comparing the relative speeds of the vehicle or vehicles, or for comparing the relative speeds of the vehicle or vehicles within a certain distance or within a certain time limit; the use of one or more motor vehicles in an attempt to outgain, outdistance or to arrive at a given destination simultaneous with or prior to that of any other motor vehicle; or the use of any motor vehicle for the purpose of the accepting of, or the carrying out of any challenge, made orally, in writing, or otherwise, made or received with reference to the performance abilities of one or more motor vehicles;

*Organizer* means any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising or sharing of the location for any such drag race, or collect moneys in connection with an drag racing exhibition, as defined herein;

*Participant* means any individual who is knowingly present at an drag racing exhibition for the purpose of actively taking part in the event, through conduct including riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; or exchanging money or anything of value with any driver, car owner, or other participant in connection with the event. For the purposes of this section, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.

(b) *Violations.*

(1) No person shall knowingly act as an organizer of a drag racing or reckless driving exhibition, as defined herein.

(2) Except as provided elsewhere in this chapter, no person shall knowingly act as a participant in a drag racing or reckless driving exhibition, as defined herein.

(d) *Penalties.*

(1) Anyone found in violation of this chapter commits a Class C misdemeanor and shall be subject to a \$50.00 fine.

(e) *Exemptions.*

This section shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

**SECTION 2. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are 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. BE IT FURTHER ORDAINED**, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor  
Ford Canale

Chairwoman  
Patrice Robinson

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 22, NOISE, SECTION 22-12 TO ADD SUBSECTION 22-12 (B) REGARDING MUFFLER NOISE VIOLATIONS AND PENALTIES**

**WHEREAS**, the citizens of Memphis have a continued interest in public safety and the most efficient use of law enforcement; and

**WHEREAS**, City Council desires to modernize the current ordinance and strengthen the ordinance regarding vehicle noise regulations; and

**WHEREAS**, the Memphis Police Department supports efforts to reduce loud vehicle noise disturbances; and

**WHEREAS**, City Council finds it necessary for the health, safety and welfare of citizens to amend the ordinance to regulate vehicle noise and to ensure all muffler violations shall require a mandatory court appearance.

**SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that Chapter 22 of the Code of Ordinance regarding Noise is hereby amended to add subsection 22-12 (b):

**Sec. 22-12. - Mufflers**

It is unlawful for any person to operate or cause to be operated any *muffler* attached to any motor vehicle or any other mechanized unit which produces noise within the city.

**Sec. 22-12 (b) – Violation and Penalties**

Violations of this section shall be prosecuted in the same manner as other misdemeanor violations of this Code and shall be initiated upon issuance of a traffic citation ticket and shall require a mandatory court appearance.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that 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 the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Sponsor:  
Ford Canale

Chairwoman  
Patrice Robinson

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 21, TRAFFIC AND VEHICLES, ARTICLE X, VEHICLE EQUIPMENT AND LOADS TO ADD SUBSECTION 21-335 (B) AND SECTION 21-336 (B) REGARDING MUFFLER VIOLATIONS AND PENALTIES**

**THE CITY COUNCIL OF THE CITY OF MEMPHIS HEREBY ORDAINS** as follows:

**SECTION 1:** That Chapter 21, Traffic and Vehicles Article X, Vehicle Equipment and Load, Section 21-335 and Section 21- 336 shall be amended to add the following new subsection to be known as Section 21-335 (b) and Section 21-336 (b):

**Sec. 21-335. - Muffler required.**

No person shall drive a motor vehicle on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of excessive gas, steam or oil.

**Sec. 21- 335 (B) – Violations and penalties**

Violations of this section shall be prosecuted in the same manner as other misdemeanor violations of this Code and shall be initiated upon issuance of a traffic citation ticket and shall require a mandatory court appearance.

**Sec. 21-336. - Muffler cutout prohibited.**

It is unlawful to use a muffler cutout on any motor vehicle upon a street.

**Sec. 21-336 (B) – Violations and penalties**

1<sup>st</sup> Violation - shall be prosecuted in the same manner as other misdemeanor violations of this Code and shall be initiated upon issuance of a traffic citation ticket and shall require a mandatory court appearance.

2<sup>nd</sup> Violation - shall be prosecuted in the same manner as other misdemeanor violations of this Code, punished by a fine not to exceed \$50.00 and shall require a mandatory court appearance.

3<sup>rd</sup> Violation - shall be prosecuted in the same manner as other misdemeanor violations of this Code, punished by a fine not to exceed \$100.00 and shall require a mandatory court appearance.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that the provisions of this Ordinance are hereby severable. If any of these

sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that 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 the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Sponsor:  
Ford Canale

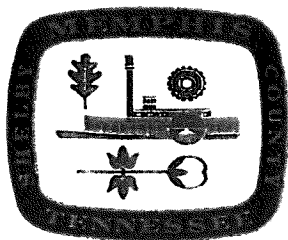
Chairwoman  
Patrice Robinson

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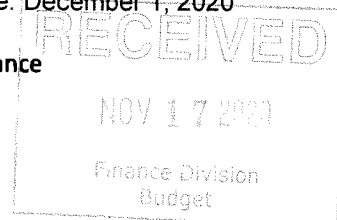
Chief Administrative Office



### City Council Item Routing Sheet

Division: Public Works Committee: Public Works, Transportation & Gen Svcs. Hearing Date: December 1, 2020

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other:



**Item Description:** This is a resolution to accept \$2,818,188.80 in additional grant funds from the Tennessee Department of Transportation and transfer \$1,400,000 in GO Bonds from Poplar-Yates to I-240, project PW01278, for Repair Bridges Sam Cooper, project PW01253, to repair 11 bridges on or over Sam Cooper Boulevard. Project includes City Council District 5 and City Council Super District 9.

**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:** The Memphis City Council previously accepted \$3,882,560.00 in grant funds from TDOT in the FY14 Capital Improvement Budget.

Does this item require city expenditure? Yes	Source and Amount of Funds
\$2,432,960.00 Amount	\$0.00 Operating Budget
\$7,084,588.80 Revenue to be received	\$2,432,960.00 CIP Project # PW01253
	\$7,084,588.80 Federal/State/Other

#### Approvals

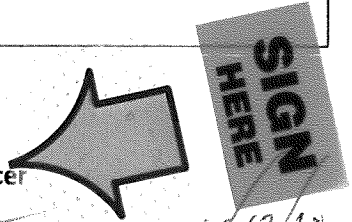
Director WBW/12/20 Date \_\_\_\_\_

Director RK Date 11-16-20

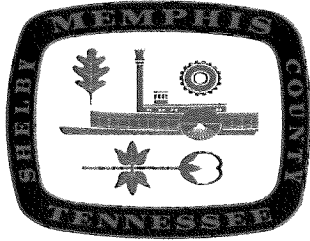
Budget Manager Lamotish Wyatt Date 11/18/2020 Chief Operating Officer [Signature] Date 11/17/20

Finance Director [Signature] Date 11/22/2020 Council Committee Chair \_\_\_\_\_

Chief Legal Officer [Signature] Date 11/24/20







## Memphis City Council Summary Sheet

1. This is a resolution to accept \$2,818,188.80 in additional grant funds from the Tennessee Department of Transportation and transfer \$1,400,000 in GO Bonds from Poplar-Yates to I-240, project PW01278, for Repair Bridges Sam Cooper, project PW01253, to repair 11 bridges on or over Sam Cooper Boulevard. Project includes City Council District 5 and City Council Super District 9.
2. The City of Memphis Division of Engineering has drafted this resolution for Public Works and is recommending City Council approval.
3. This resolution does not change an existing ordinance or resolution.
4. This resolution will require an amendment to an existing contract between the Tennessee Department of Transportation and City of Memphis and a new construction contract with Jamison Construction, LLC.
5. This resolution requires an amendment to the FY2021 Public Works Capital Improvement Budget.



**This is a resolution to accept \$2,818,188.80 in additional grant funds and transfer \$1,400,000 to repair 11 bridges on or over Sam Cooper Boulevard, Project PW01253.**

**WHEREAS**, the City of Memphis accepted \$3,882,560.00 under Fiscal Year 2014 Capital Improvement Program (CIP) for the Repair Bridges Sam Cooper, project PW01253, for the repair of 11 bridges on or over Sam Cooper Boulevard; and

**WHEREAS**, bids were received on August 19, 2020 to repair 11 Bridges on Sam Cooper Boulevard with the lowest complying bid \$7,875,414.95 submitted by Jamison Construction, LLC; and

**WHEREAS**, it is necessary to provide an additional \$397,358 for project contingencies during construction; and

**WHEREAS**, it is necessary to accept the additional grant funds in the amount of \$2,818,188.80 funded by the Tennessee Department of Transportation (TDOT) to cover construction; and

**WHEREAS**, the Council of the City of Memphis approved GO Bond funds for Repair Bridges Sam Cooper, project PW01253, and Poplar-Yates to I-240, project PW01278 as part of the Fiscal Year 2021 Capital Improvement Budget; and

**WHEREAS**, to meet the required local match \$1,400,000 in GO Bond funds are required to be transferred from Poplar-Yates to I-240, project PW01278; and

**WHEREAS**, it is necessary to amend the Fiscal Year 2021 Capital Improvement Budget by allocating and appropriating \$9,517,548.80 for Repair Bridges Sam Cooper, project PW01253.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget is hereby amended by accepting the sum of \$2,818,188.80 from the Tennessee Department of Transportation (TDOT).

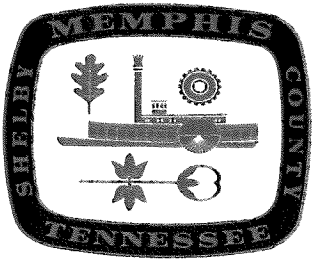
**BE IT FURTHER RESOLVED**, that the Fiscal Year 2021 Capital Improvement Budget be amended by establishing an allocation and appropriation in the amount of \$9,517,548.80 as follows:

Revenue

Tennessee Department of Transportation	\$7,084,588.80
GO Bond Match	<u>\$2,432,960.00</u>
	\$9,517,548.80

Expenditures

Engineering-Architecture	\$1,244,775.00
Contract Construction	<u>\$8,272,773.80</u>
	\$9,517,548.80



RECEIVED  
 DEC 2 2020  
 out: 12-3-20 9:28 (LAW)  
 CITY ATTORNEY'S OFFICE  
**City Council Item Routing Sheet**

Received  
 NOV 23 2020  
 Chief Administrative Office

Received  
 NOV 23 2020  
 Chief Administrative Office

T116

Division: General Services Committee: PW, SW, Tran, GS Hearing Date: December 15, 2020

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

Item Description: This Resolution is requesting the approval for the sale of City owned surplus property acquired by Warranty Deed Instrument # V48019 for the use and benefit of the City of Memphis Division of Housing and Community Development. The property is located at 0 Oakview in Memphis, Shelby County, Tennessee, 38114 and further described as Parcel #031031 00011. The proceeds from this sale shall be deposited into the General Fund.

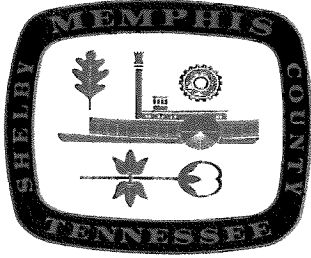
Recommended Council Action: **Approve**

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>\$Amount:</p> <p>\$Revenue to be received: \$6,500.00</p>	<p>Source and Amount of Funds:</p>
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**Approvals**

Director [Signature] Date 11/23/20  
 Division Chief \_\_\_\_\_ Date \_\_\_\_\_ Chief Operating Officer [Signature] Date 11/23/20  
 Budget Manager [Signature] Date 11/30/20  
 Chief Financial Officer [Signature] Date 12/2/2020 Council Committee Chair \_\_\_\_\_ Date \_\_\_\_\_  
 Chief Legal Officer [Signature] Date \_\_\_\_\_ Committee Documents \_\_\_\_\_ Date \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_ December 15, 2020



## Memphis City Council Summary Sheet

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

This a Resolution requesting the approval for the sale of City owned surplus property acquired by Warranty Deed, Instrument # V48019 for the use and benefit of the City of Memphis Division of Housing and Community Development, located at 0 Oakview in Memphis, Shelby County, Tennessee 38114 and further described as Parcel #031031 00011. The proceeds from this sale shall be deposited into the General Fund.

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

General Services

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

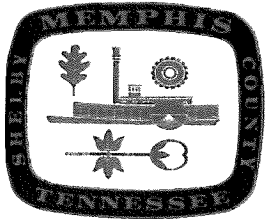
This item does not require a change to an existing ordinance.

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

This item does not require a new contract or amend an existing contract.

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

This item does not require an expenditure of funds or a budget amendment.



**A Resolution requesting approval for the sale of a city owned parcel known as 0 Oakview, Parcel ID #031031 00011 Memphis, Tennessee 38114**

**WHEREAS**, City of Memphis owns a surplus parcel located at 0 Oakview, which has a value less than \$10,000, ("The Parcel") that was acquired by Warranty Deed, Instrument #V48019 recorded in the Shelby County Register's Office and is further identified by Shelby County Tax Assessor as Parcel #031031 00011 containing 0.251 acres;

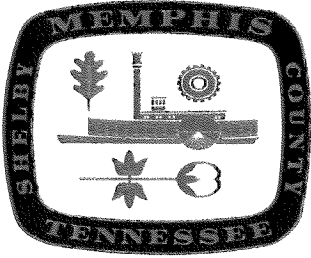
**WHEREAS**, the sale of the subject Parcel will increase the City's General Fund, and eliminate blight and maintenance cost for the City of Memphis;

**WHEREAS**, Dream Team Solutions, LLC submitted an offer of Six Thousand Five Hundred Dollars (\$6,500.00) along with a Six Hundred Fifty Dollars (\$650.00) Earnest Money deposit to the City of Memphis Real Estate Center; and

**WHEREAS**, is it deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said sale be accepted subject to City Ordinance 5637, Amendment to Section 2-291(A) of the City's Code of ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the offer made by Dream Team Solutions, LLC, on the above described Parcel is hereby accepted subject to the City Ordinance 5637, Amendment to Chapter 2, Article V, Division 2, Section 1, Section 2-291(A)1 which states in part, "properties receiving an initial bid offer of twenty thousand dollars (\$20,000) or less shall be submitted for approval to the City Council for first reading, which is final."

**BE IT FURTHER RESOLVED**, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



Received  
DEC 14 2020 T078

Chief Administrative  
**City Council Item Routing Sheet**

DEC 3 2020  
out: 12-3-20 5:00/LAW

Division: Public Works Committee: Public Works Hearing Date: December 15, 2020

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

Item Description (Not the caption, but what does it do): Resolution to transfer and appropriate funds AND allocate and appropriate Storm Water System Revenue Bonds. Project total amount of \$5,424,500 for the DM-HE Facility Expansion, Project Number ST04047. *Request for some night minutes.*

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 taken by any other entity.

<b>Does this item require city expenditure?</b>	<b>Source and Amount of Funds:</b>
\$5,424,500	\$5,424,500 CIP Project #ST04047



**Approvals**

Director \_\_\_\_\_ Date \_\_\_\_\_

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

Budget Manager *Kanotus Wyatt* Date *12/2/2020*

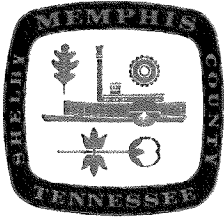
Chief Operating Officer

*[Signature]* Date *12/7/20*

Chief Financial Officer *[Signature]* Date *12/03/2020*

Council Committee Chair

Chief Legal Officer *[Signature]* Date \_\_\_\_\_



## Memphis City Council Summary Sheet

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

This is a Resolution to transfer and appropriate funds ... and add Storm Water System Revenue Bond to finance the expenses of the Drain Maintenance-Heavy Equipment Facility expansion, total amount of \$5,424,500. *REQUEST FOR SAME NIGHT MINUTES.*

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

Initiated by Public Works Division.

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

NA

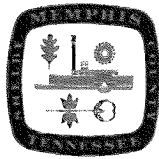
**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This requires a new contract.

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

This requires an expenditure of funds and a budget amendment.

**6. The MWBE Goal for this project was 43%. The WBE Goal for this project was 7%.**



# RESOLUTION

This is a resolution to transfer and appropriate Capital PAY GO funds in the amount of Two Million, Seven Hundred Twenty-Four Thousand, Five Hundred Dollars (\$2,724,500) and appropriate Storm Water System Revenue Bond funding in the amount of Two Million, Seven Hundred Thousand Dollars (\$2,700,000) for the Drain Maintenance-Heavy Equipment Facility Expansion, Project Number ST04047.

**WHEREAS**, the Council of the City of Memphis approved Drainage – ST Coverline, project number ST03205, Flood Control – ST Coverline, project number ST03207 and DM-HE Facility Expansion, project number ST04047 as part of the Fiscal Year 2021 Capital Improvement Budget; and

**WHEREAS**, the Council of the City of Memphis approved a resolution October 01, 2019, authorizing the issuance of not-to-exceed \$50,000,000 in aggregate principal amount of Storm Water System Revenue Bonds of the City of Memphis, Tennessee for the purpose of financing certain costs of the Storm Water System of the City of Memphis; and

**WHEREAS**, bids were received on October 21, 2020, for the expansion of the Drain Maintenance-Heavy Equipment Facility with the lowest complying bid at \$4,595,000 submitted by Zellner Construction Services, Inc.; and

**WHEREAS**, the City of Memphis will enter into a contract with Zellner Construction Services, Inc. for the expansion of the Drain Maintenance-Heavy Equipment Facility; and

**WHEREAS**, it is now necessary to transfer Contract Construction allocations in a total amount of \$2,724,500 from Drainage – ST Coverline, project number ST03205 (*amount of \$1,724,500*) and Flood Control – ST Coverline, project number ST03207 (*amount of \$1,000,000*), funded by Storm Water Capital PAY GO, to DM-HE Facility Expansion, project number ST04047 for the expansion of the Drain Maintenance-Heavy Equipment Facility; and

**WHEREAS**, it is necessary for the City of Memphis to amend the Fiscal Year 2021 Capital Improvement Budget to establish an allocation and appropriation of Storm Water System Revenue Bond proceeds in the amount of two million, seven hundred thousand dollars (*\$2,700,000*) for expenditures in DM-HE Facility Expansion, project number ST04047 for the expansion of the Drain Maintenance-Heavy Equipment Facility; and



**WHEREAS**, it is necessary to appropriate a total amount of \$5,424,500 (*Contract Construction and Project Contingencies amount \$5,054,500, FF&E amount \$150,000, and IT amount \$220,000*) funded by Storm Water Capital PAY GO amount of \$2,724,500 and Storm Water System Revenue Bond amount of \$2,700,000 in DM-HE Facility Expansion, project number ST04047 for the expansion of the Drain Maintenance-Heavy Equipment Facility as follows:

Contract Amount	\$ 4,595,000.00
Contingencies	\$ 459,500.00
Fixtures, Furnishings and Equipment (FF&E)	\$ 150,000.00
Information Technology (IT)	\$ 220,000.00
<b>Total</b>	<b>\$5,424,500.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring contract construction allocation amounts from Drainage – ST Coverline, project number ST03205 (*amount of \$1,724,500*) and Flood Control – ST Coverline, project number ST03207 (*amount of \$1,000,000*), funded by Storm Water Capital PAY GO, to DM-HE Facility Expansion, project number ST04047; and by establishing an allocation and appropriation of Storm Water System Revenue Bonds in the amount of \$2,700,000 for the DM-HE Facility Expansion, project number ST04047.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated a total amount of \$5,424,500, funded by Storm Water Capital PAY GO (*amount of \$2,724,500*) and Storm Water System Revenue Bonds (*amount of \$2,700,000*) chargeable to the FY2021 Capital Improvement Budget and credited as follows:

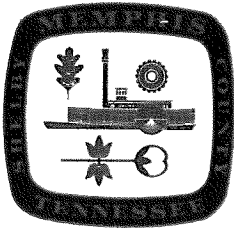
<b>Project Title:</b>	<b>DM-HE Facility Expansion</b>
<b>Project Number:</b>	<b>ST04047</b>
<b>Amount:</b>	<b>\$5,424,500.00</b>

T077

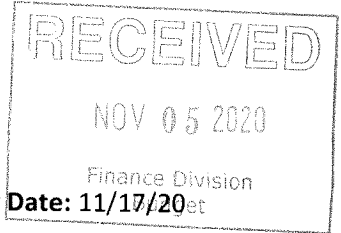
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NOV 04 2020

Chief Administrative Office



# City Council Item Routing Sheet



Division: Public Works Committee: Public Works, Transportation & Gen. Svcs. Hearing Date: 11/17/2020

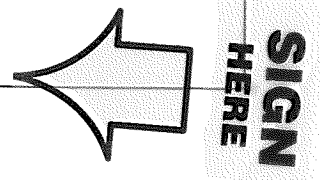
- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other:

**Item Description:**  
 This is a resolution to transfer and appropriate funds for the relocation of the Environmental Maintenance Facility.

**Recommended Council Action:** Approve.

**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 action has been taken.

Does this item require city expenditure? Yes	Source and Amount of Funds
\$14,165,300.00 Amount	\$ Operating Budget
\$ Revenue to be received	\$14,165,300.00 CIP Project #SW04007 ✓
	\$ Federal/State/Other



**Approvals**

Director \_\_\_\_\_ Date 11.2.20

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

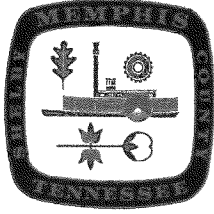
Budget Manager *Kumohis Wyatt* Date 11/9/2020

Chief Financial Officer *S. Ford* Date 11/13/2020

Chief Legal Officer *[Signature]* Date 11/16/20

Chief Operating Officer *[Signature]* Date 11/12/20

Council Committee Chair \_\_\_\_\_



# Memphis City Council Summary Sheet

**1. Description of the Item**

This is a resolution to transfer and appropriate funds for the Environmental Maintenance Relocation, Project Number SW04007. Request approve same night minutes.

**2. Initiating Party**

Public Works

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

This resolution does not change any existing ordinance or resolution.

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

This request will require a new construction contract.

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

Yes, this requires an expenditure of funds and budget amendment.

**6. The MWBE Goal for this project was 43%. The WBE Goal for this project was 7%.**



# RESOLUTION

This is a resolution to transfer and appropriate funds for the relocation of Environmental Maintenance Facility.

**WHEREAS**, the Council of the City of Memphis approved FY21 Rehab Existing Coverline, project number SW21200 and Environmental Maint. Relocation, project number SW04007 as part of the Fiscal Year 2021 Capital Improvement Budget; and

**WHEREAS**, bids were received on October 21, 2020 for the relocation of the Environmental Maintenance Facility with the lowest complying bid at \$11,923,000 submitted by Zellner Construction Services, Inc.; and

**WHEREAS**, the City of Memphis will enter into a contract with Zellner Construction Services, Inc. for the relocation of the Environmental Maintenance Facility; and

**WHEREAS**, it is now necessary to transfer additional Contract Construction amount of \$4,115,300 funded by Sewer Capital PAY GO in FY21 Rehab Existing Coverline, project number SW21200 to Environmental Maint. Relocation, project number SW04007 for the relocation of the Environmental Maintenance Facility; and

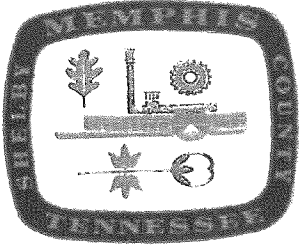
**WHEREAS**, it is necessary to appropriate total amount of \$14,165,300 (*Contract Construction and Project Contingencies amount \$13,115,300, FF&E amount \$600,000 and IT amount \$450,000*) funded by Sewer Capital PAY GO in Environmental Maint. Relocation, project number SW04007 for the relocation of the Environmental Maintenance Facility as follows:

Contract Amount	\$ 11,923,000.00
Contingencies	\$ 1,192,300.00
Fixtures, Furnishings and Equipment (FF&E)	\$ 600,000.00
<u>Information Technology (IT)</u>	<u>\$ 450,000.00</u>
<b>Total</b>	<b>\$14,165,300.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by a transfer of a Contract Construction allocation amount of \$4,115,300 funded by Sewer Capital PAY GO from FY21 Rehab Existing Coverline, project number SW21200 to Environmental Maint. Relocation, project number SW04007 for the relocation of the Environmental Maintenance Facility.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated total amount of \$14,165,300 funded by Sewer Capital PAY GO chargeable to the FY2021 Capital Improvement Budget and credited as follows:

<b>Project Title:</b>	<b>Environmental Maint. Relocation</b>
<b>Project Number:</b>	<b>SW04007</b>
<b>Amount:</b>	<b>\$14,165,300.00</b>



## City Council Item Routing Sheet

Division: City Council    Committee: Budget    Hearing Date: December 1, 2020

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

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$73,660 funded by G. O. Bonds General in CIP Project #GA03023, Operations and Maintenance Facility, to fund the local share for architectural/engineering costs for a new operations and maintenance facility for MATA as part of the Fiscal Year 2021 Capital Improvement Budget.

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? Yes

\$Amount: \$73,660

[Click here to enter text.](#)

Source and Amount of Funds:

CIP Project #GA03023

### Approvals

Director  Date 11/12/20

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

Budget Manager \_\_\_\_\_ Date \_\_\_\_\_

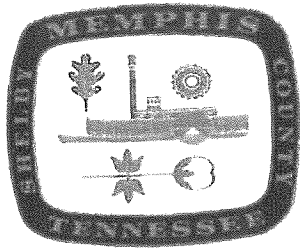
Chief Financial Officer \_\_\_\_\_ Date \_\_\_\_\_

Chief Operating Officer

\_\_\_\_\_ Date \_\_\_\_\_

Council Committee Chair

\_\_\_\_\_ Date \_\_\_\_\_



## Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for architectural/engineering costs associated with a new Operations & Maintenance Facility for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$73,660 in FY21 CIP funds under GA03023 Operations and Maintenance Facility.

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

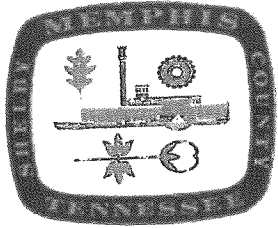
This is not a change to an existing ordinance or resolution.

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

This project will require MATA to solicit bids and award contracts. MATA will procure the architectural/engineering services in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$73,660; however, no budget amendments are required.



**A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR THE MEMPHIS AREA  
TRANSIT AUTHORITY'S NEW OPERATIONS AND MAINTENANCE FACILITY**

**WHEREAS**, The Council of the City of Memphis did approve Operations and Maintenance Facility, Project Number GA03023, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

**WHEREAS**, The Memphis Area Transit Authority (MATA) plans to conduct architectural/engineering services for a new Operations and Maintenance Facility; and

**WHEREAS**, Proposals will be solicited and evaluated for the architectural/engineering services according to MATA's adopted procurement procedures; and

**WHEREAS**, It is necessary to appropriate \$73,660 funded by G.O. Bonds – General in Operations and Maintenance Facility, CIP Project Number GA03023 to fund the local share for architectural/engineering services associated with a new Operations and Maintenance Facility.

**NOW, THEREFORE, BE IT RESOLVED** By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$73,660 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Operations and Maintenance Facility
Project Number:	GA03023
Amount:	\$73,660



# City Council Item Routing Sheet

**Division:** Legal/Permits **Committee:** Public Safety **Hearing Date:** December 15, 2020

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

Item Description: **RESOLUTION APPROVING CERTAIN ROUTES FOR PARADES AND RACES AND EXEMPTING SAID ROUTES FROM THE NOTICE REQUIREMENT PURSUANT TO ORDINANCE 5675**

Recommended Council Action: Adopt 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><b>Does this item require city expenditure? No</b></p> <p>\$Click here to enter text.</p> <p>\$Click here to enter text.</p>	<p><b>Source and Amount of Funds: N/A</b></p>
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### Approvals

Director \_\_\_\_\_ Date \_\_\_\_\_

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

Budget Manager \_\_\_\_\_ Date \_\_\_\_\_

Chief Legal Officer \_\_\_\_\_ Date \_\_\_\_\_

**Chief Operating Officer**

\_\_\_\_\_ Date \_\_\_\_\_

**Council Committee Chair**

\_\_\_\_\_ Date \_\_\_\_\_





## Memphis City Council Summary Sheet

### **RESOLUTION APPROVING CERTAIN ROUTES FOR PARADES AND RACES AND EXEMPTING SAID ROUTES FROM THE NOTICE REQUIREMENT PURSUANT TO ORDINANCE 5675**

Resolution addresses:

- All races or parades applying for a special event permit involving a street closure, must provide notice to all persons affected by the event at least 60 days prior to event.
- All routes approved by City Council are exempt from the above-referenced 60-day notice provision.
- Routes for races and parades submitted for City Council approval are attached to the Resolution.



## **RESOLUTION APPROVING CERTAIN ROUTES FOR PARADES AND RACES AND EXEMPTING SAID ROUTES FROM THE NOTICE REQUIREMENT PURSUANT TO ORDINANCE 5675**

**WHEREAS**, pursuant to Ordinance 5675, effective July 1, 2018, all races or parades applying for a special event permit involving a street closure, must provide notice to all persons affected by the event at least 60 days prior to event, unless the requested route was previously approved by City Council;

**WHEREAS**, the purpose of the notice requirement is to minimize the use of motorized vehicular rights-of-way, particularly at highly trafficked times of day, residential streets without sidewalks, and to maximize the use of pedestrian rights-of-way;

**WHEREAS**, under Ordinance 5675, Permits Office shall submit a list of routes for races or parades to City Council for approval;

**WHEREAS**, under Ordinance 5675, all routes approved by City Council are exempt from the 60-day notice provision;

**WHEREAS**, the races and parades listed in Exhibit A meet the objective of Ordinance 5675 to minimize motorized vehicular rights-of-way; and

**WHEREAS**, it is in the best interests of the citizens of Memphis to approve these routes;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis, pursuant to Ordinance Number 5675, do hereby approve the routes listed in Exhibit A, and hereby authorize the Permits Office to exempt applicants from the notice requirements under Ordinance Number 5675 and to approve the "special events permit" subject to the applicant meeting all other conditions required by Ordinance 5675.

**BE IT FURTHER RESOLVED**, that this Resolution shall become effective immediately, and shall remain in effective until December 31, 2021.

**RESOLUTION OF THE MEMPHIS CITY COUNCIL EXTENDING THE CITY  
COUNCIL RENAMING COMMISSION TERM THREE MONTHS FROM  
JULY 21, 2021 TO OCTOBER 21, 2021**

**WHEREAS**, the Memphis City Council is authorized to appoint advisory committees to provide the legislative body with recommendations; and

**WHEREAS**, the Memphis City Council established an advisory committee for the purpose of providing recommendations and guiding principles to the legislative body regarding the renaming of certain public streets, parks, and places; and

**WHEREAS**, that advisory committee was officially named the “*City Council Renaming Commission*” with a one-year term through July 21, 2021; and

**WHEREAS**, the City Council Renaming Commission comprises fifteen members, thirteen voting, and two non-voting, each with demonstrable records within education, civil rights, law, business, non-profit, or faith-based organizations; and

**WHEREAS**, the City Council Renaming Commission has met once per month since October 2020, engaging Memphis citizens during that time via full body meetings and subcommittee meetings – of which there are four; and

**WHEREAS**, to provide the City Council Renaming Commission a full calendar year from the month of their first full body meeting, i.e., October 2020, to complete their work as charged, three additional months are sought.

**NOW THEREFORE BE IT RESOLVED**, the Memphis City Council hereby extends the City Council Renaming Commission term three months from July 21, 2021 to October 21, 2021; this resolution shall take effect from and after its passage, the welfare of the City requiring it.

**Sponsor:**  
Councilwoman Michalyn Easter-Thomas

**RESOLUTION OF THE MEMPHIS CITY COUNCIL REQUESTING THE  
REOPENING OF RIVERSIDE DRIVE TO VEHICLE TRAFFIC FULL-  
TIME**

**WHEREAS**, the Memphis City Council values the role of Riverside Drive as an unrivaled thoroughfare parallel to the Mississippi River; and

**WHEREAS**, equally important, the Council understands the utility of the roadway as a critical point of ingress and egress between Downtown Memphis and Interstate-55; and

**WHEREAS**, billed as one of the “Most Expensive Highway[s] in the World” at the time of its construction, its present state does not align with its initially intended purpose as a gateway within the City of Memphis, namely for motorized traffic; and

**WHEREAS**, although its recent closing and partial re-opening have been hailed as influential to the increased use of outdoor amenities along the waterfront, the Council is of the belief that physical enjoyment of scenic downtown spaces, and daily vehicle access, can co-exist for Memphians of every stripe.

**NOW THEREFORE BE IT RESOLVED**, the Memphis City Council hereby requests the reopening of Riverside Drive to vehicle traffic full-time, i.e., seven days per week to include related parking areas during designated park hours; this resolution shall take effect from and after its passage, the welfare of the City requiring it.

**Sponsor:**

Councilwoman Michalyn Easter-Thomas

than ad valorem tax revenues, of the City to secure the City's obligations thereunder.

*Section 4.* The Mayor, Comptroller and Director of Finance and Administration, or any of them or their designees (individually or collectively, "Authorized Officers"), are hereby authorized to execute and deliver the documents authorized in the forgoing Sections, including the City Lease and the City Sublease, in the form thereof approved by the Authorized Officer executing the same, his or her signature thereon to constitute conclusive evidence of such approval.

*Section 5.* All actions heretofore undertaken by the Authorized Officers and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this Resolution, are hereby ratified, confirmed and approved.

*Section 6.* The Authorized Officers and other authorized officials and employees of the City be, and each of them hereby is, authorized in the name of and on behalf of this City, to take all such other actions and to execute and deliver all such other documents, instruments and agreements and such supplements, amendments and additions to such documents, instruments and agreements as such Authorized Officer or other authorized officials and employees of the City shall, in his or her sole discretion, consider necessary, advisable, or appropriate in connection with the documents, instruments and agreements for the execution or the consummation of the transactions contemplated thereby and by this Resolution.

*Section 7.* All acts of the officials of the City which are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the indebtedness to be secured by the payments of the City under the City Lease and the financing of the One Beale Hotel Project funded thereby be, and the same hereby are, in all respects, ratified, approved and confirmed in all respects.

This resolution shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

ORDINANCE NO. \_\_\_\_\_

ORDINANCE FOR DESIGNATION OF QUALIFIED PUBLIC USE FACILITY, CREATION OF THE ONE BEALE TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

WHEREAS, Beale Street is one of America's premier tourist destinations, a major employer in the Downtown Memphis community and a key economic driver of the City of Memphis; and

WHEREAS, One Beale, LLC (the "Owner") owns or operates, through one or more affiliates, approximately 5.265 acres of property in the Beale Street area, on which it is developing a mixed use development including hotels, apartments, retail and parking with a total development cost of approximately Three Hundred Eighty Five Million Dollars (\$385,000,000) (the "One Beale Street Development"); and

WHEREAS, the One Beale Street Development includes an approximately 350 room luxury hotel to be located at One Beale Street, Memphis, Tennessee (the "One Beale Hotel Project"); and

WHEREAS, TCA §67-4-3002 authorizes the City of Memphis to designate certain projects as "Qualified Public Use Facilities", including without limitation full-service hotels with not less than two hundred fifty (250) rooms and related retail, commercial, and parking space that are located in a tourism development zone; and

WHEREAS, TCA §67-4-3003 authorizes the City of Memphis to charge a 5% Tourism Surcharge on goods and services used by visitors at a qualified public use facility and other related facilities (the "Tourism Surcharge"); and

WHEREAS, the One Beale Street Development is located in the portion of Downtown Memphis designated as a tourism development zone pursuant to the Convention Center and Tourism Development Financing Act of 1998, which is codified at TCA §7-88-101 et seq., (the "TDZ Act"); and

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to designate the One Beale Hotel Project as a "Qualified Public Use Facility" within the meaning of the TDZ Act as codified at TCA § 67-4-3002(7); and

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to seek authorization from this Council to impose the Tourism Surcharge within the One Beale Street Development; and

WHEREAS, to enact the Tourism Surcharge within the One Beale Street Development, the City of Memphis administration has proposed the ordinance set forth below (the "Tourism Surcharge Ordinance"); and

WHEREAS, the City administration desires that the Council (i) approve the Tourism Surcharge Ordinance, and (ii) otherwise provide with respect to the foregoing.

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

1. Sec. \_\_\_ - \_\_\_ -1. **Designation as Qualified Public Use Facility**

The hotel to be constructed at the address municipally known as One Beale Street, Memphis, Tennessee, containing not less than not less than two hundred fifty (250) rooms, and related retail, commercial, and parking space (the “One Beale QPUF”), is hereby designated as a qualified public use facility as described in T.C.A. title 67, chapter 4, part 30 (as amended from time to time, hereinafter in this chapter called the “Act”).

Sec. \_\_\_ - \_\_\_ -2. **Creation of District**

There is created the One Beale Surcharge District (the “District”) in accordance with the Act.

Sec. \_\_\_ - \_\_\_ -3. **District Boundaries**

The District created by this chapter shall be comprised of the area located in the city within the following boundaries:

Approximately 5.265 acres known as One Beale as shown on Plat of record in Plat Book 279, Page 14 in the Register’s Office of Shelby County, Tennessee consisting of:

(Phase I) Final Plat – PD 18-10, Phase One, The Landing at One Beale as shown on Plat of record in Plat Book 281, Page 3 in the Register’s Office of Shelby County, Tennessee (approximately 2.26 acres) consisting of:

(a) the Residential Unit created under Master Deed, Declaration of Covenants, Conditions and Restrictions of The Landing Condominium recorded as Instrument No. 201906100056198 in the Register’s Office of Shelby County, Tennessee; and

Municipal Address: 1 Dr. ML King, Jr. Avenue  
Tax Parcel ID: 002098 00010

(b) the Parking Unit created under Master Deed, Declaration of Covenants, Conditions and Restrictions of The Landing Condominium recorded as Instrument No. 201906100056198 in the Register’s Office of Shelby County, Tennessee.

Municipal Address: 1 Dr. ML King, Jr. Avenue  
Tax Parcel ID: 002098 00009

(Phase II) Final Plat – PD 18-10, Phase Two, Hyatt Centric at One Beale as shown on Plat of record in Plat Book 281, Page 3 in the Register’s Office of Shelby County, Tennessee (approximately 2.26 acres).

Municipal Address: 33 Beale Street (0 Wagner Place)  
Tax Parcel ID: 002099 00002C

(Phase III) Final Plat – PD 18-10, Phase Three, as shown on Plat of record in Plat Book 288, Page 24 in the Register’s Office of Shelby County, Tennessee (approximately 0.654 acres) consisting of:

Parcel 1, Hyatt 2 Parcel:

BEING A SURVEY OF PART OF PARCEL I, PART OF PARCEL II AND PART OF PARCEL III OF THE FRONT STREET DEVCO, LLC PROPERTY AS RECORDED IN INSTRUMENT 16117584, ALSO BEING PART OF PHASE III OF THE PROPERTY SHOWN ON THE OUTLINE PLAN FOR THE ONE BEALE P.D. AMENDED AS RECORDED IN PLAT BOOK 279, PAGE 14, BOTH OF RECORD IN THE SHELBY COUNTY REGISTER’S OFFICE, BEING LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF DR. M.L. KING JR. AVENUE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N56°56’01”W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 108.00 FEET TO THE POINT OF BEGINNING (N 318717.16 – E 755672.60); THENCE N56°56’01”W AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 30.00 FEET TO A POINT; THENCE N33°03’59”E ALONG A LINE THAT IS 138.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 38.00 FEET TO A POINT; THENCE N56°56’01”W ALONG A LINE THAT IS 38.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 20.17 FEET TO A POINT; THENCE N33°03’59”E ALONG A LINE THAT IS 158.16 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 13.83 FEET TO A POINT; THENCE N56°56’01”W ALONG A LINE THAT IS 51.83 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 41.83 FEET TO A POINT, SAID POINT LIES ON THE EAST RIGHT-OF-WAY LINE OF WAGNER PLACE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N33°03’59”E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID WAGNER PLACE (SAID EAST RIGHT-OF-WAY LINE



BEING 200.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET) A DISTANCE OF 26.67 FEET TO A POINT; THENCE S56°56'01"E ALONG A LINE THAT IS 78.50 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 54.00 FEET TO A POINT; THENCE N33°03'59"E ALONG A LINE THAT IS 146.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 31.50 FEET TO A POINT; THENCE N56°56'01"W ALONG A LINE THAT IS 110.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 1.00 FOOT TO A POINT; THENCE N33°03'59"E ALONG A LINE THAT IS 147.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 56.00 FEET TO A POINT; THENCE S56°56'01"E ALONG A LINE THAT IS 166.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 147.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET; THENCE S33°03'59"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 105.00 FEET TO A POINT; THENCE N56°56'01"W ALONG A LINE THAT IS 61.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 108.00 FEET TO A POINT; THENCE S33°03'59"W ALONG A LINE THAT IS 108.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 61.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 19,008 SQUARE FEET OR 0.436 ACRES.

Out Parcel 1:

BEING A SURVEY OF PART OF PHASE III OF THE PROPERTY SHOWN ON THE OUTLINE PLAN FOR THE ONE BEALE P.D. AMENDED AS RECORDED IN PLAT BOOK 279, PAGE 14, AT THE SHELBY COUNTY REGISTER'S OFFICE, BEING LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF DR. M.L. KING JR. AVENUE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N56°56'01"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 108.00 FEET TO THE WESTERN MOST SOUTHEAST CORNER OF THE PROPERTY SHOWN ON THE FINAL PLAT FOR PHASE 3 OF THE ONE BEALE PD

AS RECORDED IN PLAT BOOK 288, PAGE 24; THENCE N33°03'59"E ALONG THE WESTERN MOST EAST LINE OF SAID PHASE 3 A DISTANCE OF 61.00 FEET TO A POINT ON A SOUTH LINE OF SAID PHASE 3; THENCE S56°56'01"E ALONG A SOUTH LINE OF SAID PHAS3 3 A DISTANCE OF 108.00 FEET TO THE NORTHERN MOST SOUTHEAST CORNER OF SAID PHASE 3, SAID POINT LIES ON THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET; THENCE S33°03'59"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 61.00 FEET TO THE TO THE POINT OF BEGINNING AND CONTAINING 6,588 SQUARE FEET OR 0.151 ACRES.

Out Parcel 2:

BEING A SURVEY OF PART OF PHASE III OF THE PROPERTY SHOWN ON THE OUTLINE PLAN FOR THE ONE BEALE P.D. AMENDED AS RECORDED IN PLAT BOOK 279, PAGE 14, AT THE SHELBY COUNTY REGISTER'S OFFICE, BEING LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF DR. M.L. KING JR. AVENUE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N56°56'01"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 138.00 FEET TO THE EASTERN MOST SOUTHWEST CORNER OF THE PROPERTY SHOWN ON THE FINAL PLAT FOR PHASE 3 OF THE ONE BEALE PD AS RECORDED IN PLAT BOOK 288, PAGE 24, SAID POINT BEING THE POINT OF BEGINNING; THENCE N56°56'01"W AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 62.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WAGNER PLACE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N33°03'59"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID WAGNER PLACE A DISTANCE OF 51.83 FEET TO THE NORTHERN MOST SOUTHWEST CORNER OF SAID PHASE 3 (PLAT BOOK 288, PAGE 24); THENCE ALONG THE SOUTHWESTERN PORTION OF SAID PHASE 3 THE FOLLOWING CALLS AND DISTANCES:

S56°56'01"E - 41.83 FEET;  
S33°03'59"W - 26.67 FEET;  
S56°56'01"E - 20.17 FEET;  
S33°03'59"W - 38.00 FEET

TO THE POINT OF BEGINNING AND CONTAINING 2,935 SQUARE FEET OR 0.067 ACRES.

Municipal Address: 245 South Front Street, Memphis, Tennessee  
Tax Parcel ID: 002099 00008

(Phase IV) PD 18-20, Phase Four, Grand Hyatt at One Beale (approximately 1.162 acres):

Description of the One Beale, LLC property recorded at Instrument No. 07085520 in Memphis, Shelby County, Tennessee:

Beginning at the intersection of the south line of Beale Street (60' R.O.W.) and the west line of Wagner Place (50' R.O.W.); thence south 33 degrees 55 minutes 04 seconds west, 355.43 feet to a point in the north line of Parcel II of the Carlisle Landing, LLC property recorded at Instrument No. 04011935; thence north 55 degrees 44 minutes 29 seconds west with the north line of Parcel II of said property recorded at Instrument No. 04011935, 150.00 feet to a point in the east line of Tennessee Street (closed); thence north 33 degrees 55 minutes 04 seconds east with the east line of said Tennessee Street, 319.39 feet to a point in the south line of the aforesaid Beale Street; thence south 69 degrees 16 minutes 11 seconds east with the south line of said Beale Street, 154.06 feet to the Point of Beginning and containing 50,612 square feet or 1.162 acres of land.

Municipal Address: 1 Beale Street (245 Wagner PL), Memphis, Tennessee  
Tax Parcel ID: 002070 00001C

Sec. \_\_\_ - \_\_\_ -4      **Surcharge Assessment**

The making of Sales (as such term is defined in the Act) by engaging in any Business (as such term is defined in the Act), except for those businesses exempt under T.C.A. title 67, chapter 4, part 712, in the District is declared to be a privilege. All such Sales shall be subject to the surcharge assessment provided in this Chapter and the City hereby levies such surcharge on all Sales.

Sec. \_\_\_ - \_\_\_ -5      **Surcharge Assessment Rate**

The surcharge levied by this section shall be equal to five percent (5%) of the Sales Price (as such term is defined in the Act).

Sec. \_\_\_ - \_\_\_ -6      **Mandatory Registration, Filing of Returns, Payment of Surcharge and Licensing**

All persons carrying on Business (as such term is defined by the Act) in the District, and all person who may hereafter carry on Business in the District, shall register with the City Treasurer for the purpose of assessment and collection of the surcharge. All persons so registered

shall file a return detailing Sales for the prior month and surcharge collected on account of such Sales on or before the twentieth (20th) day of each calendar month and shall remit all surcharge collected during such month, together with any delinquent payments of surcharge, with such return. Each person who files a return and remits the appropriate amount of surcharge shall be granted a license which such person shall display within their place of Business. The City Treasurer is hereby authorized and directed to develop the forms for registration and filing monthly returns, as well as rules and regulations regarding the filing of the same.

Sec. \_\_ - \_\_\_\_-7           **Delinquent Payments**

Any nonpayment or delinquent payment of any surcharge shall be subject to the rights and remedies described in Chapter 5-24 of the Memphis City Code.

Sec. \_\_ - \_\_\_\_-8           **Allocation and Use of Revenues**

All revenues received by the city as a result of the surcharge, except for the reasonable expenses of the City Treasurer incurred as a result of its administrative duties under this chapter which shall not exceed one percent (1%) of the revenues, shall be designated for, and allocated to the payment of, the cost of the One Beale QPUF, including without limitation all debt issued or incurred in the acquisition, construction, leasing, renovation and equipping by the Memphis Center City Revenue Finance Corporation (“CCRFC”), or any other similar instrumentality of the City of Memphis, including principal, interest and other fees and charges.

Sec. \_\_ - \_\_\_\_-9           **Remittance of Revenues**

On or before the fifteenth (15<sup>th</sup>) day of each month, the City Treasurer shall remit all revenues received during the prior month, less the aforescribed administrative fee, to CCRFC or its assignee. CCRFC, or its assignee, are hereby directed to deposit such revenues in accordance with the Act and any agreements governing the debt issued or incurred by CCRFC on account of the qualified public facility.

Sec. \_\_ - \_\_\_\_-10          **Termination of Surcharge**

The surcharge shall continue until terminated pursuant to the terms of the Act.

2. All actions heretofore undertaken by the Mayor or his designee and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.

3. The Mayor or his designee and other appropriate officials of the City are hereby authorized to enter into such agreements, and they and other appropriate employees of the City are hereby authorized to execute such certificates or other documents and take such other actions, as may be necessary or appropriate to carry out the intent of this resolution.

4. This Ordinance shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

Sponsor: \_\_\_\_\_